Medical Error is estimated to be the third leading cause of death in the U.S.

Accountability encourages safer patient care.

Fig 1 Most common causes of death in the United States, 2013

Individual responsibilities
- Knowledge of remedies
  - Skill to intercept harm
- Clinical skill
  - Sound judgment
- Error awareness
  - Calling for help

System responsibilities
- Make errors more visible
- Institute safety triggers to alert staff
- Facilitate a culture of speaking up
- Respond to error (rescue)
- Make remedies available
- Support clinician needs
- Make errors less frequent
- Foster culture of safety
- Engineer hard stops for prevention

Fig 2 Model for reducing patient harm from individual and system errors in healthcare

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As we continue with this Bar year’s theme of highlighting great national parks around the country, in this issue we are proud to highlight a national park in Florida — the Everglades National Park. The photo on this issue’s cover was taken by HCBA member Anthony Cuva of Bajo | Cuva | Cohen | Turkel PA. on a trip in December 2014. As an admiralty and maritime law attorney and a water sports lover and enthusiast, it is very appropriate that Cuva has provided us this unique perspective of the national park. The Everglades National Park encompasses 1.5 million acres of tropical and subtropical habitat in South Florida with one of the world’s most diverse ecosystems. For this very reason, Congress established the Everglades as a National Park in 1934. The park has since been designated as an International Biosphere Reserve, a Wetland of International Importance and a World Heritage Site.
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They Didn’t Have to Be

In honor of National Foster Care Month, I’d like to thank all foster parents for being the parents they didn’t have to be.

Brad Paisley, arguably one of the best country music songwriters over the last 20 years, said that one of the best pieces of songwriting advice he ever got was to “make sure you have a great opening line.” It has to be something, Paisley says, that makes you want to hear the rest of the song. But the other day on my drive in to work, I caught the tail end of an old Brad Paisley song I hadn’t heard before, and it was the last line of the song that made me want to hear the rest of it:

I hope I’m at least half the dad that he didn’t have to be
Cause he didn’t have to be

The song, Paisley’s first number one hit, tells the story about a stepfather’s relationship with his stepson. The song begins with the stepson recalling how his single mom used to wonder whether she’d ever meet a man who wouldn’t turn and run as soon as he learned she had a kid. But then she meets the man she would eventually marry. When the man first asks her out to a movie, he invites her son to go with. Years later, when the stepson is having a child of his own, he realizes all his stepfather has done for him.

Paisley says that what makes a song great to him is when it makes you feel an emotion you hadn’t planned on feeling. Perhaps that’s why the last line of that song (pardon the pun) struck a chord with me.

Ten years ago, my brother Mike and his wife, Colleen, decided to become foster parents. Over the years, they fostered nearly 50 children — kids who were taken from their homes and placed with my brother and sister-in-law until their parents could straighten their lives out.

During the time those kids were part of my brother’s family, they were blessed to have loving parents; a wonderful big sister (Macey); and grandparents, aunts, and uncles who loved and cared about them. Although it has been years now, I still remember most of the kids Mike and Colleen cared for. Two, in particular, will forever have a piece of my heart. Mike and Colleen adopted my niece Olivia and my nephew Joey from the foster care program. Every day, I’m thankful Mike and Colleen chose to be parents they didn’t have to be.

May is National Foster Care Month. And the first Tuesday in May is National Foster Care Day, which is dedicated to all the children in the U.S. foster care system.

The statistics tell a heartbreaking story: More than 250,000 children enter foster care each year; only half of foster children graduate high school; foster children suffer PTSD at twice the rate war veterans do; and nearly 20 percent experience homelessness within a year of aging out of the system. National Foster Care Day is intended to highlight the problems plaguing our foster care system, in particular the nationwide shortage of foster parents.

The only real hope foster children have is that more selfless parents will volunteer to foster children in need. In honor of National Foster Care Month, I’d like to thank all foster parents for being the parents they didn’t have to be.
I vividly remember a phone call I had with my father when I was in law school. I could tell right away that he was flustered, and he quickly told me why: “You need to pray for Jeanne Tate’s daughter, Mandi. She just had a major heart attack and needs a heart transplant as soon as possible. She is just eight years old...”

As a parent, I cannot fathom what the Tate family went through after receiving such awful news. Fast forward to the present, though, and I am happy to report that Mandi’s story has a happy ending. She received the needed heart transplant and is thriving. But the story does not end there.

Having witnessed firsthand the incredible impact that the American Heart Association (AHA) can have, Jeanne started the “Lawyers With Heart” initiative as a way of giving back to an organization that did so much for Mandi and her family. Each Fall, the American Heart Association holds its premiere event — the Heart Walk — that brings communities together to raise funds, encourages people to live a more heart-healthy lifestyle, and celebrates the progress made in the fight against heart disease and stroke. In Tampa Bay alone, more than 35,000 people attend the Heart Walk each year, and millions of dollars have been raised for the worthy cause.

Continued on page 5
Jeanne founded the “Lawyers With Heart” initiative by challenging her fellow legal colleagues to join her in forming teams and raising money for Tampa Bay’s Heart Walk. If you know Jeanne, then you know she can be very persuasive, and I am pleased to report that lawyers exceeded her expectations. In 2017 alone, 16 law firms, along with the Hillsborough County Bar Association, raised over $108,000 for the cause. The Yerrid Firm, P.A. won the friendly law firm challenge by raising the most money. But there truly were no losers in this contest, as all firm participants stepped up and did their part. As corny as it sounds, the name says it all. Lawyers have a big heart, and I am proud of the work Jeanne and others have done for this great cause.

But, we as lawyers can do even more. Cardiovascular disease is the nation’s most costly illness, directly and indirectly accounting for $298 billion in costs each year. Every 34 seconds, someone has a heart attack, and every 40 seconds, someone has a stroke. Presumably, either you or someone you know has been impacted, and the American Heart Association could use our help.

I encourage all of you to consider participating in this great event. You don’t need to be a part of a large or even small firm to participate. Law firms or non-firm groups of any size, and even individuals, can participate. This year’s event will be held in November at Raymond James Stadium with the exact time and date still to be determined. If you or someone you know is interested in joining the “Lawyers With Heart” initiative, please contact McKenzie Doll with the American Heart Association at McKenzie.Doll@heart.org or (727) 563-8022 or Bob Fulton at bob.fulton@hwhlaw.com or (813) 221-3900.

As I am closing each of my articles by telling the story of attorneys who have gone above and beyond in their civic involvement, I will continue to praise Jeanne Tate whose charitable work goes far beyond the Lawyers With Heart initiative. Her work is too vast to detail in this short column, but here are just a few highlights. First, Jeanne won the 2013 Tobias Simon Pro Bono Service Award, the highest statewide pro bono award given each year, in recognition of the thousands of pro bono hours she has devoted to Bay Area Legal Services and others. Second, Jeanne has been a tireless advocate for the Florida Chapter of Gift of Adoption — a non-profit that provides financial grants to make adoptions more affordable for deserving individuals and families. Since 2002, these grants have helped make adoption a reality for more than 227 children, and our own Hillsborough County Bar Foundation has been a significant contributor to this great cause. Third, Jeanne founded the non-profit Heart of Adoptions Alliance, Inc. in 2001 to promote adoption education, provide much-needed resources and support to families facing an unplanned pregnancy, and provide grant money to families needing assistance with the costs of adoption. As Rosemary Armstrong said so well in nominating Jeanne for the Tobias Simon Award, Jeanne’s “service to poor children and families in Florida is immeasurable, but what is certain is that many hundreds of children would not be in permanent placements today without her assistance.” Thank you Jeanne and the attorneys in your firm for all the great work you have done in our community.
May is designated by The Florida Bar YLD as a “Health & Wellness Month.” This initiative was designed by The Florida Bar YLD to bring awareness to mental and physical issues that affect the quality of life of lawyers in Florida. I have had numerous discussions with young lawyers and graduating law students who wonder how they can continue to maintain wellness and balance when entering the legal profession. The Florida Bar YLD representatives heard the same sentiments and decided to do something about it.

Many law firms and other employers also are focusing on mental and physical health initiatives to recruit and maintain young lawyers. These initiatives include educational efforts, weight loss challenges, step-tracking challenges, gym membership reimbursements, disease management programs, and a host of other initiatives that encourage wellness in the workplace. Some of these initiatives even include incentives for program completion.

The Florida Bar YLD’s focus on wellness has also led to many of its local affiliates, such as the HCBA YLD, to host activities designed to promote health and wellness among its members. In fact, The Florida Bar YLD offers grant money for these activities, and the HCBA YLD has been a proud recipient of these grants since 2015.

Our first event was a fitness class that focused on good eating habits. The last two years, we hosted a paddleboarding event and CLE focused on professionalism and balance. This year, the HCBA YLD is partnering with Camp Tampa and Fresh Kitchen to host its annual wellness event on May 16. Camp Tampa will host a cycling class for YLD members, and Fresh Kitchen will be

Continued on page 7
Continued from page 6

providing snacks following the workout. We hope to see you there!

We encourage all HCBA YLD members to make wellness a priority. In an article I recently read, the author discussed why, after a long time, working out replaced his business as his number one priority. Once he reorganized his priorities that way, he found he was more successful in every role of his life, whether as a husband, father, friend, or entrepreneur. This holds true for many of us.

Whether you participate in an exercise class, make better food choices, try a water challenge with some friends, or set a goal to run that marathon, make today the day that you make you and your health that priority. Being committed and more intentional about including exercise in my daily routine allows me to be a better mother by having more energy to chase my two sons around. It also makes me a better lawyer, because I am better able to approach issues with a clearer mind. I also have an outlet if I need to step away and come back to a difficult problem.

Let’s all be part of the change and encourage each other to maintain a healthy lifestyle to improve the mental health issues faced by our profession.

UPCOMING YLD EVENTS

HCBA YLD WELLNESS EVENT – MAY 16
CORNOHOLE FOR A CAUSE
benefiting Big Brothers Big Sisters – May 19
THE STATE COURT TRIAL SEMINAR – JUNE 8

For more information on the YLD’s activities, check out the HCBA website or the YLD’s Facebook page at www.facebook.com/Hillsboroughbaryld.

Young Lawyers Division Luncheon

The Young Lawyers Divisions received a timely update on February 15 regarding the Tax Cuts and Jobs Act by Jim O’Connor, CPA, of Rivero, Gordimer & Company, P.A. At the luncheon, O’Connor discussed the impact the new Act will have on legal professionals and their clients.

The YLD also thanks its luncheon sponsor:
That’s because — as was the case in other cities in the segregated South — employment and economic opportunities for minorities and women were nonexistent, or were extremely limited.

Tampa’s economic landscape — including the legal profession — continued to reflect this dreadful reality into the 1960s.

In fact, it wasn’t until the civil rights and women’s rights movements in the 1960s that real progress began to occur.

Over the years, there have been a number of local attorneys who have helped break down barriers and

Continued on page 9
bring about change in Tampa’s legal profession, and the community as a whole.

To celebrate these legal trailblazers, a committee from the U.S. District Court for the Middle District of Florida — in partnership with the Tampa Bay Chapter of the Federal Bar Association and other local voluntary bar groups — organized the “Hidden Figures: Honoring Trailblazers in Tampa Bay” luncheon, held in February.

It featured a panel discussion about the barriers they each encountered early in their legal careers, as well as their legacies.

Judge Anthony Porcelli and Judge Julie Sneed, both from the Middle District, helped organize the luncheon, and they moderated the panel discussion.

Porcelli told me it was important for the legal community to recognize leaders who helped pave the way for others because it can “set a tone” in the community.

“When you have women and minority leaders in the Bar, that can help cultivate leaders in other parts of the community,” Porcelli said.

“The legacies of the honorees cannot be overstated,” said Porcelli. “There are still many barriers to be broken, and hopefully this will help inspire the next generation of lawyers.”

One panelist, retired appellate judge E.J. Salcines, who in 1968 became the first Hispanic elected as a state prosecutor in Florida, recalled what it was like when he first started practicing law in the Tampa in 1963.

“It was a lily white society,” Salcines told the audience. “There was no diversity.”

Salcines recounted a private meeting with a senior circuit judge in 1969 who issued a profanity-laced warning when word got out that Salcines was thinking about hiring George Edgecomb, an up-and-coming African-American attorney, as an assistant prosecutor.

Salcines said he disregarded the judge’s warning and hired Edgecomb anyway.

Edgecomb later became a top prosecutor in the office, and, in 1973, Gov. Reuben Askew appointed Edgecomb as the first African-American county judge in Hillsborough County.

Another panelist, U.S. District Judge Elizabeth Kovachevich, aka “Judge K,” talked about the difficulties she had with being one of just a handful of women attending law school in the late 1950s at Stetson University.

Kovachevich also discussed the strong opposition she encountered from male colleagues in the legal community when she later decided to run for judge.

But, in 1972, Kovachevich prevailed and she became the first woman elected to the Circuit Court in Pinellas County. She was appointed to the federal bench by President Ronald Reagan in 1982.

Continued on page 10
Here’s the list of individuals recognized at the luncheon:

- **Emmy Acton** – First female Hillsborough County Attorney (1990)
- **Prof. Dorothea Beane** – First tenured African-American law professor at Stetson University College of Law (1990)
- **Pam Bondi** – First female Attorney General in Florida (2011)
- **Donna Bucella** – First presidentially appointed and U.S. Senate-confirmed female U.S. Attorney in Florida (1999-2001)
- **Judge Susan Bucklew** – First female appointed as county judge in Hillsborough County (sworn in 1982); first female appointed as circuit judge in Thirteenth Judicial Circuit (sworn in 1986)
- **Judge Lisa Campbell** – First African-American female judge in Hillsborough County who was elected without having first been appointed (2008)
- **Judge Vivian Corvo** – First Hispanic female circuit judge in Hillsborough County (elected 1996)
- **Judge Virginia Hernandez Covington** – First Hispanic (of either gender) appointed as U.S. District Court Judge in the Middle District of Florida (2004); first Hispanic female to be named to the Second District Court of Appeal (2001); first Cuban-American woman to be named to any appellate court in Florida (2001); first female supervisor in the Tampa U.S. Attorney’s Office (1988)
- **Judge Marva Crenshaw** – First African-American female circuit court judge in Hillsborough County (2009)
- **Warren Dawson** – First African-American assistant city attorney in the Tampa Bay area (1967); first African-American to work in the federal office building in Tampa (1966); first African-American lawyer to work for the NLRB (1966)
- **Julianne Holt** – First female elected Public Defender in Hillsborough County (sworn in 1993)
- **Judge Miriam Irizarry** – First female county court judge in Pinellas County (2015)
- **Arthenia Joyner** – First African-American female lawyer in Hillsborough County (1969)
- **Judge Elizabeth Kovachevich** – Elected to a newly created Sixth Judicial Circuit Court Judgeship, for Pinellas and Pasco, in 1972, and sworn in 1973, as the first woman jurist in Tampa Bay
- **Maria Chapa Lopez** – First Hispanic female U.S. Attorney in the Middle District of Florida (2018)
- **Judge Mac McCoy** – First openly gay person to be sworn as federal judge in the Middle District of Florida (2015)
- **Judge Catherine McEwen** – First female appointed U.S. bankruptcy judge in the Tampa division of the Middle District of Florida (2005)

Continued on page 11

Now’s the Time to Renew Your HCBA Membership!

The 2018-19 Bar Year starts on July 1. Renew your membership now and stay connected to Hillsborough County’s legal community!

Automatic Annual Renewal and Quarterly Automatic Payment Options Available.

GO TO HILLSBAR.COM TO LEARN MORE AND RENEW TODAY!
• Prof. Luz Nagle – First tenured Hispanic law professor at Stetson University College of Law (2004)
• Justice Peggy Quince – First African-American woman to lead a Florida branch of government, serving as Chief Justice (2008); first African-American woman appointed to the Florida Supreme Court (1998); first African-American woman appointed to a Florida District Court of Appeal (1993)
• Ruthann Robson – One of the first female judicial law clerks in the Tampa Federal courthouse (1980-1982)
• Marsha Rydberg – First female president of the HCBA (1991)
• E.J. Salcines – First Hispanic State (prosecuting) Attorney in Florida, first as the Thirteenth Judicial Circuit County Solicitor, and then as State Attorney (1968-1985)
• Lanse Scriven – First African-American president of the HCBA (2005); first African-American member of The Florida Bar Board of Governors from Hillsborough County (2009)
• Judge Mary Scriven – First African-American female federal judge in Florida (sworn in as magistrate judge in 1997)
• Susan Johnson-Velez – First African-American female president of the HCBA (2013)
• Judge Charles Wilson – First African-American in Tampa Bay appointed to the Eleventh Circuit Court of Appeals (1999)
• Gwynne Young – First female assistant state attorney in Hillsborough County (1974)

See you around the Chet.
Reducing DUls in Hillsborough County Through Enhanced Sanctions

Hillsborough County consistently ranks as the worst in the state for DUI arrests, crashes, injuries, and fatalities. Given the dangers of impaired driving, as well as the importance of reducing recidivism to promote long-term community safety, the State Attorney’s Office has established a new prosecutorial initiative known as the Reducing Impaired Driving Recidivism program, or “RIDR.” RIDR imposes enhanced sanctions on first-time, non-aggravated DUI offenders in order to aggressively target and reduce impaired driving.

Enhanced sanctions like alcohol monitoring devices and DUI education programs reduce recidivism of impaired driving for individuals with DUI convictions. Presently, our office pleads a significant percentage of DUI cases to reckless driving based on the defendant’s acceptance of responsibility, the strength of the evidence (including whether the defendant agreed to provide a breath sample), resource allocation, and other factors that do not concern the egregiousness of the offense. Capitalizing on the effectiveness of enhanced sanctions that are often reserved for DUI convictions, RIDR seeks to impose such sanctions on all DUI offenses, including those reduced to reckless driving. Although RIDR’s primary purpose is to reduce the recidivism of impaired driving, it will also promote consistency in the prosecution of DUI cases and eliminate the perverse incentive to refuse a breath sample.1

Continued on page 13
Admission to the Bar of the Supreme Court of the United States

Ten HCBA members were presented for admission to the Bar of the Supreme Court of the United States by HCBA member Movant James Salvatore Giardina on March 20 in Washington, D.C.

On a rainy morning, attorneys Tiffany McElheran, Robert Walton, Christina Z. Pacheco, Joseline Hardrick, Kristin Serafin Ottinger, Rachael Reese, Ryan C. Reese, Heather Lang, Richard Peck, and Courtney Bueno (pictured from left to right with James Giardina in center) were admitted by a full Court of all nine sitting Justices.

Immediately following the swearing in, the Court heard oral arguments on the case of National Institute of Family and Life Advocates v. Becerra, where the new admittees had a front row seat to democracy at work.

Thank you to James Giardina for organizing this memorable event!
Training for Veterans Consortium Pro Bono Program at the Chester H. Ferguson Law Center

On February 9, through the collaboration and sponsorship of Quarles & Brady LLP and the HCBA’s Military & Veterans Affairs Committee, nearly 80 attorneys from both the private and public sectors attended an all-day training conducted by The Veterans Consortium Pro Bono Program to learn how to represent veterans in their appeals for disability benefits before the U.S. Court of Appeals for Veteran Claims. The Veterans Consortium Pro Bono Program, a nonprofit organization headquartered in Washington, D.C., has trained and mentored more than 2,500 attorneys nationwide willing to assist veterans who, in most instances, would otherwise be representing themselves on a pro se basis.

The Veterans Consortium’s trainers — Courtney Smith, Rick Spataro, Bart Stichman, and Jill Davenport — presented on a variety of topics, including: the VA’s claims process, service-connected disability compensation, the appeals process, and common VA errors, among others. In addition, Judge Michael P. Allen, U.S. Court of Appeals for Veterans Claims and former dean of Stetson University College of Law, traveled from Washington, D.C., to provide practitioners tips and insight into practicing before the court.

As a result of the Tampa training, the attendees are now members of The Veterans Consortium National Volunteer Corps and may request a pro bono case directly from The Veterans Consortium. The cases run the spectrum from a Korean War veteran who needs disability benefits due to Continued on page 15

Veterans Consortium trainers and representatives from Quarles & Brady LLP with Judge Allen

Save the Date

◆ MAY 9, 2018
Law Day Membership Luncheon at the Hilton Tampa Downtown

◆ MAY 17, 2018
Law & Liberty Dinner at the Hilton Tampa Downtown

◆ JUNE 1, 2018
ABOTA/HCBA Seminar at Stetson University College of Law & Chester H. Ferguson Law Center

◆ JUNE 7, 2018
Installation of the HCBA and YLD Officers & Board of Directors at the Chester Ferguson Law Center

◆ JUNE 8, 2018
YLD State Court Trial Seminar at George Edgecomb Courthouse

Learn more about HCBA events at www.hillsbar.com.

STAY CONNECTED
tinnitus (“ringing ears”) to a Vietnam veteran struggling with the effects from Agent Orange and post-traumatic stress disorder.

This event was a great success! The attendees are now able to assist veterans in obtaining the benefits they so deserve.

To learn more about the Veterans Consortium Pro Bono Program, please visit www.vetsprobono.org or contact Colleen Miller, Esq. at Quarles & Brady LLP at colleen.miller@quarles.com.
Sworn to Serve: Lawyers as Law Enforcement Officers

Locally, lawyers who seek to join the force would be in excellent company.

For many new attorneys in our lawyer-saturated state, the prospect of finding a paying legal job is daunting. At the same time, as policing becomes more and more complex, lawyers who thrive in a fast-paced environment may consider applying to become law enforcement officers.

Many of the skills that make for a good lawyer also make for an excellent law enforcement officer. These qualities include empathy, integrity, attention to detail, excellent writing skills, and the ability to keep your cool.

Locally, lawyers who seek to join the force would be in excellent company. Pinellas County Sheriff Bob Gualtieri and Hillsborough County Colonel Michael Perotti are both lawyers and sworn law enforcement officers. Pinellas County Judge Josh Riba joined the St. Petersburg Police Department after law school but before becoming an Assistant State Attorney and, now, a judge.

The benefits of a law enforcement career are as robust as its challenges: a pension; a starting salary that regularly bests those offered at government sector legal offices; and most importantly, the opportunity to truly serve one’s community. But according to Col. Perotti, the most significant benefit may be the sense of a deeper purpose: “The potential of a well-versed lawyer to transfer his or her talents toward other pursuits is virtually limitless. In the end, it’s about finding that career that is more than ‘just a job.’ Good compensation matters, but satisfying that sense of deeper purpose is most compelling.”

Police work, by all accounts, is a calling as opposed to a job, and the opportunity to protect and serve includes a deep commitment to the law. Interested lawyers should check out the hiring/employment sections on law enforcement agency websites.

Author: Sasha Lohn - St. Petersburg Police Department

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Se Habla Español

Wenzel Fenton Cabassa, P.A. represents employees who are victims of illegal workplace violations in state and federal courts throughout Florida.
Proposed legislation that would have increased the Florida county courts’ jurisdictional limits failed to pass this legislative session. House Bill 7061 would have increased the current monetary limit for damages claims from $15,000 to $50,000, marking the first change to this threshold since 1992. Although different versions of the bill passed both the House and the Senate, both chambers could not come to terms on a final version of the legislation. Notably, the Senate amended the bill to reduce the proposed jurisdictional limit from $50,000 to $25,000. The Senate also provided that appeals from county court judgments exceeding $15,000 would travel directly to the district courts of appeal instead of to the circuit courts in their appellate capacities. The amended bill returned to the House, which rejected the reduction to the jurisdictional limit and passed a second version restating the original $50,000 limit. The Senate did not pass the revised bill before the 2018 session came to an end.

Although no agreement was reached this session, the issues underlying these legislative efforts are likely to persist. The county courts’ jurisdictional limit has changed three times since 1980, with the most recent change in 1992 resulting in an increase from $10,000 to the current $15,000 limit. Adjusted for inflation, the $15,000 limit established in 1992 would be over $26,000 at the end of 2017. Many states with similar court structures already employ higher jurisdictional limits than Florida. Although the ramifications of any change to the jurisdictional limit may be difficult to predict, the need to revisit the limit becomes more pronounced each year given the effects of inflation.

From an appellate perspective, the proposed changes raise interesting procedural and strategic concerns for litigants who would challenge decisions from the county court. Subject to relatively limited exceptions, decisions from the county courts currently proceed to appellate panels of the circuit courts. Critics opposed to the proposed legislation this session have maintained that any reduction to the volume of cases pending on the circuit court trial dockets would quickly be filled with appeals from the county courts. One potential solution to this concern, as reflected in the Senate amendments this session, would be to permit certain decisions to move directly from the county court to the district courts of appeal. Other critics of the legislation have pointed to the relatively less predictable body of circuit court appellate decisions as compared to the district courts of appeal. It remains to be seen what efforts, if any, will be undertaken during the coming legislative session to modify the jurisdictional limits in light of these concerns.

Authors:
Stacy Blank and
Patrick Chidnese
Holland & Knight LLP
Appellate Breakfast

The Appellate Law Section hosted a CLE Breakfast on February 14 to receive a State of the Second District Court of Appeal update from Chief Judge Edward LaRose. A panel discussion also was held on presenting motions to give insight on how to “woo” the Court from the Court’s and practitioner’s perspective, with HCBA members Austin Roe and Jared Krukar speaking, and Chance Lyman moderating (shown in photo).

Judicial Luncheon/CLE with the Criminal Bench

HCBA members attended a CLE panel on February 14 with several members of the Thirteenth Judicial Circuit Criminal Division. The panelists discussed the art and ethics of judging on a variety of subjects, such as whether relationships with parties and litigants require disclosure or disqualification; whether the reputation of litigants and parties affect decision-making; and a judge’s obligations to report attorney conduct to The Florida Bar. The panelists included Judge Tom Barber; Judge Robert A. Bauman; Judge Mark D. Kiser; Judge Christopher C. Nash; Judge Denise A. Pomponio; Judge Barbara Twine Thomas, and Judge Samantha L. Ward. The HCBA thanks the panelists for their time and participation in this luncheon.
To the Bar Leadership Institute Class of 2017-2018:

We ended our Bar Leadership Institute experience on a high note. In March, we learned about the history of Amalie Arena, which exemplifies how to embrace change with grace, having endured numerous name changes over time and quickly adapted to each new persona. In April, we heard from Michael Stephens, General Counsel to Tampa International Airport, who is himself an ambassador of change through his involvement with the Leadership Alliance Advisory Board, a cross-section of lawyers in different industries promoting leadership and diversity. These modules inspired great introspection. Many of us joined the BLI out of a yearning to become agents of change. We embarked on this journey as bright-eyed “young lawyers” looking for a way to plug into the HCBA, but also in search of tools we could use to leave our marks on the world. Now that we have reached the end of our BLI journey, we must decide how to bring our aspirations to fruition.

Our goals are ambitious and, quite frankly, daunting. But we must not let our personal inhibitions get the better of us. In the words of Maya Angelou, “Stepping onto a brand-new path is difficult, but not more difficult than remaining in a situation.” — Maya Angelou

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brand-new path is difficult, but not more difficult than remaining in a situation, which is not nurturing to the whole woman.” The visionaries we encountered over the year — from Mindy Murphy at The Spring, to General Paul Bontrager at MacDill Air Force Base, to the HCBA’s very own Gordon Hill — embody this principle and actively work to effect positive change.

Each of them recognizes the poignant reality that our community exists in a state that is not nurturing to the whole woman (or man). The ills that plague our society at the macro level permeate the microcosm that is our legal profession as well. Certainly, they and their predecessors have made great strides in ridding our legal community of these issues — over the years, our legal community has come to affirmatively reject racism, sexism, and a whole host of other –isms and unjustified phobias.

But we find ourselves in the midst of a societal awakening, sparked largely by jarring current events, from the overt statements of bigotry emanating from halls of power to the #MeToo movement. We are loathe to ignore the fact that, despite the rhetoric about fairness and equality, dignity, and respect, our communities are far from reformed at the micro level.

And so I ask: as the self-professed optimistic leaders of tomorrow, are we content remaining in a situation that is not actually nurturing to “the other”?

The answer is self-evident. We accepted the awesome responsibility that accompanies leadership when we were inducted into the BLI.

Let us show the HCBA that we are worthy of this honor. Let us use the tools this program provided and blaze the trails that our predecessors have already begun to forge. Together, we can unlock the secret to a Bar constituency that is just as tolerant and inclusive at its core as it is on the surface.

Author:
Sumayya Saleh – Office of the Public Defender, Thirteenth Judicial Circuit

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When I got the call, I was stunned. My clients, who had been married for forty years, were getting divorced. While I had worked with them for many years to plan for death and possible incapacity, quite frankly, divorce was not something I anticipated in their case.

The estate planning structure we put in place years ago included an irrevocable life insurance trust to serve as owner and beneficiary of life insurance on the husband’s life. He was the breadwinner. The trust was designed to shelter the death benefits from estate tax, providing for the wife for the rest of her life and then passing on for the benefit of their adult children and grandchildren.

Fortunately, each of my clients hired top notch attorneys to help them through the divorce process. I came to understand that these attorneys were trained and experienced in collaborative law and that the clients had agreed to participate in a collaborative divorce. Though I certainly had heard the term before, I wasn’t exactly sure what a “collaborative divorce” was and how it worked — but I was about to find out. Their attorneys asked me if I would serve as an “independent” in the process.

The other neutrals on the team would include a mental health professional and a financial advisor. My role would be to counsel the clients and the collaborative team on estate planning issues, and, in particular, what to do with the irrevocable life insurance trust. I would not advocate for either side, but rather help navigate the clients and their team through the estate planning issues, advising of tax considerations and trust law and bringing my background knowledge of the estate plan to the collaborative table.

The trust agreement included a boilerplate provision that eliminated the spouse as beneficiary in the event of divorce. During the collaborative process, the clients actually concluded that this was not the result they wanted. We were able to petition the court for a judicial modification under the Florida Trust Code to keep the plan intact as part of the marital settlement agreement. The trust turned out to be a valuable tool in helping resolve some of the financial issues in the case.

After seventeen years of marriage, I found myself facing my own divorce. Understanding how the collaborative divorce worked, there was no doubt in my mind that the process would help my family. While divorce is never easy, I found that the collaborative approach helped us tackle tough issues in a constructive manner. The mental health professional helped us craft a parenting plan for our children and gave us great advice that we still use today. As a result, my ex-husband and I sit next to each other at volleyball tournaments and cheer our daughter on together! I am grateful to our attorneys and all of you who are dedicated to the collaborative movement. You are making a difference in the lives of families every day.

Author:
Linda D. Hartley
Hill Ward Henderson

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While divorce is never easy, I found that the collaborative approach helped us tackle tough issues in a constructive manner.
As virtually every construction lawyer can attest, indemnification provisions in construction contracts often prove to be a tremendous source of contention. Too often, lawyers evaluating the applicability of Florida’s Anti-Indemnification Statute, section 725.06, Florida Statutes, tend to hyperfocus on the nature of the indemnification sought and whether the contract contains the requisite monetary limitation for the provision to be enforceable. The obvious danger of such hyperfocus includes overlooking the rest of the statutory language, possibly to the detriment of your client.

To that end, a recent decision by the Fourth District Court of Appeals should have every construction lawyer, especially those handling utility contracts, taking a closer look at not only the language of the indemnification provision itself, but also the scope of work that is the subject of the contract. In Blok Builders, LLC v. Katryniok, 2018 WL 637399 (Fla. 4th DCA 2018), utility owner BellSouth Telecommunications, LLC hired contractor Mastec North America, Inc. to perform a sweeping utility improvement campaign. Mastec, in turn, retained Blok Builders, LLC to perform the excavation and site work for the campaign. As with most construction contracts, the Mastec/Blok subcontract contained a provision requiring Blok to indemnify Mastec for any losses, including those caused in whole or in part by any act, omission, default, or negligence of Mastec.

During the campaign, a homeowner was seriously injured when his driveway suddenly collapsed due to Blok’s nearby excavation work. A lawsuit followed, and Mastec looked to Blok for indemnity. Blok refused, contending that the indemnity provision was subject to section 725.06 and therefore invalid and unenforceable because the Mastec/Blok subcontract did not contain the requisite monetary limitation. Mastec countered, arguing that section 725.06 did not apply, and even if it did, the Mastec/Blok subcontract incorporated the prime contract, which contained a monetary limitation. Cross motions for summary judgment were filed, and the trial Court ultimately ruled in favor of Mastec.

On appeal, the Fourth District never reached the issue of whether a monetary limitation was present and instead focused on the plain and unambiguous language of section 725.06(1), which limits application of the statute to contracts in connection with any construction, alteration, repair, or demolition of a building, structure, appurtenance, or appliance.” Id. at *3 (quoting 725.06(1), Fla Stat.).) The court went on to hold that because the scope of the prime contract included laying and maintaining utility lines and did not involve a building, structure, appurtenance, or appliance, section 725.06 did not apply to the indemnification provision at issue. It is also worth noting that the court, in its reasoning, discussed a prior opinion, noting its same analysis would apply to the installation of utility poles. Id. at *4.

Although the appeal was undoubtedly a painful (and expensive) experience for Blok, it serves as a valuable lesson and reminder for construction law practitioners: Be wary of not only the nature of the indemnification sought by the provision but also the scope of work of the underlying project.

Author:
William M. Woods - Shutts & Bowen, LLP
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Corporate Counsel Section’s Fourth Annual Tampa Bay Pro Bono Partners Reception

HCBA’s Corporate Counsel Section held its Fourth Annual Tampa Bay Pro Bono Partners Reception on March 1 at the Chester Ferguson Law Center. With the goal of partnering local attorneys and corporate counsel to provide pro bono service to those in need, this free event offered networking and a pleasant evening for the attendees for a good cause. Jonathan Santelli, Raymond James executive vice president & general counsel, participated as the keynote speaker, with the Hon. Darren D. Farfante providing a message of judicial support.

Thank you to all those that attended and worked on this great project!
A “assault” is defined as “an intentional, unlawful threat by word or act to do violence to the person of another, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.” So an assault has three elements: (1) an intentional, unlawful threat by word or act; (2) an apparent ability to carry out the threat; and (3) creation of a well-founded fear that violence is imminent.

When considering the first element, the focus is on the perpetrator’s intent and “not the reaction of the person perceiving the word or act.” Benitez v. State, 901 So. 2d 935, 937 (Fla. 4th DCA 2005); J.S. v. State, 207 So. 3d 903 (Fla. 4th DCA 2017). For example, in J.S. v. State, the Fourth District Court of Appeal overturned a delinquency adjudication, which was based on a burglary with assault, because the defendant’s act of pulling out a pellet gun, while he

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was on the ground, was not intended as a threat to the victim, who was brandishing his firearm.

But compare *J.S. v. State* with the First District Court of Appeal’s recent decision in *Williams v. State*, 2018 WL 1095933 (Fla. 1st DCA 2018). In *Williams*, the jury heard evidence that the defendant told Elroy Howard he wanted to kill him “so bad” he could “taste it” before pointing a semiautomatic rifle in Howard’s direction and firing off several shots in his general direction.

The jury also heard evidence that after stating that he knew Fredrika Dixon and Gary Byrd wanted to put him in prison, the defendant then began shooting in several directions — not just toward Howard. When Byrd confronted him, the defendant responded with a racial slur and told Byrd to “shut the hell up.” Byrd and Dixon hid behind a car until the defendant left.

Based on these facts, the First DCA decided that the statement “shut the hell up,” coupled with the prior acts of firing the gun, was actually a threat to harm Byrd if he continued talking — not a mere request to be quiet. As for Dixon, the Fourth DCA acknowledged it could not discern the defendant’s intent. Still, it held that a reasonable jury could find that the defendant threatened Dixon by stating that he would kill Howard and that he knew Dixon and Byrd would try to put him in prison.

The takeaway from *Williams* is that if a defendant is firing rounds at one person and makes any statement to other people in the area, there’s a chance that he or she could be convicted of aggravated assault with respect to the people to whom he or she was talking. Although the outcome of the assault charge in *Williams* didn’t really matter because the aggravated assault sentences were concurrent with a 30-year sentence for the attempted murder of Howard, criminal defense attorneys need to be aware that bystanders to a crime have a chance to become victims as well under the logic of *Williams*.

*Author: Adam L. Bantner, II – The Bantner Firm*
Rachel May Zysk Recognized by Criminal Law Section

The HCBA Criminal Law Section awarded Rachel May Zysk of The Suarez Law Firm its annual Marcelino “Bubba” Huerta III Award for Professionalism and Pro Bono Service at its luncheon on March 5. Zysk was recognized for her tireless dedication to pro bono and volunteer efforts in the community, while maintaining her career as a top-ranked lawyer. Zysk and former Huerta Award winners also gathered for a photo following the luncheon (shown below).
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Mental illness are diseases or conditions that affect how one thinks, feels, acts, or relates to other people or surroundings. Mental illness is more common than cancer, diabetes, or heart disease. Major types of mental illness include: anxiety disorders, mood disorders, schizophrenia and psychotic disorders, dementia, and eating disorders. The National Institute of Mental Health estimates that more than 45 million Americans have a mental illness in any given year, with only about half seeking treatment.

In early times, mental illness was believed to be caused by demonic possession or witchcraft. The most common treatments were exorcism and trephining (creating a small hole in the person’s skull to release spirits from the body, which sometimes actually killed the person). During the 18th century, people who suffered from mental illness were placed in asylums.

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where they were sometimes kept in windowless dungeons, beaten, and chained to their beds.\(^6\)

Ultimately, greater understanding of mental disorders, and medications as potential treatments, helped spur deinstitutionalization, allowing mentally ill individuals to be released back into the general public. Because the mentally ill were not given proper resources, however, their rate of homelessness and incarceration increased substantially.

The recent establishment of mental health courts is helping to stem the influx of the mentally ill into prisons and dispel the associated stigma. Monitoring and treating offenders with serious mental illness in a mental health court can be more effective and efficient, and less expensive, than the remedies available through traditional justice system approaches.\(^7\) Mental health courts generally share the following goals: to improve public safety by reducing criminal recidivism; to improve the quality of life of people with mental illnesses and to increase their participation in effective treatment; and to reduce court- and corrections-related costs through administrative efficiencies, often by providing an alternative to incarceration.\(^8\)

The Mental Health Court (Division M) in Hillsborough County handles defendants charged with third-degree felonies who have been deemed incompetent to proceed; those found not guilty by reason of insanity; and defendants who participate in the mental health pre-trial intervention program.

Targeting mental health treatment and follow-up, Division M links defendants to treatment and other services within the community. Case managers perform status checks, monitor treatment compliance and help defendants navigate the process to secure funding for treatment.

Chief Judge Ronald Ficarrotta heads Division M. He applauds the hard work and dedication of members of the State Attorney’s Office; the Office of Julianne Holt, the Public Defender; and mental health professionals who work to make Division M successful, and hopes to expand the program in the future.


\(^3\) Id.; see also https://www.nimh.nih.gov/health/publications/about-nimh-new/index.shtml.


\(^6\) Id.


\(^8\) Id.

**Author:** Antina Mobley – Public Defender’s Office, Thirteenth Judicial Circuit

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**HCBA Members Attend Lightning Game**

Several HCBA members enjoyed a night of fun and camaraderie, as they cheered on the Tampa Bay Lightning at their home game against the Boston Bruins on March 17 (and coincidentally St. Patrick’s Day). Thank you to the members that joined us!
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As a retired four-star admiral, Commander of U.S. Special Operations Command, and best-selling author, William H. McRaven knows a thing or two about leadership and personal change that you don’t want to miss.

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DIVERSITY NETWORKING SOCIAL

Law students from across the state joined with law firms, Bar associations, and other legal organizations at the HCBA Diversity Networking Social on February 10. The event gave students a chance to network with members of the local legal community and meet with potential mentors. A big thanks goes to the Diversity Committee for planning a great event, and to the sponsors for participating and giving of their time.

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Judicial Pig Roast/Food Festival & 5K Pro Bono River Run

Thanks to all the sponsors, attendees, and participants that helped make the 15th Annual Judicial Pig Roast & 5K Race on March 3 such a success! About 600 HCBA members and their friends and family gathered for the event on the grounds of Stetson’s Tampa Campus, where participants competed for best food and best décor and 350 runners raised more than 1,100 pro bono hours in pledges. What a great event for a great cause!

Congratulations to all the winners!

PIG ROAST AWARDS:
- Best Pig Slop (for best food): Trenam Law
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  Thirteenth Judicial Circuit
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5K INDIVIDUAL AWARDS
- Overall Male Winner: Stephen Lennon
- Overall Female Winner: Chloe Lipking
- Fastest Male Judge: Hon. Christopher Nash
- Fastest Female Judge: Hon. Miriam Valkenburg

5K TEAM AWARDS
- First Place: HCBA Military & Veterans Affairs Committee
- Second Place: Wilkes & McHugh
- Third Place: HCBA Bar Leadership Institute Class

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Over three million Americans miss or delay medical appointments each year because of inadequate transportation, and an estimated 25 percent of patients miss an appointment because of lack of transportation altogether.

Ridesharing companies have identified a need to be met and are eager to break into the multi-billion-dollar non-emergency medical transportation (“NEMT”) industry.

As traditional public transit and taxi cab services are fraught with cancelations, delays, and lengthy travel time, ridesharing platforms appear to offer promising solutions to access and continuity of care issues, particularly for vulnerable patient populations with limited resources who often have the greatest need for medical care. Just as ridesharing companies have aimed to fill a need in the market for general transportation, they see an opportunity in the NEMT space as well.

Healthcare/NEMT partnerships are proliferating in 2018. In early March 2018, Uber announced its latest initiative, Uber Health, and Lyft announced a separate partnership with AllScripts and a separate partnership with Blue Cross Blue Shield, CVS, and Walgreens. Uber Health and Lyft’s partnership with AllScripts and a separate partnership with Blue Cross Blue Shield, CVS, and Walgreens will offer Blue Cross Blue Shield members complimentary transportation to CVS or Walgreens pharmacies.

While these novel transportation platforms have the potential to improve access to care, reduce barriers to healthcare access, and decrease no-show rates for providers, ridesharing NEMT poses significant legal and compliance risks as well.

Healthcare providers who wish to schedule and pay for transportation services for their patients should be aware of potential regulatory hurdles, particularly fraud and abuse concerns if providers offer these services at little or no cost to federal program beneficiaries. Providing these services could potentially violate the Civil Monetary Penalties Law and the Anti-Kickback Statute could be alleged for the provision of these services. Healthcare providers should endeavor to meet codified safe harbors to the Anti-Kickback Statute and exceptions to the beneficiary inducement provisions of the Civil Monetary Penalties Law, which address free and discounted transportation.

In addition to Anti-Kickback Statute and Civil Monetary Penalties Law concerns, ridesharing NEMT poses Health Insurance Portability and Accountability Act (“HIPAA”) and cybersecurity risks as well. These ridesharing platforms will be accessible by providers online or integrated into a health facility’s existing electronic medical record system. Providers should consider potential cybersecurity exposure, including the risk for a breach of patients’ protected health information through the ridesharing platform, and whether the provider’s electronic medical record system could be accessed or hacked when linked to the ridesharing platform.

While the logistical benefits to provider-coordinated and funded transportation may be significant, the risks may be too. Providers who are considering the use of ridesharing platforms to coordinate patient transportation should take into account all legal risks and ensure the relationships and transactions are structured to comply with all state and federal regulations.

Continued from page 42


4 42 U.S.C. § 1320a-7a.
5 42 U.S.C. § 1320a-7b.

7 42 U.S.C. § 1320a-7a(a)(5).

Author: Erica Mallon - Carlton Fields

Voluntary Bar Leader Meeting
The leadership of more than half dozen local voluntary bar associations met on March 9 at the Chester Ferguson Law Center to discuss how to better partner in support of the local legal community. The HCBA looks forward to working with its fellow associations on future projects!

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Recent decisions by the Second and Seventh Circuits represent changing tides across the country on whether sexual orientation discrimination is prohibited by Title VII of the Civil Rights Act of 1964. Previously, courts in every circuit from the First through the Eleventh held that sexual orientation discrimination was not protected under Title VII.

In February, however, the Second Circuit in Zarda v. Altitude Express, Inc., 883 F.3d 100 (2d Cir. 2018), reconsidered en banc its prior holdings that Title VII does not prohibit sexual orientation discrimination. In a 10-3 decision, with eight separate opinions, the court joined the Seventh Circuit, the Equal Employment Opportunity Commission, and various district courts that have interpreted Title VII to include protections against sexual orientation discrimination. These decisions have widened the split with the Eleventh Circuit.

Zarda involved a skydiving instructor who was allegedly fired after revealing to a client that he was gay. The instructor alleged his termination violated Title VII’s gender protections, because his sexual orientation meant that he failed to conform to male sex stereotypes. Citing to an evolving legal framework for evaluating Title VII claims, the Second Circuit (in a plurality opinion) held that sexual orientation discrimination is a subset of sex discrimination, making it impossible for an employer to discriminate on the basis of sexual orientation without taking sex into account.

Adding further interest to the circuit split, the government itself appears to be publicly divided on this controversial issue. At the request of the court, the EEOC filed an amicus brief arguing that sexual orientation discrimination falls squarely within Title VII’s prohibition of sex discrimination. The Justice Department filed a contrary amicus brief arguing that Title VII did not extend to sexual orientation discrimination and urging the court to let Congress decide who should be protected under the law.

A few months before the Zarda decision, the Seventh Circuit, in Hively v. Ivy Tech Community College of Indiana, 853 F.3d 339 (7th Cir. 2017), reversed its prior holding and found that sexual orientation discrimination is protected by Title VII because it is “common-sense reality” that it is impossible to discriminate on the basis of sexual orientation without discriminating on the basis of sex.

The Eleventh Circuit remains the only circuit that has considered whether sexual orientation discrimination is protected by Title VII within the last decade and affirmed its prior holding. In Evans v. Georgia Regional Hospital, 850 F.3d 1248 (11th Cir. 2017), the Eleventh Circuit applied a strict textual interpretation of Title VII to affirm its precedent that the prohibition of sex discrimination does not encompass sexual orientation. The court put this issue to rest, for now, by denying Evans’ petition for en banc review. The Supreme Court also denied petition for a writ of certiorari.

At least one other federal circuit court is currently poised to weigh in on this issue, with the Eighth Circuit hearing arguments in a sexual orientation discrimination case this month, Horton v. Midwest Geriatric Management, No. 18-1104. The continuing trend of reversals and a growing split between the circuit courts will almost certainly land this issue before the Supreme Court.

In the meantime, despite changing tides across the county, Florida practitioners have a clear directive from the Eleventh Circuit.

Author:
Raquel Ramirez
Jefferson - Phelps Dunbar LLP
This year’s Law Week theme, “Separation of Powers, Framework for Freedom,” was the focus of our Law Week activities, which were intended to engage local students and enhance their understanding of one of the basic principles of American Democracy.

On September 19, 1796, in his farewell address, President George Washington stressed the importance of controlling the potential abuse of governmental power by maintaining the constitutionally established separation of powers among the three branches of our government:

“The necessity of reciprocal checks in the exercise of political power; by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient & modern; some of them in our country and under our own eyes.”

Illustrating the importance of this principle to students in our community is one way to set the stage for the future and ensure that this critical aspect of American Democracy is not lost. And that’s what our Law Week activities were designed to do.

This year’s activities included courthouse tours, an art competition, mock trials, and classroom speakers. More than 80 lawyers and judges volunteered to assist in engaging students and reinforcing the importance of our democracy’s system of checks and balances, while at the same time allowing students to positively interact with the legal system.

The art competition featured 21 submissions. From artwork depicting Lady Justice with three children, each signifying a branch of the government, to a sculpture of a gavel with the handle breaking into three branches representing the division of power, the entries were truly innovative and inspiring, showing real consideration and understanding of this year’s Law Week theme. If you didn’t get a chance to see the entries, make sure to check out the winning pieces at the HCBA Law Day Luncheon on May 9!

At the courthouse, attorneys and judges provided tours and spoke with students, giving them insight into how justice is carried out on a daily basis and providing a unique opportunity to ask questions. In classrooms across Hillsborough County, volunteers spoke to students about the separation of powers and careers in the law. Volunteers also assisted in carrying out mock trials with students, allowing students to experience courtroom roles.

On behalf of the HCBA and the Young Lawyers Division, thank you to everyone who volunteered their time and expertise to make Law Week an incredible experience for over 3,750 Hillsborough County students! The impact that these positive interactions had with our lawyers and judges cannot be properly quantified — surely many of this year’s volunteers have made an impact on students and perhaps inspired future leaders who will help maintain the separation of powers that provides the foundation of our democracy.

Author:
Melissa A. Foss - Thirteenth Judicial Circuit Legal Department

“… I say, that Power must never be trusted without a check.”

Students visited the Courthouse and Judge Scionti’s courtroom during Law Week.
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Information & Membership Application
Deadline: May 31, 2018

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

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

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

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List any weekday evening you cannot attend meetings: _______________________

Do you have a preference for a particular Inn? ________________________________

Please attach a current resume limited to one page in length.

Forward Application Package to:
Hillsborough County Bar Association, Attn: John Kynes, Chester H. Ferguson Law Center
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Chapter 742, Florida Statutes, is used to establish paternity of children born out of wedlock. Section 742.10(1) sets forth the methods for establishing a paternity case, including an adjudication of paternity by the Department of Revenue in an administrative support proceeding or a signed stipulation of paternity by both parents that is filed with the clerk of court.

When no stipulation exists, and no proceedings have been instituted, section 742.10(1) provides another way to establish paternity: both biological parents must complete a “voluntary acknowledgement of paternity,” which is signed under penalty of perjury, notarized, and witnessed by two individuals. This acknowledgment creates a rebuttable presumption of paternity that, unless it is timely rescinded within 60 days of execution, may be set aside only based on “[f]raud, duress, or material mistake of fact, with the burden of proof upon the challenger.”

If a child was born more than 60 days ago in a health care facility in the State of Florida and the biological father is listed on the birth certificate, a voluntary acknowledgment of paternity already exists. A “certificate of live birth” must be filed within five days of any birth occurring in a hospital, birth center, health care facility, or on the way to one of the foregoing. A biological father’s name cannot be listed on the birth certificate by a facility, unless both parents execute an affidavit and the father is advised of the consequences and responsibilities arising from signing the affidavit and placing his name on birth certificate. If the biological parents want the father listed on the birth certificate, a Florida health care facility must have the parents execute the voluntary acknowledgment of paternity within five days of the birth. The birth certificate itself is insufficient because it does not include the notarized signatures of both parents or the signatures of two witnesses.

The affidavit most frequently executed by parents is the Voluntary Acknowledgement of Paternity (Form DH432) issued by the Florida Department of Health. If completed properly, this form comports with the requirements of a voluntary acknowledgment of paternity under section 742.10(1). Many biological parents do not have a copy of the voluntary acknowledgement of paternity, even if they have a copy of the birth certificate. A parent can easily obtain a copy from the records department of the facility where the child was born. If the facility does not have it, a copy can also be requested from the State of Florida’s Department of Vital Statistics.

After being armed with an acknowledgment, family law practitioners should allege in their pleadings that paternity over the minor child is established under sections 742.10(1) and 382.13(2)(c), Florida Statutes, and attach a copy of the acknowledgement. Proceeding in this manner from the outset of a paternity case avoids unnecessarily duplicating an establishment of paternity and allows an attorney to immediately assert or defend the father’s legal rights and obligations to the minor child.


Author: Lexie Reord
Larkin - Larkin Law, LLC
Marital & Family Law Section Luncheon

On March 1, the Marital & Family Law Section received an informative overview on qualified domestic relations orders from Matthew Lundy, Esq. with Older, Lundy & Alvarez. The Section appreciates Mr. Lundy taking the time to speak to the group.

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As litigators are aware, the cost of discovery is a significant component of the cost of litigation. In the e-discovery arena, mediation can be used either to create a mediated e-discovery plan or to resolve underlying disputes regarding electronically stored information. A skilled mediator who is knowledgeable about e-discovery can help resolve complicated e-discovery issues without judicial intervention.

And by eliminating acrimonious discovery battles, mediating e-discovery disputes can also improve the prospect of settling the underlying litigation.

The success of any mediation depends on the participation of those persons whose input or consent is needed to reach an agreement. In addition to litigation counsel and the decision-makers for the respective parties, e-discovery mediations should also include IT personnel or other technical consultants who know about the parties’ electronically stored information systems. The participation of IT personnel or IT consultants who are familiar with the litigants’ electronic systems and capabilities is key to successful e-discovery mediation.

In preparing for an e-discovery mediation, counsel should familiarize themselves with the client’s data mapping and system mapping, the inventory of storage devices used by the client, the location and ownership of those devices, types of information stored, how the information is stored, how it can be preserved, how it can be retrieved, how it can be produced, the cost of producing it, the client’s retention policies, and any automatic deletion procedures that may need suspending.

The mediation statement should include information about the identity of the persons who will attend the mediation, including all IT representatives.

The mediation statement should also include a candid discussion of potential issues identified by counsel, including potential spoliation issues, cost concerns, timing issues, and specific privilege concerns, as well as a candid assessment of the technological capacity of both the litigant and counsel’s law firm, together with any proposed solutions to obvious problems.

Continued on page 51
deficiencies in their respective capacities. Additional relevant information, such as whether corporate representatives have been deposed on electronically stored information, should be disclosed. If the specific purpose of the e-discovery mediation is to resolve disputes arising from existing discovery requests, the mediation statement should address the dispute in detail.

While the issues to be addressed through e-discovery mediation will vary with the procedural posture of the litigation and the specifics of the dispute at hand, the issues likely to be addressed through e-discovery mediation include the:

- scope of reasonably accessible electronic data to be preserved and reviewed;
- search parameters to be used to locate electronic data;
- method of review to be employed;
- data format for preservation and production;
- time and manner of production;
- procedures for handling inadvertently produced privileged information;
- potential need for protective orders;
- methodologies to evaluate compliance with any e-discovery plan or mediated e-discovery agreement; and
- mechanism and protocol to enforce any mediated e-discovery plan or mediated e-discovery agreement.

The outcome of e-discovery mediation should be reduced to writing and signed by all parties and counsel.

E-discovery mediation can help parties control e-discovery costs, maintain confidentiality, and avoid potential adverse results, such as the imposition of sanctions. While mediation will not eliminate all e-discovery disputes, it is a tool to reduce or eliminate e-discovery motion practice that should not be overlooked.

Author:
Kathleen McLeroy - Carlton Fields
Just recently, we learned that the Warrior Games will be coming to Tampa in 2019. The Warrior Games is a Department of Defense initiative that allows injured, wounded, or disabled veterans to compete in adaptive and rigorous sports challenges. About 250 veteran athletes participate in the games annually.

I first became aware of the Warrior Games thanks to a remarkable American I now call a friend, Mike Nicholson. Mike, a Marine and son of Tampa, competed in the Warrior Games in Chicago in 2017 and was awarded six gold medals for his vigor.

Mike’s story is one of remarkable emotional and physical challenge that speaks to what makes the Warrior Games so great: Mike sustained severe injuries (including the loss of his legs and left arm) due to an IED explosion in Afghanistan.

I have had the honor of working with this remarkable American to make our local community aware of the benefit of having these games here. The benefit of having the Warrior Games here comes down to three points.

First, Tampa has the physical muscle to host this effort. In 2017, the Warrior Games in Chicago was a national event hosted by Jon Stewart with 50,000 attendees.

Tampa is a city that is gaining its wings and can host this effort.

Second, Tampa has the heart to host this effort. In Hillsborough County, we have nearly 100,000 veterans. We are home to numerous outstanding veteran institutions, as well as three Medal of Honor recipients.

Third, holding the Games here would mean a lot to Tampa. Since September 11, 2001, we’ve had constant conflict — all sustained by our military families. This small part of the population has borne 100 percent of the burden of our post-September 11th costs.

And while these patriot families proudly bear this cost, it is a burden that has little effect on our day-to-day lives (including mine). I am reminded of a friend who is a first responder and proud United States Marine, who has sons who are all Marines. His youngest Marine son — who was about two years old on September 11, 2001 — was recently sent to Paris Island for boot camp and will soon be sent to the Middle East for combat. This young man — who was probably watching Thomas the Train on September 11, 2001 — today will fight in our post-September 11 conflicts.

Years and soon decades follow September 11th, and yet most of our lives go untouched. We enjoy our freedom — not only freedom from oppression but freedom from combat.

What does the trauma of the soldier who returns missing limbs cost me? How do I bear the burden of the military spouse who sheds tears when they miss the touch of their husband or wife who is deployed? How do my everyday actions pay tribute to the parent who knows that their child is deployed overseas or who mourns the loss of their child?

The Warrior Games is an effort that begins to not only connect us to this reality, which so many of us are unconnected to, but puts in front of us the costs of war and military service. We need this reality in front of our eyes — and in our hearts — always.

I am proud that a son of Tampa, Mike Nicholson, put his heart on the line in the Warrior Games and can, in 2019, help welcome his fellow Wounded Warriors right here to my hometown, Tampa.

In a time when we are too divided by labels like Republican or Democrat, this is an effort that brings us together as we should be: As Americans.

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In a time when we are too divided by labels like Republican or Democrat, this is an effort that brings us together as we should be: As Americans.

Author:
Luis E. Viera –
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Ceremony was held on April 19, 2018. The following were honored for their outstanding contributions of pro bono legal services for the poor: attorneys Debra Smietanski, Jon Gatto, and Tori Simmons; paralegal Katherine Kobos; the law firm of Foley & Lardner; and Stetson University College of Law. Circuit practitioners who donated more than twenty hours of pro bono legal work were also recognized. The award nominations were submitted to the Thirteenth Judicial Circuit Pro Bono Committee, chaired by Judge Christopher C. Nash and vice-chaired by Judge Wesley D. Tibbals. The ceremony was hosted by the Committee, the Bay Area Legal Services’ Volunteer Lawyers Program (BAVLP), and the Hillsborough County Bar Association; and was sponsored by the law firms Foley & Lardner, Hill Ward Henderson, Shutts & Bowen, Carlton Fields, and Quarles & Brady.

Debra Smietanski

Over the course of her 35-year career, Debra Smietanski has made exemplary and extraordinary contributions to pro bono service. Admitted to the Florida Bar in 1983, Ms. Smietanski serves as Special Counsel with Foley & Lardner LLP, where she is a member of the firm’s Estates & Trusts Practice section. Ms. Smietanski is board-certified by The Florida Bar in Wills, Trusts, and Estates and is also a licensed CPA. Her practice focuses primarily on complex estate planning techniques for high net worth individuals.

Ms. Smietanski’s pro bono legal work and service to our community exemplify her dedication, professionalism, high level of integrity, and compassion for those less fortunate. Ms. Smietanski has a lengthy history of not only providing pro bono legal services but also promoting and encouraging others to do the same. Ms. Smietanski’s most noteworthy pro bono project has been the Wills for Heroes program. Wills for Heroes volunteer attorneys prepare estate planning documents for first responders of modest means who otherwise might not take the time to address their estate planning needs. In 2009, Ms. Smietanski heard about the Wills for Heroes program from Foley & Lardner’s Wisconsin office and became determined to bring the program to the Tampa Bay area. She spent the next two years researching and developing a Tampa program, convincing LexisNexis and others to donate laptops and software, obtaining the approval and sponsorship of the Hillsborough County Bar Association, and recruiting volunteer attorneys. Wills for Heroes was launched in Tampa in October 2011. As a result, volunteer attorneys have provided hundreds of our community’s first responders with free wills, health care advance directives, and durable powers of attorney.

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Ms. Smietanski has also provided pro bono legal services to low-income individuals and non-profit organizations that serve low-income and vulnerable citizens in our community. Ms. Smietanski has participated in the BAVLP Client Intake Clinic, interviewing legal services applicants; on the Mentor Panel, mentoring Bay Area Legal Services staff attorneys and volunteer attorneys; and on the Case Referral Panel, accepting referrals of clients for consultation and representation, primarily in the areas of wills and estates and advance directives. Ms. Smietanski has accepted 24 BAVLP cases, including two cases from the BAVLP Community Counsel Program, where she provided legal services to non-profit groups. Ms. Smietanski also has represented a number of pro bono clients in probate matters, assisting poor individuals in clearing title to their homes so that they may make necessary repairs or apply for a homestead exemption.

Ms. Smietanski’s contributions extend to other programs serving the community. From 2008 through 2011, Ms. Smietanski provided nearly 50 hours of pro bono service to the Tampa Hyde Park Rotary Club Foundation, a non-profit organization, first by participation in its creation and then in the procurement of its IRS tax exempt status. She was a member of the Tampa Hyde Park Rotary Club from 2002-2013 and served as its president from 1998-1999. Between 2009 and 2010, Ms. Smietanski provided more than 10 hours of pro bono assistance to Seniors in Service of Tampa Bay, Inc., a non-profit organization that enhances the lives of seniors, by reviewing its by-laws and developing a conflict of interest policy. She was a member of its Board of Directors from 2003-2013 and served as chairperson of the Board from 2008-2010. She is also a member of the Tampa Bay Estate Planning

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Council, serving on the Board of Directors from 1995-1997, as well as a member of FRANCO (French-American Business Council of West Florida, Inc.), serving as secretary from 2007-2009. Ms. Smietanski is a member of the Hillsborough County Bar Association. She has also served as treasurer and as a member of the Hillsborough Association for Women Lawyers’ Board of Directors from 1993-1997, and as secretary and as a member of the Florida Association of Women Lawyers’ Board of Directors from 1993-1995.

Ms. Smietanski is an advisory committee member for both the Community Foundation of Greater Tampa, Inc., and the H. Lee Moffitt Cancer Center and Research Institute, and is a member of the Planned Giving Committee for the Humane Society of Tampa Bay. Ms. Smietanski is an active member of St. Mary’s Episcopal Church and Day School, serving on its vestry and as treasurer from 2013-2015. She is currently chair of the Board of Trustees for the St. Mary’s Episcopal Church Endowment Fund, a role that she has held since 2016. St. Mary’s is dedicated to community service and is significantly involved in the various ministries of Metropolitan Ministries, which Ms. Smietanski has regularly participated in over the past several years.

Outstanding Pro Bono Service by a Lawyer: Jon Gatto
Carlton Fields shareholder

Jon Gatto practices in the area of complex health care regulatory issues, with a focus on representing hospitals. He handles intricate litigation matters, including major government investigations, multimillion dollar contract litigation, sovereign immunity, and other related healthcare matters. Since 2011, Mr. Gatto has given hundreds of hours of his time to the BAVLP and has undertaken 13 pro bono cases through the BAVLP, four of which are ongoing. In 2017, Mr. Gatto provided 173 hours of pro bono legal services to the poor.

Mr. Gatto initially began volunteering with the BAVLP at Client Intake Clinics, where he interviewed and advised legal service applicants, and assessed the merit and priority of their various legal issues. Mr. Gatto interviewed a client whose circumstances he found to be so compelling that he volunteered to take the case; thereafter, he began serving on BAVLP’s Case Referral Panel. Several of Mr. Gatto’s cases have had exigent circumstances that required zealous representation along with a holistic problem-solving approach. One such case involved a victim of a brutal assault who was being harassed with frivolous litigation by the perpetrator. The client became overwhelmed and unable to participate in the suit, and a default judgment was entered against her. Mr. Gatto litigated the matter in the trial court, successfully appealed an order denying his motion to set aside the default, and ultimately achieved a complete dismissal of the case.

Outside of the law, Mr. Gatto has donated his time to Paint Your Heart Out-Tampa, assisting low-income elderly citizens, and The Children’s Home, providing services to at-risk children and families. Both are innovative programs designed to create long-term positive impacts. Mr. Gatto demonstrates the same philosophy in his pro bono legal work, consistently demonstrating that his dedication to his pro bono clients goes beyond their immediate legal needs. Mr. Gatto reported that the most rewarding aspect of his pro bono work has been being able to put his pro bono clients in a better position than when he met them.

He has sought out educational and professional opportunities for his clients, allowing them to better themselves in the midst of stressful circumstances. Equally as important, he provides his vulnerable clients with a sense of security. For instance, Mr. Gatto litigated a deficiency judgement for a working mother of seven who served as the caretaker for her disabled husband. When she expressed concern that the opposing party would continue to be a problem, Mr. Gatto made clear that he would represent her if any future issues arose. In another matter, he represented a single mother of two whose opposing party threatened to appeal. Mr. Gatto assured her that, if so, he would handle the appeal.

Outstanding Pro Bono Service by a Young Lawyer:
Tori Simmons

Tori Simmons is a commercial litigator at Hill Ward Henderson, where she focuses her practice on business torts, contract disputes, intellectual property, class action litigation, and professional liability cases, including legal malpractice and officers and directors litigation. Since 2013, when she began...
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practicing law, Ms. Simmons has provided pro bono legal services to non-profit organizations, children in foster care, and poor clients involved in guardianship proceedings, landlord/tenant disputes, marital dissolutions, child support actions, and domestic violence cases. In 2017, Ms. Simmons donated 179 hours providing pro bono legal services, 146 hours promoting pro bono legal services, and countless more hours volunteering with community organizations.

Ms. Simmons’ colleagues have described her as “an extraordinary young lawyer, with a fierce desire to give of herself for the benefit of others in need;” a lawyer whose “extraordinary intelligence is only exceeded by her dedication to ensuring that poor people in our community receive quality legal representation in their times of need.” From 2013 to 2017, Ms. Simmons has consistently given her time and legal acumen representing poor clients through the BAVLP, the Domestic Violence Injunction Clinic, Project H.E.L.P., and Crossroads for Florida Kids; and has provided pro bono representation to Trinity Cafe and Bay Area Legal Services.

As the pro bono coordinator for Hill Ward Henderson, Ms. Simmons encourages and assists other attorneys on pro bono matters and played a critical role in the launch of The Florida Bar Foundation’s “Pro Bono Matters” website in this circuit. Additionally, she is responsible for organizing and training the firm’s Project H.E.L.P. volunteers, who staff clinics two months every year. Ms. Simmons also serves on the 13th Judicial Circuit Pro Bono Committee and had a critical role in the 2017 Law Firm Pro Bono Summit. Ms. Simmons is actively involved in the community. She serves on the Board of Directors for Trinity Cafe, a local nonprofit that serves over 380 nutritious meals to the hungry and food insecure in Tampa every day; as a mentor with the Hillsborough Education Take Stock in Children Program; and is a member of the Pearl Society philanthropic giving circle.

**Outstanding Pro Bono Service by a Paralegal:**

**Katherine Kobos**

Shutts & Bowen paralegal

Katherine “Kathy” Kobos has made invaluable contributions to Tampa’s Project H.E.L.P. (Homeless Experience Legal Protection), ensuring that our community’s vulnerable homeless population has access to legal advice. Ms. Kobos has donated more than 150 hours of her time since 2016, when Shutts & Bowen became the Tampa program’s coordinating firm. As the Tampa program’s Executive Director Ella Shenhav stated, the program “could never have accomplished half as much without the tireless work of Ms. Kobos.”

Ms. Kobos makes sure that the H.E.L.P clinics run smoothly. She personally staffs at least one clinic a month, including the monthly “transitional” clinic that occurs when a new staffing group begins. She is responsible for the plethora of reference materials provided to H.E.L.P. clients, spending many hours of her free time ensuring that they are updated and organized. Additionally, she coordinates volunteers for each of the weekly clinics (each requiring four to six attorneys and three to four intake personnel), maintains the calendar, confirms the volunteers’ attendance, fills in gaps when a volunteer cannot attend, and tracks each volunteer’s hours.

Ms. Kobos consistently comes up with new ways to expand the program’s reach, improve the clinics, and better serve clients. She personally distributes clinic flyers in locations where potential clients might see them and organizes an annual Project H.E.L.P reception. She also recently assisted in the opening of Project H.E.L.P’s Orlando program. Ms. Kobos traveled to Orlando twice to meet with paralegals and assistants interested in the program, train volunteers on how to run the clinics, and assist volunteers in assembling reference materials for their clinics.

**Outstanding Pro Bono Service by a Law Firm:**

**Foley & Lardner, LLP**

Foley & Lardner, LLP’s commitment to pro bono legal services has been a longstanding tradition throughout its 175-year history. The firm’s website explains: “Our commitment to conscience and community — established by our founding partners and still a core value to this day — includes providing quality pro bono legal services that ensure every person and organization, regardless of financial means, has access to the justice system.” That commitment is demonstrated by the firm’s 100 percent attorney participation rate in pro bono legal work, and the 5,598 pro bono hours that firm attorneys spent representing poor clients from 2015 to 2017.

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Foley & Lardner attorneys actively participate in our community’s legal non-profit organizations and serve on a number of boards and committees for a variety of charitable, civic, religious, educational, and service organizations. The firm’s attorneys consistently donate their time at the BAVLP Intake Clinic, take cases through the BAVLP Case Referral Panel, and assist other attorneys through the BAVLP Mentor Panel. They also volunteer for the BAVLP Community Counsel Program, which provides pro bono transactional legal assistance to nonprofit organizations that serve poor and distressed communities.

Firm attorneys have litigated multiple civil rights actions for pro bono clients. They regularly donate legal services through programs that include Project H.E.L.P., assisting homeless individuals with a variety of legal issues; Wills for Heroes, preparing wills for first responders; the AARP Foundation’s Tax-Aide Project, visiting local libraries to prepare income tax returns for those who cannot afford an income tax preparer or have other filing issues; and the Domestic Violence Assistance Clinic. Foley & Lardner attorneys also provide pro bono representation to non-profit organizations like the Foundation for Mental Health; BosLab, a community-built molecular biology lab; the MAVEN Project, an organization that provides free telemedicine consults to low-income patients; and Gynuity Health Projects, an organization dedicated to transformative research projects aimed at improving women’s health care worldwide.

Outstanding Pro Bono Service by an Organization: Stetson University College of Law

Stetson University College of Law was one of the first law schools in the nation to establish a pro bono service requirement for graduation. It had three reasons for doing so: first, to reinforce to its students that pro bono service “is an integral part of a lawyer’s responsibility and has been for centuries;” second, to help close

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The “justice gap” that occurs when citizens are unable to obtain affordable legal services and attempt to represent themselves in court, or fail to understand the consequences of legal actions; and third, to give their students practical experience that reinforces the legal education they are receiving. From 2012 to 2017, Stetson Law students donated 127,625 legal pro bono hours to the poor and 65,015 non-legal pro bono to Tampa Bay communities.

Stetson Law students are required to perform a total of 60 hours of pro bono service during their law school career. Thirty of those hours must be law-related service, and the remaining 30 hours may be non-legal pro bono community service. Stetson Law’s Social Justice Advocacy Concentration Program professors administer the pro bono program, pre-approve students’ pro bono proposals, and oversee the services that students provide. Hundreds of Stetson Law students donate their time to the Volunteer Income Tax Assistance Program, spending their weekends and nights traveling throughout the Tampa Bay region to help people complete their tax returns. Others volunteer to be guardians ad litem and volunteer at clinics hosted by Bay Area Legal Services and Gulfcoast Legal Services. Students also provide services through Stetson Law’s on-campus Veteran’s Law clinic, Wills for Warriors clinic, and the Elder Law Center, which places students in legal services offices representing people over the age of 60. Additionally, Stetson Law students organize an annual event for the children of Gulfport; give tours of the school to children in foster care; actively participate in the Big Brothers/Big Sisters program; and volunteer to do homework and have lunch with struggling elementary-age children. Stetson Law professors provide pro bono legal services to those in need, including individuals facing the death penalty; and sit on a variety of boards for non-profit organizations, including Gulfcoast Legal Services, the St. Pete Free Clinic, the local food bank, and the Florida Holocaust Museum.

The Thirteenth Judicial Circuit Pro Bono Committee commends the extraordinary service of the 2018 award recipients.

Lapel Pin Recipients
20-49 Pro Bono Hours in 2017

- Eric Adams
- Eric Almon
- Natalie Amnis
- Dale Appell
- Michael Ashy
- Shamika Askew-Storay
- Jordan August
- Anderson Baldy
- Amy Bandow
- Laura Bare
- Michael Barnett
- Caroline Barnhill
- Bernard Barton, Jr.
- George Bedell
- David Befeler
- Stacy Blank
- Alan Borden
- Yova Borovksa
- Michelle Brinner
- Michael Broadus
- Melinda Budzynski
- Michael Califano
- Tirso Carreja
- Amanda Chafin
- Hunter Chamberlain
- Blair Chan

- Yvette Chapman
- Patrick Chidnese
- Jeanne Coleman
- Kamala Corbett
- Chris Coutroulis
- Christopher Cutler
- Gerald Davis
- James Davis
- Blake Delaney
- Erik De L’Toile
- Theresa Donovan
- Fentrice Driskell
- Amy Drushal
- Ricardo Duarte
- Marc Edelman
- Zarra Elias
- William Keith Fendrick
- Katelyn Ferry
- Paul Figueroa
- Elizabeth Fisher
- Megan Flatt
- Helen Fouse
- Robert Freedman
- Jeffrey Gad
- Laura Gallo
- Michelle Garcia Gilbert
- James Giardina
- Suzanne Glickman
- Paul Godfrey
- Paige Greenlee
- Tami Lyn Grys
- Cameron Hall
- Kimberly Hamill
- Brian Harris
- Barbara Hart
- Kelley Hayashi
- Ashley Hayes
- Jourdan Haynes
- Katherine Heckert
- Dane Heptner
- Elizabeth Herd
- S. Gordon Hill
- Patrick Hogan
- Adrienne Holland
- Laura Howard
- Tyler Hudson
- Nehemiah Jefferson
- Suzanne Johnson

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Richard Jones
Roy Kielich
Bradford Kimbro
Adam Knight
Jennifer Komarek
Edward Koren
Dominic Kouffman
Arrie Kustin
John Lamoureaux
Heather Lee
Jack Levine
Richard Linquanti
Lance Litman
Jamila Little
Thomas Little
Jin Liu
Laura Luxton
Bill Malachowski
Evan Malloy
Lucas Martin
Stephanie Martin
Monica Mason
Morris Massey
Andrew Mcumber
Elaine McGinnis
James S. Moody III
Dennis Morgenstern
W. Edwards Muniz
Katherine O’Donnile
Megan Odrnic
Victoria Oguntoye
Richard Oliver
Pamela Papasov
Terri Parker
Anisha Patel
Maria Pavlidis
Kelley Petry
Olga Pina
David Punzak
Paul Punzone
Randall Reder
Jameson Rice
Harley Riedel
Christopher Sacco
Lawrence Samaha
Travis Santos
Garry Sasso
Susan Sharp

Kevin Shuler
Timothy Sierra
Gilbert “Gil” Singer
Amanda Chazal Smith
Marty Solomon
Nicole Soto
Scott Stichter
Charles Stutts
Stephen Szabo
Betty Thomas
Sunjay Trehan
Paul Ullom
John Vento
Kristopher Verra
Valentina Wheeler
Robert Walton
Roland Waller
Qian Wang
Zachary Watt
Joshua Webb
Morris “Sandy” Weinberg, Jr.
Randolph Wolfe
Jared Wragge
Gwynne Young
Rachel May Zysk

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Nancy Faggianelli
Brandon Faulkner
Oxalis Garcia
Leonard Gilbert
William Giltinan
Rachael Greenstein
Christopher Griffin
Brian Guthrie
Matthew Hall
Christopher Hamilton
Caycee Hampton
Lynn Hanshaw
Amy Denton Harris
Melinda Harris
Marcos Hasbun
Hugh Higgins
Benjamin Hill, III
Carol Hinds
Jon Hittle
Jessica Hoyer
Erin Hoyle
Laura Hughes
Thomas Hyde
Cathy Kamm
J. Derek Kantaskas
Natasha Khoi
Jennifer Lada
Latour Lafferty
William Lane
Ellen Lyons
Erica Mallon
Julia Mandell
Carlos Marquez
Richard Martin
Paul McDermott
Scott McLaren
Kathleen Mcлерoy
K.P. Meehan
George Melendez
Stephanie Miles
Adriana Paris
Rinky Parwani
Lauren Pizzo
Jason Quintero
Anitra Raiford
Michael Rothfeldt
Kelly Ruoff
Roger Schwenke
Nancy Silva
Lakeisha Simms
Lonnie Simpson
Allison Singer
Christopher Smart
Debra Smietanski
Jacqueline Swigler
Jim Thorpe
Matthew Tyson
August “Gus” Van Eepoel
Joseph H. Varner, III
Lavinia Vaughan
Dirk Weed
Ryan Wierenga
Mamie Wise
Barbara Yadley

100 or more Pro Bono Hours in 2017
Jacqueline Acosta
Don Christopher Alfonso
Stacy Appleton
Rosemary Armstrong
Lisa Beggs
Adam Bild
Fredrique “Dika” Boire
O. Kim Byrd
Matthew Conigliaro
Louis Conti
Lawrence Dougherty
Thomas Ferrante
Kristina Gandre
Jon Gatto
Frederick Grady
Elizabeth Hapner
Ryan Hedstrom
Daniel Hernandez
Michael Hooi
Nicholas Horner
George B. Howell, III
Dennis M. Hudson, III
Jenay Iurato
Sarah Kay
Cristin Keane
Charles Ketchey
Richard Kosan
Nathaniel Lackman
Sarah Lahlou-Amine
Joseph Lang
Domenick Lazzara

50-99 Pro Bono Hours in 2017
Adam Alaee
Ray Allen
Chris Altenbernd
Jason Baruch
Sean Becker
Cecilia Bidwell
Kelly Bittick
Dane Blunt
Donald Bly
Noel Boeke
Jason Brant
Christopher Branton
Cathleen Bremner
Nicholas Brown
Patricia Calhoun
Lauren Catoe
Marina Choundas
Sadie Craig
L. Carina Cutter
Jamil Daoud
Patrick Duffy

THE THIRTEENTH JUDICIAL CIRCUIT 2018 PRO BONO SERVICE AWARD WINNERS
Pro Bono Committee, Thirteenth Judicial Circuit
Continued from page 62

Anne Leonard
David Lisko
Sara Lui
Timothy Martin
Michael Matthews
J. Logan Murphy
A.J. “Stan” Musial
Omar Ojeda (Emeritus)
Mariko Outman
Edward J. Page
Anthony Palermo
Kathryn Peluso
Colton Peterson
Mark Rankin
Mark Robens
Matthew Roe
Craig Rothburd
Elizabeth Scarola
Isabel “Cissy” Boza Sevelin
Ella Shenhav
Olin Shivers
Robert Sielaty
(Emeritus – Deceased)
Tori Simmons
Patrick Skelton
Lauren Stricker
Danica Sun
Joseph Swanson
Kendyl Tash
Kenneth Tinkler
Stephen Todd
Lauren Valiente
Sylvia Walbolt
Nicholas Williams
Mark Wolfson
Brent Woody
Katherine Yanes
William Zewadski

WELCOME NEW HCBA MEMBERS

FEBRUARY / MARCH 2018

Sarah Elizabeth Chibani
Dillon Andreassi
Shaundala Brown
Naomi Candelaria
Nicholas Joseph Carbone
Chelsea Brooke Cromer
Kelly Duncan
Sira Judith Echevarria
Easter Floyd-Clarke
Philipp Fries
Hailey Glenn
Carlos Gomez
Ashley L. James
Michael Jones
Curtis Korsko
Edwin P. Krieger
Rebecca Miller
Kelsey Morton
James Nealon
Patricia Nolan
Yasha Osby
Christopher Scott Pettus
Cara Powell
Regeline Sabbat
Hayley Salem
Nicole C. Seeley
Anum Shakir
Gabriela Carolina Sifontes
Christine M. Simon
Berlinie St. Fort
Monica Strady
Forest Sutton
Kendall M. Wilson

TO JOIN THE HCBA, PLEASE CONTACT
STACY@HILLSBAR.COM

Author:
Rachel
May Zysk –
The Suarez
Law Firm
Unprofessional conduct can be addressed in two ways — Bar grievances and the Local Professionalism Panel (LPP). The harsher path — Bar grievances — is paved with complaints made to The Florida Bar.

As an arm of the Florida Supreme Court, the Bar administers the statewide disciplinary system, enforcing the Rules of Professional Conduct for its legions of lawyers. To do that, the Bar accepts complaints against attorneys, investigates those allegations, and then prosecutes attorneys who have allegedly violated the Rules. Complaints are made, under oath, to the Attorney/Consumer Assistance Program or are formally filed. The accused attorney is informed of the allegations and who made them. If the matter is not resolved informally, it is referred to a local Bar office and then to a local Grievance Committee. That committee of lawyers and public members determine whether there is probable cause to believe the lawyer violated the Rules. If it advances, local Bar counsel prosecutes the matter in a bench-trial-like proceeding before a circuit judge appointed by the Florida Supreme Court. That judge, acting as a “Bar referee,” produces a Final Report, which includes findings of facts and conclusions of law regarding whether any rules of professional conduct were violated, as well as a recommended punishment. The Florida Supreme Court either adopts that recommendation, or imposes a less or more severe punishment. Public reprimands, fines, suspensions, and even disbarment can result.

But the grievance process is not the only intervention tool available to address attorney behavior, or better yet, misbehavior. The LPP process has many advantages. Complaints can be made anonymously. Public records about individual cases or persons referred to the LPP are not maintained. The corrective action is informal, intervention-like, prospective, path-redirecting, and mentoring, as opposed to punitive.

The goal is to mentor and advise; to give attorneys who may need some guidance on professionalism and courtesy the benefit of time and attention from experienced and well-respected attorneys and judges. When used, the LPP can also reduce the number of less serious, non-sanctionable cases brought before the Bar.

The Bar grievance process and LPPs work in tandem. Complaints initially filed with the Bar that do not result in Bar action may be referred to the LPP. Likewise, more serious violations of the Rules initially brought before the LPP must be referred to the Bar. The success of the LPP is dependent on lawyers, judges, and the public using it. If you see unprofessional conduct that does not rise to the level of a Bar grievance but certainly needs correction — disorganization, bullying, rudeness, abusiveness, belittling, contact LPP co-chairs Richard Martin (Richard.Martin@akerman.com) or William Kalish (WilliamK@jpfirm.com).

Author: Lyndsey Siara – Thirteenth Judicial Circuit Court
Thanks To All Our FOX 13 Ask-a-Lawyer Volunteers!

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

- Richard Alexander
- Dale Appel
- Shamika Askew-Storay
- David Befeler
- Alan Borden
- Michael Broadus
- Hunter Chamberlain
- Shannon Clancy-Kimball
- Erik de L’Toile
- Ricardo Duarte
- Marc Edelman
- Christine Franco
- Gian Franco-Melendez
- Michelle Garcia-Gilbert
- Trescot Gear
- Frank Genco
- Lynn Hanshaw
- Dane Heptner
- Betsey Herd
- David Hoffman
- Mark Hughes
- Thomas Hyde
- Nehemiah Jefferson
- Suzanna Johnson
- Domenick Lazzara
- Keith Ligori
- Jamila Little
- Andre Mahone
- Dominick Maranzara
- Kari Metzger
- Denny Morgernstern
- John Mulvihill
- Stan Musial
- Kemi Oguntebi
- Rinky Parwani
- Larry Samaha
- William Schwarz
- Matthew Smith
- Chris Tanner
- Betty Thomas
- Jim Thorpe
- Chip Waller
- Robert Walton
- Valentina Wheeler
- Megan Williams
C ases abound wherein lawyers have been criticized, sued, and even suspended for writing themselves in to their client’s estate plan as a fiduciary. See, e.g., Rand v. Giller, 489 So. 2d 796 (Fla. 3d DCA 1986). The Florida Supreme Court takes such fiduciary appointments so seriously that it recently adopted an amendment to Rule 4-1.8 of the Florida Rules of Professional Conduct. Effective February 1, 2018, it is a violation of the Rules for a lawyer to prepare a document that appoints the lawyer or a person related to the lawyer to a fiduciary office (e.g. personal representative, trustee, trust protector, etc.) unless “the client is properly informed, the appointment does not violate rule 4-1.7 (conflict of interest), the appointment is not the product of undue influence or improper solicitation by the lawyer, and the client gives informed consent, confirmed in writing.” See Comments to R. Regulating Fla. Bar 4-1.8. Indeed, the comments refer to such an arrangement as a “conflict,” but one which the client may waive so long as the client gives “informed consent.” Id.

The Florida Probate Code specifically authorizes payment of fees when a lawyer who serves as a fiduciary also renders legal services to the estate: “If the personal representative is a member of The Florida Bar and has rendered legal services in connection with the administration of the estate, then in addition to a fee as personal representative, there also shall be allowed a fee for the legal services rendered.” § 733.617(6), Fla. Stat.

But, when the lawyer for the estate is also the personal representative, such fees are potentially limited by section 733.612(19). “Any fees and compensation paid to a person who is the same as, associated with, or employed by, the personal representative shall be taken into consideration in determining the personal representative’s compensation.” § 733.612(19), Fla. Stat. (emphasis added); see also § 733.6171(5)(g) (listing “compensation paid to other professionals and fiduciaries” among the factors the court shall consider in determining the reasonableness of compensation to the personal representative’s lawyer); Section 733.617(7)(g), Fla. Stat. (listing “compensation paid to other professionals” among the factors the court shall consider in determining the reasonableness of the compensation paid to the personal representative).

At a minimum, before the lawyer may prepare a document that appoints the lawyer as a fiduciary, the lawyer must advise the client (1) who is eligible to serve as a fiduciary, (2) that a person who serves as a fiduciary is entitled to a fee, (3) that if the lawyer serves as a fiduciary is entitled to a fee, (3) that if the lawyer serves as a fiduciary, the lawyer is entitled to a fee for serving as a fiduciary, and (4) the lawyer or lawyer’s firm may also be entitled to legal fees that are in addition to the fees assessed by the lawyer as fiduciary.

Author: Robert S. Walton – Law Offices of Robert S. Walton, P.L.
Ms. Doe, age 70, has been a client of financial advisor Mr. Dough for thirty years. Ms. Doe is a conservative investor who only makes scheduled withdrawals. One day, Ms. Doe requests that 30 percent of her investments be liquidated and then makes a series of unprecedented withdrawals. Mr. Dough suspects financial exploitation, but he is hesitant to unilaterally freeze a client’s self-directed account contrary to explicit requests. The firm reports the abuse. By the time the authorities investigate, however, the damage is done.

FINRA members regularly face such predicaments, pushing the issue of financial exploitation of the elderly to the forefront of the industry’s collective conscience. So it is no surprise that one of FINRA’s recent rule additions, Rule 2165, is designed to prevent financial exploitation by allowing FINRA members to temporarily prevent withdrawals on an account when they reasonably believe financial exploitation is occurring.

Such developments were, quite literally, just a matter of time. The population is getting older. In 1900, there were 3.1 million people over the age of 65; by 2010, that number had grown to over 40 million, or from roughly four to 13 percent.1 And sadly, according to the National Center on Elder Abuse, roughly 10 percent of all elders are abused in some form, with financial exploitation costing at least $2.9 billion annually.2

Worse, it is not just fake Nigerian princes to blame: Up to 34 percent of instances of financial exploitation are perpetrated by family and friends.3 It is clear that family and friends cannot be the only defense against financial exploitation, because they are often the fox guarding the henhouse. Instead, financial advisors are often in a unique position to help protect their customers since they regularly have long-standing relationships with their clients, and they might be the first to notice “abnormal” transactions associated with financial exploitation.

But FINRA members were rightfully reticent to take unilateral action. Before the guidance and safe harbor provided by Rule 2165, members faced a “damned if you do, damned if you don’t” predicament. If members froze an account when they suspected foul play, they could face claims if the securities held in the account dropped in value while the account was frozen. If firms did not freeze an account, they could face claims that they should have prevented withdrawals on an account when they suspected exploitation.

Enter FINRA Rule 2165, which hopes to strike a happy medium and allow members to freeze withdrawals on accounts for which they suspect financial exploitation, but still allow positions in the account to be sold if the market conditions require.

Rule 2165 will not prevent all financial exploitation of the elderly, nor will it prevent all claims made against member firms. Rule 2165 is limited in that it can only be invoked for customers over 65 or otherwise impaired. And it only allows accounts to be held for 15 business days. But even with these limitations, Rule 2165 provides a basis for firms to act to prevent abuse.

2 https://ncea.acl.gov/whatwedo/research/statistics.html#20
3 Id.

Author: Josef Y. Rosen – GrayRobinson, P.A.
In 1891, Henry B. Plant opened the Tampa Bay Hotel, a Moorish palace with 511 hotel rooms, as well as thirteen minarets, that have since become the symbol of Tampa. In an era when anything oriental was considered sophisticated, the Tampa Bay Hotel was all the rage. The hotel featured the latest technology, including Edison electric lights and even a telephone in every room.

So began the presentation of Cynthia Gandee Zinober, the executive director of the Henry B. Plant Museum, as she told the story of the Tampa Bay Hotel to dozens of judges and lawyers at the Senior Counsel luncheon in March.

All the guests at the Tampa Bay Hotel arrived by train on Henry Plant’s railroad, which Plant brought to Tampa in 1884. There were spaces for fifteen private rail cars. With the arrival of the railroad, the cigar manufacturers, who had moved from Key West to Ybor City, were now able to ship cigars north. The Plant rail system covered Alabama, Georgia, South Carolina, and Florida with over 5,000 miles of track.

Only a few years later, in 1898, the Tampa Bay Hotel was the gathering point for American forces during the Spanish-American War. Plant had used his influence to have Tampa named as the port of embarkment for soldiers and supplies shipping out to fight the Spanish in Cuba.

Cynthia remarked that the hotel welcomed many famous guests during the war. Although he stayed in camp with his fellow Rough Riders, Colonel Theodore “Teddy” Roosevelt came to visit his wife at the hotel. Another guest, artist Frederic Remington, was employed by William Randolph Hearst to draw illustrations during the war. Clara Barton, pioneering nurse and founder of the American Red Cross, set up a hospital at the hotel.

In later years, other celebrities who stayed in the hotel included French actress Sara Bernhardt, who arrived in her own private railroad car. Russian prima ballerina Anna Pavlova danced in the hotel auditorium.

In 1905, the City of Tampa acquired the Tampa Bay Hotel, which continued to operate as a resort hotel until 1929. Then, in 1933, the city leased the buildings to the University of Tampa.

The Henry B. Plant Museum, established in 1933, is the portion of the Tampa Bay Hotel that retains its original form and character. Plaster detail, woodwork, and the floorplan remain as they were created in 1891. Most of the furnishings in the museum were purchased for the hotel by Henry Plant and his wife Margaret. They reflect the opulence and the lavish lifestyle of America’s Gilded Age. The museum features a Spanish-American War exhibit and a special room displaying mementos and souvenirs from the Plant system of railways, steamship lines, and hotels.

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One of the Henry B. Plant Museum’s signature events is the annual Victorian Christmas Stroll, where guests can experience the grandeur and splendor of Christmas at the Tampa Bay Hotel in the 1890s. Vintage Christmas decorations are displayed throughout the museum. The Victorian Stroll is an event anticipated by the residents of Tampa every year.

The Senior Counsel Section enjoyed learning more about this Tampa icon at its luncheon, and thanks Zinober for speaking to the group.

Author: Thomas Newcomb Hyde – Attorney at Law
False Claims Act relator’s (whistleblower’s) counsel and defense counsel can expect increased enforcement activity by the United States Department of Justice in the months and years ahead. In a press release and parallel speech by U.S. Attorney General Jeff Sessions last month, the DOJ announced the creation of the Prescription Interdiction and Litigation (PIL) Task Force. According to the DOJ, the PIL Task Force will combat the opioid crisis at every level of the distribution system, from manufacturers to distributors (including pharmacies, pain management clinics, drug testing facilities, and individual physicians).

In his speech, Attorney General Sessions said, “The PIL Task Force will tackle the opioid crisis ‘at its root’ and will use the False Claims Act (FCA) and other tools to crack down on pain management clinics, drug testing facilities and physicians who over-prescribe opioids.”

Closer to the Tampa Bay area, the United States Attorney for the Middle District, Maria Chapa Lopez, reiterated AG Sessions’ remarks and stressed her office will “use every enforcement tool available, both civil and criminal, in the fight against the opioid crisis” and against “fraudsters” generally. Using the False Claims Act as an enforcement tool, her office has collected hundreds of millions of dollars in civil settlements with individual physicians, hospitals, healthcare companies, and other businesses in recent years. That enforcement activity is expected to increase.

The False Claims Act, 31 U.S.C. §§ 3729-3733, is the federal law that imposes liability on persons and companies who defraud governmental programs. It is the federal government’s primary litigation tool in combatting fraud against the government. The law includes a qui tam provision that allows people who are not affiliated with the government, called “relators” under the law, to file actions on behalf of the government (informally called “whistleblowing”). Relators filing under the FCA stand to receive a portion of any recovered damages. Claims under the FCA have typically involved health care (Medicare, Medicaid, and Tricare), military, or other government spending programs and dominate the list of largest pharmaceutical payments.

In 2016, the federally funded Medicare prescription drug program paid more than $4 billion for opioids. The DOJ sees the FCA as a natural fit for fighting opioid abuse. Last year, the government settled FCA cases against a number of entities over opioid sales, including several pharmacies. The PIL Task Force will also review existing state and local government enforcement actions and, through analytic research, determine if federal law (the FCA or other federal statutes) can assist in a recovery. This trend expands the focus on prescribers and health care providers who submit claims to federal health care programs for opioid prescriptions, as well as drug treatment and drug testing services.

The DOJ’s use of the False Claims Act as a tool in its enforcement efforts to deal with the opioid crisis (and fraud generally) is a testament to the FCA’s effectiveness in uncovering fraud and misuse of government funds.

Author: Kevin J. Napper – Law Office of Kevin J. Napper, P.A.
Trial & Litigation Section Quarterly Luncheon

On February 21, the Trial & Litigation Section received a State of the Court update. The speakers – Chief Judge Edward C. LaRose of the Second District Court of Appeal, Chief Judge Ronald Ficarrotta of the Thirteenth Judicial Circuit, State Attorney Andrew H. Warren, and Public Defender Julianne M. Holt – discussed the latest developments in their offices and courtrooms, and took questions from the audience.
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For the month of March 2018

Judge: Honorable Patricia Muscarella, Pinellas County


Attorneys: for plaintiff: Marc Matthews, Lisha Bowen, Medisa Memic; for defendant: Andrew Lewis, Terry Kors

Nature of case: Auto accident/intersection collision with head, neck, back, and shoulder injuries

Verdict: $4,296,072.96 ($236,072.96 for past medical expenses, $1,750,000.00 in future medical expenses; $210,000.00 in past pain and suffering; $2,100,000.00 in future pain and suffering)
Julie Cunningham Aiello - Marshall Dennehey Warner Coleman & Goggin has expanded its Florida Casualty Practice with the addition of Julie Cunningham Aiello in the firm’s Tampa office.

Trey Baldy - Hill Ward Henderson is pleased to announce that Trey Baldy has joined Hill Ward Henderson as a shareholder in the firm’s Corporate & Tax Group.

Steven M. Berman - The law firm of Shumaker, Loop & Kendrick, LLP is pleased to announce that Tampa partner Steven M. Berman was a panelist at the plenary session on case law updates at the 42nd Annual Judge Alexander L. Paskay Seminar on Bankruptcy Law and Practice January 18, 2018 in Tampa.

Steven L. Brannock - Steven L. Brannock of Brannock & Humphries presented at The Florida Bar’s Advanced Appellate Practice and Certification Review Course on “Florida Civil Appellate Practice.”

Christopher Cavaliere - The law firm of Shumaker, Loop & Kendrick, LLP, congratulates Tampa associate Christopher Cavaliere, who has been selected to sit on the Executive Committee of the Board of Directors of Tampa Bay Businesses for Culture and the Arts (TBBCA). TBBCA unites businesses in the Tampa Bay Area to champion arts and culture for a vibrant and thriving community.

Ronald A. Christaldi - The law firm of Shumaker, Loop & Kendrick, LLP, is pleased to announce that Tampa partner Ronald A. Christaldi has been admitted to the District of Columbia Bar.

Katie Cole - Hill Ward Henderson congratulates shareholder Katie Cole, who has been elected as 2018 chair of the Clearwater Regional Chamber of Commerce.

Heather DeGrave - Walters Levine & Lozano announces that Heather A. DeGrave has been named co-managing shareholder of its Tampa office.

Ashley Elmore Drew - Greenspoon Marder is pleased to announce the addition of Senior Counsel Ashley Elmore Drew to the firm’s Tampa Office.

Gregory A. Gidus - Carlton Fields welcomes Gregory A. Gidus, who has joined the firm’s Tampa office as an associate. Gidus will practice in the firm’s Property and Casualty Insurance practice group.

Brian Guthrie - Shook, Hardy & Bacon is pleased to announce that Brian Guthrie has been promoted to partner in its Tampa office.

Celene H. Humphries - Celene H. Humphries of Brannock & Humphries presented to the Tampa Bay Trial Lawyers Association on “Keeping Your Verdict: Case Law Update on Proper Closing Argument.” Humphries also presented on “Extraordinary Writs” at The Florida Bar’s Advanced Appellate Practice and Certification Review Course.

John W. Landkammer – John W. Landkammer has been named partner at Anthony & Partners, LLC in the firm’s Tampa office.

Maegen P. Luka - Maegen P. Luka of Brannock & Humphries presented “Letting the Tail Wag the Dog” at the Florida Justice Association’s Proposal for Settlement Webinar.

Connolly McArthur - Hill Ward Henderson is pleased to announce Connolly McArthur has joined the firm as a senior counsel in the firm’s Litigation Group.

Sara Peacock - Sara Peacock has joined the law firm of Cortes Hodz, P.A. Peacock will practice family law and be the managing attorney of the firm’s criminal defense department.

Jim Porter - Akerman LLP is pleased to announce the expansion of its national Real Estate Practice Group with land use partner Jim Porter in its Tampa office. Porter is the current school board attorney for the Hillsborough County School Board, and also formerly served as chief assistant county attorney for the Hillsborough County Attorney’s Office.

Charles Reynolds – In March 2018, Charles Reynolds of Butler Weihmuller Katz Craig began his four-year term, as one of only two attorneys in Florida to serve on the Supreme Court’s Judicial Ethics Committee along with ten Circuit and Appellate judges. The committee issues written opinions on judicial conduct, ethics, and election laws for all sitting judges in the state.

Continued on page 75
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Scott Richards – Carlton Fields recently welcomed attorney Scott Richards in its Orlando office. Richards is a member of the firm’s National Trial practice group’s Business Litigation section, and previously practiced in Tampa.

Tom Scarritt – The Hillsborough County Chapter of the NAACP named Tom Scarritt the honorary chairman of its recent Freedom Fund Dinner on February 8, 2018, and also recognized him with its “Freedom Fighter” award for his leadership role in relocating the Confederate statue from the Hillsborough County Courthouse.

Mark A. Sessums - Mark A. Sessums presented and spoke on the topic of attorney fees to 1,600 attendees at this year’s Florida Bar Family Law Section Review Course in Orlando.

Shumaker, Loop & Kendrick, LLP - The law firm of Shumaker, Loop & Kendrick, LLP is pleased to announce that Timothy C. Garding, Sarah M. Glaser, and Brian C. Willis have been named partners in the firm as of January 1, 2018.

Joseph Swanson – Carlton Fields is pleased to announce the election of Joseph Swanson to shareholder. Swanson co-chairs the firm’s Privacy and Cybersecurity practice and is a member of the firm’s Securities and Derivative Litigation and White-Collar Crime and Government Investigations practice groups.

Jennifer Voss – Shook Hardy & Bacon has named Jennifer M. Voss as managing partner in the Tampa office. Voss concentrates her practice on product liability, tort, commercial litigation, and legal malpractice defense.

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