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

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

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This Bar year, at President John Schifino’s suggestion, we are honoring important milestones and industries in Florida’s history, highlighting the role they have played in creating the great state we live in today. For this first issue, we feature a famous triptych mural that hangs in Tampa International Airport, History’s First Scheduled Airline Passenger Arrives in Tampa - Tony Jannus’ First Flight. This mural, which is oil paint on canvas and measures 9 feet high by 27 feet wide, commemorates the first flight of the St. Petersburg-Tampa Airboat Line on New Year’s Day in 1914, piloted by Tony Jannus. This was the first airline to operate a scheduled service: a 23-minute flight across Tampa Bay. This event put the cities of Tampa and St. Petersburg in the history books as the first two cities in the world to have regularly scheduled airline service.

The mural is one of seven Works Progress Administration (WPA) murals painted by St. Petersburg artist George Snow Hill in 1939. These seven murals hang today in Airside E at Tampa International Airport. Thank you to the Hillsborough County Aviation Authority and the Tampa International Airport for allowing us to feature this fascinating mural in the Lawyer magazine.
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As soon as I handed in my article for the last issue, I knew I had chickened out. You see, in the last issue I wrote an article about creating a better environment for talking about mental health. The inspiration for the article was a March 2018 letter that NBA player Kevin Love wrote to The Players Tribune, in which he opened up about how his failure to deal with the emotions from the unexpected death of his grandmother years earlier had, in part, led to a panic attack last season.

In his letter, Love, who was devastated by his grandmother’s death, recounts how he never really talked about it. Rather than deal with his emotions, Love buried them and told himself: “I have to focus on basketball. I’ll deal with it later. Be a man.”

But after suffering a panic attack last season, Love saw a therapist. And during those therapy sessions, Love was surprised to learn how his grandmother’s death was still causing him pain. Talking about it out loud for the first time was, in Love’s words, eye-opening.

The reason I was inspired by Love’s story was because I could relate to it. When I was 10, my dad passed away, leaving my mom to raise me and my three brothers by herself. I was devastated by losing my dad. But like Love, I never talked about it. My mom had a hard enough time raising four boys, I didn’t need to make it any more difficult: “I’ll deal with it later. Be a man.”

I had planned to relate that story in my last article, but at the last minute, I edited it out. Weeks later, my mom died. To say my brothers and I were devastated would be an understatement. But I was struck by what happened when we found out: Each of us immediately opened up how much pain we had suffered by burying the emotions from our dad’s death and how we couldn’t go through that again. Speaking for myself, simply saying those words lifted an enormous weight off my shoulders.

Why write about it now? Shortly after the last issue came out, I received a kind e-mail from Hillsborough County Court Judge Margaret Taylor asking permission to share my last article with others. I was humbled. But I’ll confess I was a bit embarrassed too. Here I had written an article about how we needed to create a better environment for talking about mental health, yet I was afraid to do so because it was uncomfortable.

As Love explained in his letter, there’s something terrifying and awkward about opening up. But there’s a power to saying things out loud.

Now would you permit me a word about my mom? It’s only fitting I mention her here. She was the only known regular reader of this column. No, my mom wasn’t an HCBA member (or even a lawyer); she would just have my wife send her my articles because she loved reading them. There’s not enough room in this column to tell you about what an amazing woman she was. I’ll just say this: I worshipped my mom. I’ll miss her dearly.

Kevin Love was right…there’s a power to saying things out loud.
In 2012, The Florida Bar established the Marshall R. Cassedy, Sr. Award. The Bar established the award to honor the legacy of Mr. Cassedy, who served as Executive Director of The Florida Bar with extraordinary service and commitment from 1961 to 1980. The award recognizes a Voluntary Bar, Bar Executive, or Bar Staff Member who, like Mr. Cassedy, provided extraordinary service, to either a Voluntary Bar or The Florida Bar.

Earlier this year, Bill Schifino, then immediate past president of The Florida Bar and a former HCBA president, suggested that the HCBA consider nominating its Executive Director, John Kynes, for the Marshall R. Cassedy, Sr. Award. We agreed enthusiastically, and so I got to work on the nomination letter with then HCBA President Gordon Hill, and the three prior HCBA presidents, Kevin McLaughlin, Carter Andersen, and Ben Hill, IV. Suffice it to say the letter wrote itself.

The Florida Bar Recognizes John F. Kynes with the Marshall R. Cassedy, Sr. Award

John’s dedication, leadership, and drive have had a profound impact on the HCBA and, like The Florida Bar, we should not hesitate to recognize him for his extraordinary service and commitment to our association.

Continued on page 7

CONGRATULATIONS TO BRANDON D. BELLEW

We are pleased to announce that Brandon D. Bellew, the current president of the Clearwater Bar Association, is Best Lawyers’ 2019 Litigation Clearwater – Trusts and Estates - “Lawyer of the Year”.

Brandon practices exclusively in the areas of Trust, Estate and Guardianship litigation. He serves on the Executive Council of the Florida Bar’s Real Property, Probate and Trust Law Section and on the Florida Bar’s Probate Rules Committee. He frequently lectures and writes articles on trust, estate and guardianship litigation topics. Check out his blog: bellew-relit-blogs.com

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For some background about John, the HCBA hired him in 2011 to replace its then long-serving Executive Director. To suggest that John assumed his role as Executive Director of the HCBA at a pivotal time in the history of our organization would be a gross understatement. The HCBA had just moved into the Chester Ferguson Law Center and had used its reserves to support the transition to the new building. Recognizing that the organization was facing significant financial challenges, John immediately took ownership of budgeting and financial issues and, along with the HCBA’s officers and directors, developed a plan that over the next several years would re-build the reserves to unprecedented levels. In short, John played the leading role in making the HCBA financially secure and sound.

The HCBA offers countless programs and services to its members, including quarterly member luncheons, section and committee luncheons and CLE presentations, the HCBA’s Bar Leadership Institute, the Lawyer magazine, the annual Diversity Networking Social, the Bench/Bar Conference, and so on. John is present at and participating in every HCBA function. He also regularly attends and contributes to Florida Bar events, as well as bar leadership programs such as the Voluntary Bar Leaders’ Conference and the ABA Bar Leadership Institute. His unwavering dedication to the legal community in Hillsborough County and throughout the state is truly remarkable.

In addition to his service to our legal community, John has spearheaded the HCBA’s community involvement efforts. The HCBA is proud to sponsor its Military and Veteran Affairs Committee, which includes attorneys licensed to practice in Florida who are available to assist veterans and active-duty personnel with legal matters. John was instrumental in the development and success of this now vibrant committee. John has also been tireless in his support of the HCBA’s Lawyer Referral Service, through which our local Bar fields thousands of phone calls every month and helps members of our community find qualified attorneys. The HCBA also makes available to the public a wide array of consumer-related information to assist consumers with their decision to retain an attorney. None of these programs would be possible without John’s leadership and indeed without the tireless efforts of the entire HCBA staff.

John has tackled every HCBA task and endeavor with enthusiasm and efficiency. As one of many examples, John spearheaded an important and long-overdue upgrade to the HCBA’s website, which is now easily navigable, informative, and a valuable resource to our members. John efficiently and professionally manages a staff of twelve employees and has proved to be a perfect partner for the HCBA’s Board of Directors. John leads by example and is consistently the first to roll up his sleeves when the HCBA is presented with a challenge.

Above all else, John Kynes is as humble a person I know, and he will cringe when he reads this article. He will be the first to say that none of the above would be possible without the remarkable HCBA staff and his work colleagues (and he’s right — the HCBA does have a remarkable staff). But John’s dedication, leadership, and drive have had a profound impact on the HCBA, and like The Florida Bar, we should not hesitate to recognize him for his extraordinary service and commitment to our association.
ANOTHER GREAT YEAR AHEAD FOR THE HCBA YLD

There is no better way to get to know the other young lawyers in our community than through the HCBA YLD.

On June 7, 2018, the HCBA YLD board was sworn into office, marking the start of another great year for the YLD. The YLD is once again led by a group of outstanding young lawyers dedicated to promoting professionalism and service in our community. This year, the YLD will continue its mission of supporting the initiatives and goals of the HCBA; promoting professionalism and ethical conduct; providing guidance and support to new lawyers, and educational opportunities to our members; organizing programs and events for young lawyers; and encouraging service in our community.

Although the Bar year just started, the YLD Board got straight to work planning this year’s events at our annual retreat on June 29 in Boca Grande. The YLD calendar

Continued on page 9

Register today!

Make plans now to attend HCBA’s 22nd Annual Bench Bar Conference, Membership Luncheon & Judicial Reception

Wednesday, October 3, 2018 - Hilton Tampa Downtown

Featured Speakers:

- Professor Charles Ehrhardt, Professor Emeritus, Florida State University College of Law, presenting on impeachment of witnesses
- Professor Susan McManus, University of South Florida, presenting on November 2018 elections and Florida ballot measures
- Plus the ever-popular “View from the Bench” sessions with the local judiciary and “View from the Box” jury panel feedback session

Sponsorship opportunities available. Additional information on the conference and sponsorship opportunities at Hillsbar.com.
is now full of opportunities for our members to get engaged with the HCBA and the YLD.

In August, the YLD board completed committee assignments and hosted the annual committee chair orientation. We are grateful to the young lawyers who volunteer their time as committee chairs and committee members to help run all the events that make the YLD one of the strongest Young Lawyer Divisions in Florida. It is also one of the most rewarding ways to get involved in the YLD, as the events run by the YLD directly benefit young lawyers and the Hillsborough County community.

The fall is typically one of the YLD’s busiest seasons of the year, and this year is no exception. Our annual YLD Quarterly Pro Bono luncheon, which is scheduled for October 31, provides an opportunity for our members to learn about (and hopefully volunteer for) the many charities working to help the residents of Hillsborough County. Additionally, the annual HCBA YLD Golf Tournament will once again be held at Temple Terrace Golf & Country Club on November 9. All proceeds raised through the tournament are used to fund the YLD’s charitable efforts throughout Hillsborough County during the Bar year.

The YLD also looks forward to continuing its partnership this fall with the John Germany “Read to Dream” Young Readers Initiative. Read to Dream is a volunteer-staffed reading program that promotes literacy through Hillsborough County public schools in under-served communities. The YLD is proud to continue its partnership with the program for a third straight year.

If you are new to the YLD or just looking to get more involved as a young lawyer with the HCBA, I encourage you to attend our events. There is no better way to get to know the other young lawyers in our community than through the HCBA YLD.

To learn about the work of the YLD and upcoming events, please make sure you join the YLD on the HCBA website through your Member Profile and follow us on Facebook at @Hillsboroughbaryld and Instagram at @Hcbatampabayld.

I look forward to serving as this year’s president and to another great year for the YLD. I hope to see our members at this year’s events.
Bill Schifino began his remarks by posing a simple, albeit somewhat rhetorical, question to the assembled group.

“What qualities do we want in a Bar president?”

Schifino shared his own list of desirable traits: “Integrity; experience; honesty; passion for the legal profession; servant leadership.”

And as a former president of the HCBA and also The Florida Bar, Schifino has special insight on what qualities are needed to be an effective Bar leader.

He then said emphatically, “John checks all the boxes,” referring to his younger brother and law partner.

Bill’s remarks came as he introduced John as the new HCBA president at the Installation of 2018-19 HCBA Officers & Directors at the Chester H. Ferguson Law Center in June.

Bill talked about John’s extensive experience as a trial attorney and his long history of service to the Bar and the Tampa community.

The brothers have worked together for many years, along with their father, William Schifino Sr., and are partners at the Gunster law firm, where John is a commercial litigator.

John graduated from St. Lawrence University in New York in 1989, and then went to Lewis & Clark Law School in Oregon, where he met his wife, Sara.

Over the years, John has served on numerous HCBA committees — including the HCBA’s Diversity Committee and Bench Bar Committee — and he has served as chair of the HCBA’s Trial & Litigation Section.

John has been an HCBA board member since 2011. Additionally, John currently serves on the board of the Hillsborough Association of Women Lawyers, and he is a vice chair of The Florida Bar’s Diversity & Inclusion Committee.

Bill also talked about John’s commitment to his family and his leadership in the community.

“When faced with the choice of acting in his own self-interest or in the interest of others, John will always choose others,” Bill said about his brother.

He told the attendees about John’s dedicated service as board president of the PACE Center for Girls in Tampa, and as president of the Bayshore Little League.

After being sworn in by Chief Judge Ron Ficarrotta, John talk about leading the HCBA this year.

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“What a privilege it is to be part of the legal profession … and part of that privilege is the obligation to give back … to pay the rent,” Schifino told the crowd.

He said he hopes to, among other things: expand the footprint of the HCBA’s Military & Veterans Affairs Committee; continue the HCBA’s good work in the community through the John Germany “Read to Dream” Initiative; and expand mentoring opportunities for all HCBA members.

Further, he talked about the outstanding relationship the HCBA enjoys with the judges of the Thirteenth Judicial Circuit, and said he looks forward to working closely with them during the year. (Additional photos from the Installation of Officers & Directors are on page 34.)

* * *

The new Bar year and the fall season also brings new opportunities for HCBA members.

So forge new relationships with your colleagues at the HCBA’s numerous member events, and take advantage of the many educational and CLE opportunities the HCBA makes available throughout the Bar year.

And make it a point to attend the HCBA’s 22nd Annual Bench Bar Conference and Judicial Reception scheduled for Oct. 3 at the downtown Hilton.

Stay informed about all the HCBA’s programs and events through the HCBA’s various social media platforms, or visit the HCBA’s website at www.hillsbar.com.

See you around the Chet.
The prevalence of mentally ill defendants in the criminal justice system is staggering. An estimated 56 percent of state prison inmates and 64 percent of jail inmates are mentally ill. Approximately 20 percent of jail inmates and 25 percent of prison inmates suffer from serious mental illness. Incarcerated individuals are three to six times more likely to have serious mental health disorders than the general population.

In Florida, a person with serious mental illness is nearly five times more likely to be incarcerated than hospitalized.

Using the criminal justice system to treat mental illness yields worse outcomes at a significant cost.

Imagine being a patient with a history of cardiovascular disease. You suddenly experience chest pains and are rushed to the nearest hospital, admitted, and taken into the emergency room … where you are greeted by a prosecutor, a defense attorney, and a judge. It is preposterous to consider this happening, but it approximates an everyday occurrence across the country — only the patients are defendants suffering not from heart disease, but rather from mental illness.

Mental illness is a disease — a diagnosable and treatable disease. Yet for far too long, we have been treating mental health as a criminal justice issue. Despite the best efforts of prosecutors, judges, and law enforcement, our current mental health system — which functions largely within the criminal justice system — is antiquated, ineffective, and does not reflect modern medicine.

In Florida, a person with serious mental illness is nearly five times more likely to be incarcerated than hospitalized.

Using the criminal justice system to treat mental illness yields worse outcomes at a significant cost.

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Defendants with a serious mental illness remain incarcerated longer than other defendants, yet they require more resources. The reality is that society spends so much money prosecuting and incarcerating the mentally ill that it is almost criminal.

The entire construct of treating mental illness primarily through the criminal justice system is fitting a square peg into a round hole. Still, within the system, the goals for handling many mentally ill defendants — most of whom are in the system for non-violent and lower-level offenses — should be: (1) minimize incarceration; (2) connect them with mental health providers; and (3) focus on the treatment needed to avoid recidivism.

Last year, our community established a mental health court, which was a tremendous and necessary first step for improving how we handle mentally ill defendants. But, the capacity of any mental health court is limited compared to the need. More importantly, the critical stage of dealing with mentally ill community members occurs before they end up in the courtroom.

Our local criminal justice stakeholders know that we cannot arrest and prosecute our way out of this problem. Instead, we are studying the successful interventions of cities like Miami that embrace a public health approach to mental illness, using the criminal justice system to facilitate access to treatment. No one wants an attorney providing medical treatment, but prosecutors can help connect mentally ill offenders to clinicians to receive treatment, which improves outcomes, reduces recidivism, and promotes public safety.

2 Id.
3 Id.

Continued from page 12
Many Hillsborough County residents may be unfamiliar with James Tokley, Sr. Let me share a bit of what makes him a local celebrity. He has penned poems for mayoral inaugurations, city leader eulogies, and for Tampa’s centennial celebration. He read one of his poems at Gov. Charlie Crist’s inauguration and drew a standing ovation for its inspirational message. His ability to pair words with a wisdom all his own led him

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to be tapped as Tampa’s first and only poet laureate in 1996 by former Mayor Dick Greco. Then, on February 20, 2013, the Hillsborough County Commission recognized Mr. Tokley as Hillsborough County’s Official Poet Laureate.

You might ask why his story is so meaningful to me. Back in 2004, when the George Edgecomb Courthouse was opened, Mr. Tokley wrote a poem to honor the occasion. In 2010, his poem was engraved on a sidewalk-encased plaque in front of the statue of Lady Justice. Unfortunately, during preparations for the 2012 Republican National Convention, the plaque sustained damage and was removed.

The plaque was no longer a physical part of the courthouse, until July 11, 2018. On that day, I welcomed Mr. Tokley back to the same place where his words were previously displayed. A new, raised pedestal was unveiled to honor the immortal words of Tampa’s Poet Laureate, Mr. James Tokley, Sr. Thanks to the vision and dedication of Judge Claudia Isom and her Judicial Assistant Marlina McClure, Mr. Tokley’s words are renewed for all to embrace. May the visitors of today and many, many tomorrows pause and reflect on *A Modern Manifesto*.

---

**A MODERN MANIFESTO**

Let me live in a land of Justice ... one where every human being Has been judged and found the equal of the greatest king or queen.

& Let me lift the lamp of reason ... so that all who seek may find That the scales of hate have been removed & Justice is not blind!

O’ Let me shout the Bill of Rights in every courtroom of the land Until the civil sword of Justice rests in every human hand, & In the course of generations, let the cause of Justice be: That we pledge ourselves to Freedom, But by Justice we are free!
MEET THE JUDGES: Judge Michelle Sisco

The bigger the case, the better,” Judge Sisco says. Murder, medical malpractice, tobacco — these are a few of her favorite types of trials.

In the third segment of this recurring series on Thirteenth Circuit judges, I present Judge Michelle Sisco. It’s a bit kitschy, I know, but only three minutes into my conversation with Judge Sisco, the two words that stuck out in my mind were “Trial Queen” or “Trial Fiend.” Having presided over 126 jury trials to date (77 criminal and 49 civil, to be exact), she certainly has the numbers to back up the title. What began with a request to former Chief Judge Manuel Menendez to “pick up a few civil trials,” turned into what is now a split civil/criminal Trial Division. She recalls Judge Menendez’s “I’m not going to stop you from working hard” response to her request. She has certainly done that.

Only two others come close to sharing her love for trials — Judges Christopher Sabella and Samantha Ward, who preside over the two other (exclusively criminal) trial divisions. But Judge Sisco’s devotion is unique in that it covers both the criminal and civil realms. Not to mention Division J, through which she handles all Rule 3.850 postconviction motions filed after March 1, 2016.

Judge Sisco sits in Trial Division 1, through which she takes multi-week trials that would bog down regular divisions. For her colleagues, it frees their dockets to handle other matters. For attorneys, it may get them to trial much sooner than they could in a regular division. The beauty of landing in her division is that attorneys know they are going to trial; there are no back-up situations like in the regular divisions. Her focus is exclusively the trial; all pretrial proceedings and decisions are made in the regular division.

Continued on page 17
Some would find her split focus a bit challenging. Yet, she does not find it difficult to switch between the two. Judge Sisco explained that although the subject matter is different, the mechanics of trial are the same whether it is a criminal or civil one. Of course, in criminal trials, there are constitutional protections afforded to criminal defendants that are not present in civil trials, while in civil trials there are issues related to damages and expert witnesses, for example, that are not applicable in criminal ones. While terminology, burdens, and instructions differ, the nuts and bolts of a jury trial are the same.

In addition to trials, two weeks each month are dedicated to Rule 3.850 hearings. Assisted by two seasoned staff attorneys, they address hundreds of Rule 3.850 motions each year. Judge Sisco really is in court all day, every day. So she must really like trials, right? The answer is unequivocally “YES.” “The bigger the case, the better,” she says. Murder, medical malpractice, tobacco—these are a few of her favorite types of trials.

The most enjoyable aspect of her job? Without doubt, Judge Sisco enjoys interacting with jurors most. She wants the process to be as comfortable and educational as possible for them. Judge Sisco said that she will do everything within her power to ensure that the jury’s time is never wasted. She loves learning something new with every trial and watching experienced litigators in action.

With each completed trial, Judge Sisco shares her reassuring outlook on the vitality of our legal system.

Watching diverse groups of citizens come together to make tough decisions continually reaffirms her belief in our legal system. Those juries, in her opinion, act within the range of reasonableness the vast majority of the time, but in those rare instances when the jury decides a case differently than she might have, Judge Sisco said she has always felt that each juror took their role seriously. The process engenders a great deal of patriotism in her.

Judge Sisco was appointed to the county court by then-Governor Jeb Bush in 2002, and then to the circuit court bench in 2005. She has been reelected without opposition ever since. In her sixteen years on the bench, she spent time in both civil and criminal divisions, as well as domestic violence and juvenile delinquency. Each assignment taught her something that has enabled her to become a better judge and equipped her to effectively handle a split civil/criminal trial and postconviction division. After five years in her current role, there is no hesitation when she tells you this is by far her favorite assignment. Judge Sisco was also recently awarded “Judge of the Year” at this year’s Florida Bar Conference for her work as chair of The Florida Bar’s Constitutional Judiciary Committee.

Her judicial assistant, Sandi Hecksher, has been with her for twelve of her sixteen years on the bench. They have forged a close relationship during that time. Sadly, Sandi will retire before this article reaches your desk.

Judge Sisco is a proud sixth-generation Floridian on her mother Gayle Brohard Frederick’s side of the family.
impressed by young people who achieve academic success while working part time.

Judge Sisco attended Plant High, and after graduating from Vanderbilt University, she returned to Florida for law school at the University of Florida. She knew she wanted to come back to Tampa — her second home. So Judge Sisco began her legal career at the State Attorney’s Office where her love for trials first took root. After six years and having prosecuted thousands of felony cases, she joined a private firm specializing in white-collar criminal defense work, where she practiced mostly in federal court. Just four years later, she joined the judicial ranks. She always kind of knew she wanted to be a judge. Her courtroom experiences along the way both inspired her and gave her the experience she thought she needed to do the job well. After watching colleagues like now Second District Court of Appeal Judge Anthony Black and now Circuit Court Judge Nick Nazaretnian go through the process of applying for judgeships, she threw her name in the hat.

Along the way, she married attorney Paul Sisco; they recently celebrated fifteen years of marriage! They have two children, aged thirteen and eleven. In fact, she is fairly certain that she is the only Thirteenth Circuit judge that has given birth not once, but twice, while on the bench.

As a parent, her weekends typically revolve around the children’s activities, but she also enjoys spending time on the water or traveling. Her recent travels found the family, including her eighty-five-year-old mother-in-law, in Europe for two weeks, exploring Italy, France, and Spain. In Barcelona, she encountered one of the most incredible places she had ever visited — La Sagrada Família — a Roman Catholic church built, but unfinished, by architect Antoni Gaudí. She described the reverence that the church paid to nature, looking much like a garden. The site provided an interesting intersection of her love for nature, religion, and history.

Continued on page 19
Judge Sisco’s affection for nature and history is apparent. A self-described “Florida girl,” if sunshine is not in the forecast, Judge Sisco loves a good thunderstorm. In her dining room is a large panoramic Carlton Ward photograph of a storm rolling in over the lighthouse at Boca Grande. When her children have asked why they have such a “scary” picture showcased, Judge Sisco stresses to them that the picture represents the majesty of nature, something both wild and beautiful that is to be respected, but not feared.

In her free time, Judge Sisco likes to read historical fiction, and gravitates towards books about war. She relishes in the logistics and analytics of war — perhaps finding parallels to her judicial assignment. Her bookmark currently holds its place in Rich Atkinson’s Liberation Trilogy, which chronicles the European theater in WWII, starting with the initial amphibious landing of U.S. troops in North Africa. Judge Sisco wryly noted that the chaotic invasion could have largely been avoided if women had been in charge of loading the ships at the naval yard in Virginia Beach — women inherently know to pack last the items needed first. Her all-time favorite historical figure — a tidbit she offered without my prompting — is Julius Caesar, the consummate military tactician.

Judge Sisco is also a devout practitioner of her faith. Every other week, she spends time at Tampa General Hospital serving as a Eucharistic Minister on the vascular surgery floor. The ritual is particularly meaningful to her, and an ever-present reminder of life’s fragility and the importance of prioritizing those things and people most important to her. In what was one of the most profound moments of her life, her faith and career intersected while trying a death penalty case. She and Assistant State Attorney Jay Pruner were trying a capital murder trial, and their closing argument asking the jury to impose a sentence of death fell on Ash Wednesday — one of the holiest days of her faith. The significance of the request was not lost on her then or now. Recently, a death warrant came to her from the Governor’s Office (evidently, when a death warrant is signed, one final review of the entire process — from the trial court through the appellate court — occurs). The significance of her role once again weighed heavily on her.

But Judge Sisco is no stranger to making tough calls. Like the umpire described by Supreme Court Justice John Roberts, Judge Sisco acknowledges that her role requires her to call balls and strikes every day. “Being in trial all day every day, I have to be comfortable with making on-the-spot decisions,” she explains, “and be comfortable with the possibility that any one of those decisions could be wrong, and cause reversal.” While she appreciates the weightiness of that reality, she also knows that most attorneys simply want a definitive decision; of course, they want to “win,” but for the most part, having a judge who will just make the call is paramount.

Until next time...

Author: Lyndsey E. Siara – Thirteenth Judicial Circuit
The Hillsborough County Bar Association’s Lawyer Referral and Information Service (LRIS) provides a valuable connection between Tampa Bay area residents and local attorneys. The Service is certified by the American Bar Association (ABA) and serves as the local Bar Association Service covering Hillsborough County and surrounding counties that are not served by the statewide Florida Bar Lawyer Referral Service. The Service works to pair prospective clients that are requesting assistance with attorney members that are competent in the particular area of need.

In the past few years that I have been a member of the Service, I have experienced a wide range of referrals spanning various practice areas. Some referrals are from individual consumers, while others are from commercial businesses that are seeking lawyers that have been vetted by The Florida Bar and the Service. The Service also provides bountiful opportunities to provide the local Tampa community with pro bono service in order to satisfy the annual reporting requirement. Oftentimes, attorneys take their knowledge and expertise for granted. But in fact, people are very appreciative of the insight and direction they are able to obtain when they speak to an LRIS member, even if they do not always have a true need for an attorney.

Some additional benefits that are offered through the Service include a partnership with WTVT FOX 13 News and periodic community speaking events presented in locations accessible to the public, such as local Hillsborough County libraries. The Service and FOX 13 News jointly conduct a monthly program titled “Ask-A-Lawyer” on the first Thursday morning of each month, where member attorneys take live calls from the public to offer their time and answer questions. Community speaking engagement featuring member attorneys also provide helpful information to the public related to specific practice areas and topics.

Thanks to the dedication of Director Lupe Vazquez-Mitcham and Carmen Nodal, the Service is able to assist those looking for legal help to connect with local attorneys. Due to the vast array of legal issues the Service receives, which spread across a range of industries and practice areas, the Service is always glad to welcome attorneys with different specialties and experience. Additionally, because the Service receives calls from people of all backgrounds, bilingual attorneys are always needed and appreciated.

In summary, the Service provides a good way for attorneys to connect with the local Tampa Bay community and increase overall involvement.

Author: David Befeler – Befeler Law Firm, P.A.
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The Hillsborough County Bar Association’s Lawyer Referral & Information Service is now accepting attorney applications in a variety of practice areas. Our outstanding referral service receives an average of 75 calls/day, and is accredited by the American Bar Association and backed by The Florida Bar. Spanish-speaking attorneys are especially needed and encouraged to join.

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THANKS TO ALL OUR FOX 13 ASK-A-LAWYER VOLUNTEERS!

The attorneys from the Lawyer Referral & Information Service were at it once again in June and July, 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.

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A Voice for Children in Need: Volunteer for a Guardian Ad Litem Appeal

Appellate Practice Section
Chairs: Tom Seider – Brannock & Humphries and Joe Eagleton – Brannock & Humphries

Now, there is an opportunity for appellate lawyers to help. Thomasina Moore, the Guardian ad Litem program’s director of appeals, has created the “Defending Best Interests Project” — a pro bono initiative that connects volunteers with children who are defending favorable dependency-court rulings on appeal. Aware of the strain that a pro bono appeal can put on an attorney, Moore has done everything she can to streamline the volunteering process.

It really is very straightforward. To sign up, send an email expressing your interest to Joe Eagleton (JEagleton@bhappeals.com), who chairs our HCBA Appellate Practice Section’s Pro Bono Committee. Once signed up, you will start receiving email blasts — just a few a month — that identify specific Guardian ad Litem appeals in need of briefing. You will also receive all the relevant information about the case: the size of the record and the trial transcript, the length of the initial brief, and the issues raised on appeal. Appeals are assigned on a first-come, first-serve basis, so there is never any pressure to take a case when you do not have the capacity. When you do accept a case, the Guardian ad Litem program makes your life easier by providing administrative support, which includes transmitting the electronic record, sharing templates and examples from the program’s brief bank, and filing the answer brief.

The “Defending Best Interests Project” — dreamed up just a year ago — is already a resounding success. In the 2017-18 Bar year, lawyers from The Florida Bar’s Appellate Practice Section donated over 1,300 hours to the project, resulting in 23 adoptions, four permanent guardianships, and 15 children reunified with their parents. More than that, the Guardian ad Litem program was able to take an additional 475 children as clients thanks to a lightened appellate workload.

But this is just the beginning. There is so much more that can be done, and thousands of children are still in need. So what are you waiting for? Sign up today.

Author: Tom Seider – Brannock & Humphries

As lawyers, we should all aspire to help the neediest among us. This is not just a moral imperative, but also a professional one: the Florida Rules of Professional Conduct recommend that every lawyer donate at least 20 hours of time to pro-bono causes. See R. Regulating Fla. Bar 4-6.1.

This article offers a worthy cause for those hours: representing the abandoned and neglected children of our state’s dependency system. There is a tremendous need: over 32,000 children are currently under the jurisdiction of Florida’s dependency courts. See Statewide Guardian ad Litem Annual Report (2018), https://perma.cc/AA3V-N3FZ.

Florida’s Guardian ad Litem attorneys appear in court to serve the best interests of these children. This is crucial, life-changing work, providing a voice to children who would otherwise be unable to advocate on their own behalf. But the Guardian ad Litem program can only do so much. There are still thousands of children who will go through dependency proceedings without a lawyer. See Fla. Children’s First and U. of Florida Levin College of L. Ctr. on Children and Fam., Legal Representation of Children, a 2012 Report on Florida’s Patchwork System (Feb. 2012), https://perma.cc/4VRR-E8NF.

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Author: Tom Seider – Brannock & Humphries
State Court Trial Seminar

The Young Lawyers Divisions hosted its annual State Court Trial Seminar on June 8 at the George E. Edgecomb Courthouse. The four-hour seminar featured seasoned trial lawyers Chris Knopik, Kevin McLaughlin, John A. Schifino, Patrick H. Dekle, Jessica Costello, Don Greiwe and Dale Swope. The Judicial Panel featured Judge Rex M. Barbas, Judge Michelle D. Sisco, Judge Christopher C. Sabella, and Judge Cynthia Oster. Thank you to the speakers that participated and the attendees!

Thank you also to the event’s sponsors:

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He new year is upon us, and we are excited to lead the Collaborative Law Section as co-chairs this year. If we do not already know you, let us introduce ourselves: Katherine is a Board Certified Marital and Family Law attorney; Alice is a Licensed Marriage and Family Therapist. We are both enthusiastic collaborative practitioners — Katherine as a collaborative attorney and Alice as a collaborative facilitator. We are excited to bring two different but cohesive perspectives to the Section this year.

To all of our current members, welcome back! To those of you who are new to or unfamiliar with collaborative law or the collaborative law section, we invite you to join us this year and see what collaborative is all about. We have plans for CLE and luncheon presentations designed to be informative and engaging with practical advice that will help develop and improve your practice, whether you are brand new to collaborative law or a seasoned collaborative practitioner.

Collaborative law has been used most widely in marital and family law, where it is a natural fit because it offers parties a more constructive and private way to go through what can otherwise be a very painful, emotionally charged, and public process. But, collaborative is not inherently limited to family law cases. We believe that collaborative law has much to offer in other areas of practice where there are similar issues at play, such as probate and trust administration, elder care, guardianship matters, and family business succession. There is also often crossover between such matters and family law matters, and collaborative law is a great fit for such multifaceted cases. We invite lawyers from diverse practice areas, as well as a variety of non-lawyer professionals, to join us this year so we can network together and learn from one another.

As seasoned collaborative practitioners know, collaborative law is a different kind of practice in many ways. It is challenging but rewarding, and it benefits not only our clients, but also ourselves. Two of its most valuable advantages are the strength of the relationships that professionals develop with each other, and the transformation it can bring to the individual practitioner. An array of professionals participate in collaborative practice: legal, financial, mental health, real estate, vocational, and other adjuncts who serve the needs of the clients. In working closely together as a “team” to reach a resolution that meets both clients’ interests without court involvement, attorneys and other professionals develop a level of trust and camaraderie unique to this practice. Equally significant are the skills we develop and the insights we gain as individuals. Collaborative practice encourages us to give attention to communication, conflict resolution, and team dynamics, and to examine our instinctive approaches to each of those. Collaborative practice allows for personal and professional growth while creating a sense of community.

Please join us! We look forward to sustaining and expanding our collaborative law community this year.

Authors: Katherine C. Scott - Harris, Hunt & Derr, P.A. and Alice M. Boullosa - Alice Boullosa LMFT, LLC
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**ABOTA Seminar**

On June 1, the American Board of Trial Advocates (ABOTA), Tampa Bay Chapter, joined with the HCBA, the Thirteenth Judicial Circuit Professionalism Committee, and the Sixth Circuit Professionalism Committee to host its annual half-day CLE seminar. Held at the Stetson University College of Law and the Chester H. Ferguson Law Center, the seminars focused on the topic of “Practicing with Ethics, Civility, and Professionalism.” Speakers included: Mayanne Downs, H. Scott Fingerhut, Darryl M. Bloodworth, Michael Grant Tanner, Scott Tozian, Lisa Hurley, Judges from Florida's Thirteenth and Sixth Judicial Circuits with Moderator Kevin McLaughlin, and Denis deVlaming.
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HCBA Installation of 2018-2019 Officers & Directors

On June 7, over 200 HCBA members attended the annual Installation ceremony at the Chester H. Ferguson Law Center, as the new officers and directors of the Hillsborough County Bar Association and the Young Lawyers Division took their oaths. John Schifino was sworn in as HCBA President and Jason Whittemore as YLD President by Chief Judge Ronald Ficarrotta. (Read more about the Installation and our new HCBA President John Schifino on page 10.)

Lisa Esposito also was awarded the annual James M. “Red” McEwen Award from the outgoing HCBA President Gordon Hill for her work on the Community Services Committee.

The HCBA would like to thank The Bank of Tampa for sponsoring this great event!

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The Hillsborough County Bar Association Board of Directors and the Young Lawyers Division Board of Directors joined forces for a retreat on June 29-30 at the Gasparilla Inn & Club in Boca Grande. Both boards discussed their plans and programs for the upcoming Bar year, and how to improve member engagement.

The board members would like to thank the retreat sponsors:

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Peter M. Cardillo, Esq.
A recent case out of the Eleventh Circuit, *US ex rel Hunt v. Cochise Consultancy, Inc.*, 887 F.3d 1081 (11th Cir. 2018), highlights a decades-long jurisdictional conflict surrounding the False Claims Act, while at the same time providing a great primer on the Act.

The “False Claims Act,” 31 U.S.C. §§ 3729-33, authorizes prosecution of individuals and companies who conspire to or commit fraud to receive federal funding. Section 3730 of the False Claims Act provides three distinct procedural mechanisms through which suit may be brought against an alleged violator: (1) the Attorney General may personally file the suit, (2) a private plaintiff (the “relator”) may bring a *qui tam* action in the name of the United States, also known as the “whistleblower” provision, or (3) an individual suit may be brought by an employee whose employer has retaliated against him or her for helping the government in a False Claims Act investigation.

Under the second scenario, the relator files a sealed lawsuit with the Attorney General, outlining the basis for the alleged violation. The Attorney General decides whether to “intervene” in the suit (and thus become the primary litigator) or to not intervene, which allows the relator to continue litigation as a “self-appointed private attorney general” without the resources of the Attorney General’s office. An action under the False Claims Act must be brought within the later of either six years after the date on which the violation was committed, or within three years after the date when facts arose such that the government official should have known about the violator, but in no event more than ten years after the date on which the violation was committed (“statute of repose”).

In *Hunt*, the relator filed his claim more than six years after the alleged violations, but within three years of when he first informed the government of the facts giving rise to the claim. Thus, the issue was whether the three-year extension in § 3731(b)(2) applied to cases where the government has declined to intervene. Hunt, the former employee, brought the action seven years after discovering the scheme while working for the defense contractor in Iraq. After the Attorney General declined to intervene, Hunt continued litigation. The contractor moved to dismiss, arguing that the three-year statute of repose only applied where the Government intervened,

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asserting Hunt’s claim was barred by the six-year statute of limitations.

The Eleventh Circuit held that the three-year statute of repose applied even in non-intervention cases. The court’s holding, which is at odds with previous Fourth Circuit and Tenth Circuit decisions, relied on the “unique role that the United States plays even in a non-intervened qui tam case,” primarily the control that the Attorney General still has over future proceedings. For example, even in a non-intervening situation, the Attorney General still recovers 70-75 percent of proceeds from a final judgment (compared to 75-85 percent in intervening scenarios). The Attorney General also can ask to be copied on all pleadings and orders filed as part of the action, and it has the power to stay proceedings at any time if the litigation is interfering with other U.S. investigations. Additionally, the court held that the three-year statute of repose is triggered by the Government’s knowledge of the alleged violation — not the relator’s knowledge — deviating from a 1996 decision of the Ninth Circuit.

While it is important to keep an eye on the future enforceability of this decision, depending on whether or not the Supreme Court resolves the conflict among the circuits, for the time being, the Hunt opinion will have a profound effect on future qui tam actions and a private citizen’s ability to bring such lawsuits under the False Claims Act.

Author:
Brian Lambert – Cotney Construction Law, LLP

Congratulations to the 2017-18 Bar Leadership Institute Class

The Hillsborough County Bar Association’s Bar Leadership Institute Class held its closing reception on May 22 at the Chester H. Ferguson Law Center. Congratulations to the class for all of its achievements this year. The Bar looks forward to seeing great things from these future leaders.

Author:
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HOW DO I GET INVOLVED? JOIN THE HCBA DIVERSITY COMMITTEE!

Diversity Committee
Chairs: Marsha M. Moses – Law Offices of Kubicki Draper and Abraham Shakfeh – Shakfeh Law, LLC

If you are looking to become involved in the HCBA, but you don’t have a ton of extra time to commit, the HCBA Diversity Committee is the spot for you! Marsha Moses and Abraham Shakfeh are the incoming chairs for the 2018-2019 year and they need your help. The Diversity Committee helps organize key signature events for the HCBA, including the Diversity and Inclusion Membership Luncheon, the Annual Diversity Networking Social, and a Diversity Lunch and Learn (CLE). Maybe event planning is not your strong suit, but you enjoy writing. Well, the Diversity Committee needs volunteers to pen articles for the Committee in the magazine. No matter your strengths or the amount of time you have to give, the Diversity Committee welcomes you.

So how can you help? The Diversity Committee typically meets once per month for lunch at the HCBA building, where we plan the events and seek input from committee members. The first signature event is the Diversity and Inclusion Membership Luncheon that will take place on January 9, 2019. The Diversity Committee has been honored to host Urszula Szczepinska from the Florida Holocaust Museum; Susana Mapu, FBI Special Agent from the Tampa Field Office; The Honorable Bernice Donald from the U.S. Court of Appeals, Sixth Circuit; and retired General Ann E. Dunwoody in the past. The Committee is already working hard to ensure this event will measure up to our past guests. You don’t want to miss it!

Another signature event of the Diversity Committee is the Annual Diversity Networking Social on February 9, 2019. This event is your opportunity to showcase your firm and the Tampa Bay area to talented law students from across the state. The Committee was honored to host Justice C. Alan Lawson at last year’s event. Whether you would like to help organize or simply sponsor this unique event, mark your calendars and plan to join us.

The Diversity Committee also organizes an Annual Diversity Lunch and Learn (CLE) that will be held in April 2019. We were privileged to host Devona Pierre, Ed.D. and Camille Blake, J.D. from the University of South Florida’s Office of Diversity, Inclusion, and Equal Opportunity this past April. Their discussion about diversity and inclusion, how far we have come, and how far we have to go, was inspirational. And you get CLE credits? Yes! Let’s make this coming Bar year the best yet to come.

Any and all HCBA members who are interested in participating in the Diversity Committee and helping plan our events may contact the committee chairs, Marsha Moses and Abraham Shakfeh, or Angie Harris, Programs Director, at the HCBA.

Lastly, we would like to offer a special thanks to Timothy C. Martin and Victoria Oguntoye for their time, dedication, and leadership as outgoing chairs. We hope to carry on in the spirit of their example.

Authors: Marsha M. Moses – Law Offices of Kubicki Draper and Abraham Shakfeh – Shakfeh Law, LLC
The Food and Drug Administration (FDA) recently requested public comment on the exclusion of certain software functions from FDA regulation by virtue of the 21st Century Cures Act’s (Cures Act) amended definition of a medical device. FDA sought feedback on the risks and benefits of exempting certain software functions from consideration as medical devices.

One particular area that has generated confusion is how the FDA treats clinical decision support software (CDS).

CDS is software that is intended to provide decision support for the diagnosis, treatment, prevention, cure, or mitigation of diseases or other conditions. Because of the advancements in technology in the mobile medical applications space, the Cures Act attempted to carve out certain types of CDS from consideration as medical devices.

Section 3060 of the Cures Act removed certain CDS from the definition of a device as long as the CDS:

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1. is not intended to acquire, process, or analyze a medical image or a signal from an in-vitro diagnostic device or a pattern or signal from a signal acquisition system;
2. is intended to display, analyze, or print medical information about a patient or other medical information, like clinical practice guidelines;
3. is intended to support or provide recommendations to a health care professional about prevention, diagnosis, or treatment of a disease or condition; and
4. is intended to enable health care professionals to independently review the basis for the software’s recommendations, so professionals do not primarily rely on the recommendations when making a clinical diagnosis or treatment decision.

Categorically exempting certain CDS from FDA regulation can be tricky. To address this issue, the FDA released draft guidance in December 2017 titled “Clinical and Patient Decision Support Software.” In the Guidance, the FDA provided various examples of CDS that would and would not meet the definition of a medical device. Here is one example of CDS that would not be considered a medical device:

“Software that uses rule-based tools that compare patient-specific signs, symptoms, or results with available practice guidelines (institutions-based or academic/clinical society-based) to recommend condition specific diagnostic tests, investigations or therapy.”

Conversely, the FDA provided examples of CDS that would be considered medical devices. Many of these examples involved complex functionality and focused on software functions that would be used directly to treat/diagnose a condition. For example, the following CDS would be considered a medical device:

“Software that uses a patient’s image sets (e.g., computed tomography (CT), magnetic resonance (MR) to create an individual treatment plan for patients undergoing radiation therapy treatment with external beam or brachytherapy, and the health care professional is intended to rely primarily on the treatment recommendations in determining the radiation therapy plan for the individual patient.”

The FDA focused its interpretation in the Guidance on whether the CDS user “should be able to reach the same recommendation on his or her own without relying primarily on the software function.” If yes, it would not be considered a device; if no, it would be considered a device.

With the closure of public comments in July 2018, it will be interesting to see how FDA addresses this issue. As the development of healthcare-related software progresses, new technologies may eclipse the conventional ways of diagnosis and treatment and may, in fact, become the new norm. If that occurs, will the FDA require these new technologies to follow the conventional procedures for medical device approval, or will different pathways to approval be developed?

Author: Kevin Rudolph - Shriners Hospitals for Children
In *Abood*, a fractured Court held that public employees may be required to pay fees to the local union even if they have opted not to join. The Court struck a balance between a public employee’s First Amendment right to opt out of joining a union that does not align with his or her political views, and the union’s interest in obtaining the “fair share” of costs incurred when bargaining on the employee’s behalf. To ensure the money paid by the non-member employee did not support the union’s political agenda, no portion of the fee could be used to further the union’s political or ideological activities.

The Supreme Court sided with Janus and overruled *Abood*. Not surprisingly, the Justices aligned on ideological lines with Republican appointees Chief Justice Roberts and Justices Kennedy, Thomas, Alito, and Gorsuch joining in the majority opinion, and Democratic appointees Justices Ginsburg, Breyer, Sotomayor, and Kagan dissenting. The Court held that fair share fees in the public-sector context forced individuals to subsidize the speech of others and endorse ideas they may find objectionable. According to the majority, the practice raises “serious” First Amendment

The court will not proliferate “wrong” decisions on the basis of *stare decisis* alone.

Over 20 states have enacted laws that require “fair share” fees in the public sector. With the not-so-unexpected ruling in *Janus v. American Federation of State, County and Municipal Employees*, 138 S. Ct. 2448 (2018), the United States Supreme Court struck down the imposition of mandatory fair share fees for public unions, delivering yet another victory for employers. Although the Florida Constitution has prohibited such laws since 1944, the *Janus* decision’s treatment of *stare decisis* will impact future cases before the Supreme Court and any other court examining the precedential value of prior decisions.

Janus, a child support specialist for the State of Illinois, joined a lawsuit initially filed by Illinois Governor Bruce Rauner, arguing that fair share fees in the public sector violated the First Amendment right of free speech and freedom of assembly. The case quickly made its way to the High Court, after the district court dismissed the complaint and the Seventh Circuit affirmed, with Janus conceding all along that the U.S. Supreme Court decision in *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977) mandated dismissal.

Author: Amanda L. Biondolino - *Sass Law Firm*

Plan to Attend Labor & Employment Section’s Next CLE Luncheon on October 29!
WELCOME NEW HCBA MEMBERS

JUNE/JULY 2018

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The new Bar year is upon us, and so I would like to give a warm welcome to all my colleagues, both old and new. I am inspired this year to work with the executive council to bring you an educational and fulfilling agenda at the Marital & Family Law Section. Before I discuss our goals and aspirations for this year, I would like to introduce myself. I have been an attorney for over 15 years, and my practice is dedicated to all aspects of family law. If you would like to learn more about me personally, please visit www.givenssparks.com.

The Marital & Family Law Section has been abundantly productive over the last year. During this coming year, we aspire to continue those same efforts in a number of ways. Our goals will include expanding our pro bono initiatives in the community. The Section will host the Fourth Annual Pro Bono Day at the Hillsborough County Courthouse and will invite pro se individuals to meet with attorneys for one-on-one general family law advice. In years past, Pro Bono Day has provided countless hours of free legal advice to parties who may not otherwise have the ability to retain an attorney.

In addition to our community work, the Section will be looking within to work on ways of increasing our membership and providing value for that membership. With the growing number of practicing family law attorneys in Hillsborough County, the participation and membership should be higher. One of our priorities will be to continue to reach out to those colleagues, seek input from them on their needs, goals, and limitations, and making an appeal to join the Section. Let us know what you want from your local Marital and Family Law Section.

The mentoring program will continue this year as well. Participants have seen the invaluable benefits of receiving (and providing) guidance through and around the common pitfalls the more seasoned attorneys have experienced in this field. With this in mind, sustaining this mentoring program will continue to benefit our members and the Section.

The Section is planning several events for the upcoming year, including happy hours, a holiday party, the Judicial Appreciation Lunch, and our membership lunches.

The hosted luncheons provide an exceptional opportunity to meet and network with members of our Section and your fellow colleagues. The presentations are well thought-out and provide a wealth of information. We also will continue to host Continuing Legal Education through the Section. Our hope is to see as many of you as possible at our luncheons and events.

In closing, I would like to encourage active participation in any one of the many opportunities available for members. Sweat equity is not always needed: for example, sponsoring happy hours or other events are just as critical to our mission. Give some thought to how you can participate. We would love to have you become more involved in your Section this year.

I look forward to leading this fantastic Section.
Marital & Family Law Section Luncheon

On May 24, the Marital & Family Law Section held their annual Judicial Roundtable, which gave section members an opportunity to ask questions of the local judiciary assigned to family law cases.

The section thanks its luncheon sponsor:

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**FINANCIAL ADVISOR**
our veterans deserve a hand-up, not a hand out! That’s a familiar phrase heard during the Veterans Outreach Court. Two years ago, several agencies and offices — the Hillsborough County Clerk of Court and Comptroller, the Hillsborough County State Attorney’s Office, the Hillsborough County Public Defender’s Office, the Hillsborough County Veterans Services, the U.S. Department of Veterans Affairs, and the Thirteenth Judicial Circuit — gathered to organize a Stand Down event in Hillsborough County. Stand Down refers to times of war when weary combat troops were removed from the battlefield to places of safety. Locally, Stand Down events are used to provide a variety of services, such as legal, medical, employment, etc., to veterans within the community.

Hillsborough County has the largest veterans population in the State with over 98,000 veterans from all branches of service. The Veterans Outreach Court, not to be confused with the Veterans Treatment Court (VTC), provides relief to our veterans with outstanding legal fees and fines from traffic citations, court or probation costs, and other sources. Veterans with pending misdemeanor warrants may also obtain relief.

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from the Veterans Outreach Court. Veterans cases that include domestic violence, outstanding child support obligations, or pending felony warrants are not eligible for relief before the Veterans Outreach Court.

There is no cost to the veteran; however, each veteran is required to pre-register. This allows the Veterans Administration to review the applicant’s military history and determine if the veteran status claimed is accurate, preventing the opportunity for stolen valor. The State Attorney’s Office is able to screen for criminal history and pending warrants. The Clerk of the Court reviews driving and court records associated with the veteran and determines the outstanding amount owed in fines and legal fees. The veteran is then contacted and informed of the date and time of the court hearing.

There is not a blanket forgiveness policy. Each case is reviewed individually, and the judge discusses the situation with the veteran. Circuit Court Judges Kim Hernandez Vance and Michael Williams have participated in the Veterans Outreach Court since its inception. The judges have the authority to reduce or dismiss the financial obligation of the veteran based on a variety of factors. This relief assists the veteran in obtaining a driver’s license, employment and housing.

As Veterans Day approaches, Chief Judge Ronald Ficarrotta will sign an administrative order authorizing the Veterans Outreach Court to be held on November 9, 2018, at the James A. Haley Veterans Hospital Primary Care Annex located at 13515 Lake Terrace Lane in Tampa. Over 100 veterans are anticipated to take advantage of this opportunity. The veteran or their representative can register at the Hillsborough County Clerk of Court website: www.hillsclerk.com. HCBA attorneys, in their pro bono capacity, have attended the court and provided legal advice to the veterans ranging from criminal to family law. If you are interested in providing legal advice to the veterans in attendance, please contact Denise Brown, Judicial Assistant to Judge Daryl Manning, at (813)307-4751 or denise.brown@fljud13.org.

Author: Judge Daryl Manning – Thirteenth Circuit Court

HCBA members are invited to participate in the next Veterans Outreach Court event on November 9.
In an effort to maximize everyone’s time, we are going to continue to have four Section luncheons this year, all of which will be for CLE credit.

We hope you had a wonderful summer and got to enjoy some time with family and friends. We are very excited for our upcoming year and are honored to serve as your co-chairs again. In an effort to maximize everyone’s time and provide the best programming possible, we are going to continue with the luncheon schedule from last year and will have four luncheons, all of which will be for CLE credit. The luncheon dates are tentatively scheduled for:

• October 11, 2018
• January 10, 2019
• March 14, 2019
• May 9, 2019

We hope that you will be able to make at least one of these luncheons to share in some networking time and CLE credit. If anyone is interested in presenting a CLE, please reach out to us.

In addition, like last year, we are always looking for opportunities to help the Tampa Bay community through pro bono service, so if you know of any opportunities or any projects you would like our Section to consider adopting, please let us know. Our Section volunteered with Project H.E.L.P. in August.

Finally, one of the best ways to keep each other apprised of relevant legal issues that may affect each of our practices is through the Lawyer magazine. The Lawyer offers members an opportunity to discuss various legal issues or interesting decisions that may affect how we practice, as well as the opportunity to be published. But, the Lawyer’s success is dependent on the members submitting articles, so we invite you to consider contributing an article. Please contact us if you are interested.

We look forward to a great year and seeing you at our Section’s various events this year!


MVAC Summer Happy Hour

The Military and Veterans Affairs Committee held a happy hour for its members on August 15 at Cigar City Brewing. The event was a fun time for all, and an opportunity to reconnect after the summer break.

Thank you also to the happy hour’s sponsor, Shred360.
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TO BE ADDED TO THIS LIST, PLEASE EMAIL A LIST OF ATTORNEYS IN YOUR FIRM TO STACY@HILLSBAR.COM.
Like in an episode of American Ninja Warrior, registered representatives seeking to expunge their Central Registration Depository (CRD) records face ever-increasing obstacles. What was once a fairly straightforward expungement process has become more complicated and expensive over the years. With the publication of Regulatory Notice 17-42, expungement procedures may become even more arduous.

In the beginning, expunging a representative’s CRD record was simple. Arbitrators had the power to order expungement without a court order. In 2003, before FINRA was formed, the NASD adopted Rule 2130 (now FINRA Rule 2080), establishing additional procedures. Representatives had to petition a court to confirm expungement awards before they became effective and name FINRA as a respondent party. Six years later, FINRA adopted Rule 12805, requiring the arbitration panel to hold a hearing to determine whether expungement was appropriate. For cases involving settlement, the panel was required to review settlement documents, the amount of payments made, and the terms and conditions of the settlement. The most recent obstacle, Rule 2081, was adopted by FINRA in 2014 and prohibited settlements that were contingent upon a registered representative’s request for expungement. With the publication of Regulatory Notice 17-42, FINRA proposed additional hurdles.

Under Regulatory Notice 17-42, notable changes to the process include: (1) limiting the time period to request expungement to no later than one year after the underlying dispute is closed; (2) eliminating the option of moving to intervene in an arbitration proceeding to request expungement; (3) establishing an arbitrator roster to decide expungement requests; (4) requiring the arbitration panel unanimously agree to the expungement request; (5) increasing the minimum filing fee that brokers or firms must pay when requesting expungement; and (6) requiring the panel to unanimously find and attest that the case has no investor protection or regulatory value. These enhanced requirements apply even if the expungement request is uncontested and the representative is not a named respondent in the arbitration proceeding.

FINRA requested comments on the proposed changes by February 2018. One such comment by the Office of the Investor Advocate at the Securities Exchange Commission (“the Office”) is sure to receive attention. While the Office praised many of the proposed changes, like establishing a roster of arbitrators with enhanced training and minimum qualifications to hear expungement cases and the unanimity requirement to award expungement, it also voiced concerns. The Office is concerned that additional burdens “may cause brokers to seek to avoid the Rule 2080 process entirely, and instead request expungement of their records directly from a court of competent jurisdiction.”

As of July 2018, there had been no movement on the direction of the proposed rule since the comment period ended. Hopefully, FINRA will heed the concerns outlined by the Office and balance the additional obstacles it wishes to impose against the possibility of forum shopping by representatives who seek to avoid the arduous process entirely.

Author: Kris Galloway - Wiand Guerra King P.A.
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Cornhole for a Cause

The Young Lawyers Division held its annual fundraising event, Cornhole for a Cause, for Big Brothers and Sisters Tampa Bay on July 21 at City Dog Cantina. This fundraiser helps at-risk children in the community. Thank you to the members that participated. It looks like a fun time was had by all!
Ceci Berman, Florida Super Lawyers Top 100 lawyers in Florida & Top 50 lawyers in Tampa Bay 2018 • Steve Brannock, Florida Super Lawyers Top 100 lawyers in Florida & Top 50 lawyers in Tampa Bay 2018 • Tom Seider, Florida Super Lawyers Rising Star in appellate practice 2018 • Celene Humphries, Florida Trend Legal Elite Hall of Fame • Tracy Carlin, Florida Super Lawyers in appellate practice 2018 • Ceci Berman, Chambers USA ranking for Florida appellate litigation 2018 • Celene Humphries, in America for practice in • Tom Seider, Legal Elite Up & Steve Brannock, Legal Elite • Celene Florida Super appellate 2018 • Ceci Berman, Florida Super Lawyers Top 100 lawyers in Florida & Top 50 lawyers in Tampa Bay 2018 • Sarah Pellenbarg, Florida Super Lawyers in appellate practice 2018 • Steve Brannock, Florida Super Lawyers in appellate practice 2018 • Tom Seider, Florida Trend Legal Elite Up & Comer 2018 • Steve Brannock, Best Lawyers in America for appellate practice in Florida 2018 • Brannock & Humphries a Metro Tier 1 “Best Law Firm” for appellate commercial • Steve Brannock, Legal Elite in practice 2018 Humphries, USA ranking appellate • Celene Humphries, Florida Super Lawyers Top 100 lawyers in Florida & Top 50 lawyers in Tampa Bay 2018 • Maegen Luka, Florida Super Lawyers in appellate practice 2018 • Sarah Pellenbarg, Florida Super Lawyers in appellate practice 2018 • Joe Eagleton, Florida Super Lawyers Rising Star 2018 • Ceci Berman, Florida Super Lawyers Top 50 women lawyers 2018 • Steve Brannock, Florida Super Lawyers Top 100 lawyers in Florida & Top 50 lawyers in Tampa Bay 2018 • Ceci Berman, Best Lawyers in practice in Florida 2018 Best Lawyers in America in Florida 2018 • Tracy Lawyers in appellate Brannock & Humphries a Metro Tier 1 “Best Law Firm” for appellate practice & commercial litigation 2018 • Celene Humphries, Florida Trend Legal Elite Hall of Fame • Ceci Berman, Florida Trend Legal Elite in appellate practice 2018 • Shea Moxon, Best Lawyers in America for plaintiffs personal injury litigation in Florida 2018 • Ceci Berman, Best Lawyers in America for commercial litigation in Florida 2018 • Steve Brannock, Florida Super Lawyers in appellate practice 2018 • Celene Humphries, Florida Super Lawyers Top 50 women lawyers 2018 • Shea Moxon, Best

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Welcome to another year for the Solo & Small Firm Section of the Hillsborough County Bar Association! I am honored to continue to serve as your co-chair, and it is my pleasure to introduce and welcome Gian-Franco Melendez, who will be serving as the Section’s co-chair this year. Gian-Franco and I are excited about the coming year and the opportunity to grow the Section, continue providing great educational opportunities, organize some networking events, and create opportunities and build relationships for our members to grow their practices.

Our group of solo and small firm practitioners primarily includes members who are both lawyers and small business owners. To run our law firms, we do the “lawyer stuff” (meeting with clients, drafting motions, preparing for hearings, etc.), and we do the “small business owner stuff” (we maintain our trust account, pay the bills, negotiate pricing terms with vendors, etc.).

But let’s say your goal is not to just run a law firm. Let’s say your goal is to grow your law firm and get to the next level. Then you have to do more. You need to work on your law firm, not just work in your law firm. Remember, you are not an employee. You are an entrepreneur.

That means resisting the urge to micromanage and instead focus on delegating. If you don’t think you have enough employees to delegate, take advantage of technology. You can hire a virtual bookkeeper to keep track of your firm’s finances. You can hire a virtual paralegal to help you keep your cases moving. You can hire a contract attorney to draft briefs. There are countless other examples.

Getting into the mindset of working on your business rather than in your business keeps you focused on the big picture and your vision. It leverages your firm’s greatest asset: You. Your vision, your knowledge, your skills, your relationships. This mindset lets you spend your time thinking strategically about where you want your firm to go and targeting the types of clients you want to attract.

Being active in the HCBA and in the Solo & Small Firm Section will help you with that goal. We will have several meetings this year, including informative CLE presentations, networking meetings, and practical practice-building sessions. Please come join us for these meetings, which are great opportunities to talk to fellow lawyers and members of our section and grow your firm.

Whether you are a current solo or small firm practitioner, or are thinking about taking your career in that direction, I hope you will join us this year. Gian-Franco and I look forward to working with you to grow and strengthen our businesses and the Solo & Small Firm Section.

Author: Matthew Crist – Crist Legal | PA

Plan to Attend the Solo & Small Firm Section’s Upcoming CLE Luncheons: September 17 and November 28!
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Attorney Derek A. Reams
Attorney Leonard A. McCue
Attorney Sandra L. Bucha

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YLD Board Members Helping with Back To School

Thanks to YLD Board Members (l to r) Tiffany McElheran, Suketa Shah, Lyndsey Siara, President Jason Whittemore, Jeff Wilcox, and Katelyn Ferry, who gathered on August 6 to stuff backpacks with collected school supplies to benefit the Boys & Girls Club!

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The Second District Court of Appeal, in *Griffith v. Quality Distribution, Inc.*, 2018 WL 3403537 (Fla. 2d DCA, July 13, 2018), issued an opinion designed to curtail frivolous corporate merger litigation. The court cited a study that found “the percentage of transactions of $100 million or more that have triggered stockholder litigation in this country has more than doubled, from 39.3 percent in 2005 to a peak of 94.9 percent in 2014.” The boom is largely attributed to the form of settlements.

There is a common situation: after a merger announcement, a class of shareholders sues the company and its board of directors alleging failure to make adequate disclosures, breach of fiduciary duties, and failure to secure a fair price. The class further threatens a preliminary injunction preventing the transaction from closing. A common settlement requires the companies to issue immaterial supplemental disclosures and pay the class’s attorneys’ fees. The defendants agree to an early settlement to avoid tying up the closing with protracted litigation.

This situation arose when Quality Distribution, Inc. announced a proposed acquisition by Apax Partners, LLC. After brief litigation, the parties sought an order from the trial court certifying the class and simultaneously approving a settlement that would require supplemental disclosures, a release by the shareholders, and the ability for the plaintiffs to seek an award of fees. The trial court ordered the parties to provide notice of the proposed settlement to the class members.

One member of the class, Professor Sean Griffith with Fordham University, objected to the settlement. Griffith describes himself as “an activist investor who has served as a watchdog in the movement to curtail abusive [merger and acquisition] litigation.” Griffith advocated for the adoption of the standard applied by Delaware courts in *In re Trulia, Inc. Stockholder Litigation*, 129 A.3d 884 (Del. Ch. 2016). He argued that the trial court should reject the settlement on four grounds: (1) the supplemental disclosures were not material to the shareholder's decision on whether to approve the merger, (2) the released claims had not been adequately investigated by plaintiffs’ counsel, (3) adequacy of class counsel, and (4) plaintiffs’ fee request should be rejected because the settlement did not benefit the shareholders. The trial court overruled Griffith’s objections and approved the settlement. Griffith appealed.

After thoroughly discussing the *In re Trulia* decision, the Second DCA adopted its standard. Id. at *6. As such, when a trial court is asked to approve a disclosure settlement in a class action merger lawsuit, the settlement should not be approved unless: (1) the supplemental disclosures correct a plainly material misrepresentation or omission, and (2) the proposed release is narrowly tailored to encompass only disclosure and fiduciary duty claims concerning the sale.

The opinion’s impact on curtailing frivolous merger litigation remains to be seen. The perfunctory settlement approval process that largely rewarded plaintiffs’ counsel has been replaced by judicial analysis of the settlement’s value to shareholders. While this new test may curtail some suits intended to coerce a rapid settlement, it also will likely increase defense and transaction costs.

*Author: Brandon Faulkner - Holland & Knight LLP*
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The Hillsborough County Bar Association Workers’ Compensation Section will be more active than normal this year, with two Judges of Compensation Claims retiring, appellate decisions continuing to reshape the law, attorney’s fees an ongoing issue, and a new U.S. Supreme Court decision that affects federal workers’ compensation cases.

We will have section lunches this year on October 10, 2018; February 25, 2019; and May 16, 2019. One will be the yearly session with Judges of Compensation Claims in Hillsborough and Pinellas, one will be on the effect of opioid legislation on workers’ compensation cases both from a medical prospective and from a legal prospective, and one will be a caselaw update.

We are also planning a morning coffee session to be determined in September to discuss the possible effects Lucia v. SEC, 138 S. Ct. 2044 (2018), may have on federal workers’ compensation cases. In Lucia, which was an administrative proceeding by the SEC, the United States Supreme Court held that hiring of an administrative law judge without a formal executive appointment was unconstitutional. Therefore the decision of that administrative law judge had to be vacated. As a result, a new hearing of the case had to go forward with a properly appointed official, who is not the judge who heard the case before, even if he had been properly appointed in the interim. The SEC, like the Office of Workers Compensation Programs for the federal government, assigns cases for hearings to administrative law judges (ALJs). The federal government had previously contended that certain ALJs were simply employees who did not have to be appointed in accordance with the Appointment Clause of the Constitution. The Supreme Court disagreed with regard to the SEC, with implications for all ALJs and particularly with regard to the Office of Workers Compensation ALJs. Stay tuned to your email for the date of this September morning session.

In other news, the First District Court of Appeals of Florida recently released several important decisions, including Myers v. Pasco County School Board, 246 So. 3d 1278 (Fla 1st DCA 2018) and Brinson v. Hospital Housekeeping Services, 2018 WL 307 9426 (June 22, 2018).

In Myers, the claimant, who had suffered a back injury, had been treated with an orthopedic surgeon and requested a one-time change. Myers’ employer/carrier authorized a neurosurgeon, a physician in a similar specialty, because orthopedic surgeons and neurosurgeons both treat back injuries. But, the language of the statute is that the one-time change be made with a physician in the “same specialty.” The First District held that the employer/carrier failed in its obligation to meet the statutory requirements by authorizing a neurosurgeon instead of an orthopedic surgeon.

In Brinson, the First District affirmed a denial of benefits to an injured worker who failed two drug tests. There was no specific reason cited to ask the employee to undergo a drug test other than the injury, and the drug tests only showed inactive metabolites of marijuana, which does not prove impairment because impairment only lasts for one to a few hours but detectable amounts remain for days and even weeks. More to come in case law update.

We hope to see you at our events this year!

Author: Anthony V. Cortese – Attorney at Law
First Annual Pinellas County - Hillsborough County Veterans Treatment Court Softball Game

On a baseball field at Woodlawn Park in St. Petersburg on July 28, the Veterans Treatment Court (VTC) teams from sister counties Pinellas and Hillsborough played a friendly softball game that underscored the true spirit of the VTC program. Sandy Patnode (Pinellas Veteran Program Coordinator) and DJ Reyes (Hillsborough Senior Mentor and Program Coordinator) fielded composite teams of staff, mentors and veteran defendants. Hillsborough's team included VTC Judge Mike Scionti, State Attorney Andrew Warren, and VTC mentors.

Cheerleading duties were performed by the Public Defender team of Marie Marino and Lauren Nayrouz. Pinellas also hosted a post-game BBQ.

Although the Hillsborough team prevailed 9-4, everyone agreed that the veterans were the real winners, because of both counties' caring and comprehensive programs that strive to achieve successful treatment, rehabilitation, and reintegration back into the local communities.

Author: DJ REYES, Colonel US Army (retired) - Senior Mentor/Coordinator, 13th Judicial Circuit Veterans Treatment Court
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For the month of April 2018
Judge: Hon. Kimberly Bonner
Parties: William Minnear v. Arcadia
Attorneys: for plaintiff: Brandon Scheele & Keith Carter; for defendant: T.R. Eunice & Lauren Morelli
Nature of case: Tractor rollover due to alleged negligent maintenance, causing need for neck fusion. Defense denied any wrongdoing and blamed the plaintiff for negligent operation of tractor.
Verdict: $670,000.00

For the month of June 2018
Judge: Hon. Richard A. Nielsen
Parties: Chelsea Stewart and Cody Wasden, etc. v. Mohamed Abdel-Aziz, M.D., and Mohamed I. Abdel-Azizi, P.A. d/b/a A to Z Care for Women
Attorneys: for plaintiff: Mike Trentalange; for defendants: Ricard B. Mangan, R. Clifton Acord, II, and Stacey M. Bosch
Nature of Case: Medical negligence/wrongful birth
Verdict: $41,100,000.00
Jamie Austrich – The law firm of Shumaker, Loop & Kendrick, LLP congratulates Tampa partner Jaime Austrich, who has been installed as president of the J. Clifford Cheatwood American Inns of Court for the 2018-2019 term.

Benjamin Bard – Thompson, Sizemore, Gonzalez & Hearing is pleased to announce that Benjamin W. Bard has been named a partner of the firm.

Mandi Ballard Clay – Tampa associate Mandi Ballard Clay with Shumaker, Loop & Kendrick, LLP has joined The Florida Bar Association’s Standing Committee on Mental Health and Wellness of Florida Lawyers. The new standing committee will be focused on educating Bar members about mental health issues and creating paths to wellness for those who need them. Shumaker, Loop & Kendrick, LLP also congratulates Clay for being named vice president of programs for the Hillsborough Association for Women Lawyers (HAWL).

John C. Connery, Jr. – Hill Ward Henderson is pleased to share that shareholder John C. Connery, Jr. has been elected to serve on the Association for Corporate Growth’s Global Executive Committee.

Adam B. Cordover – Adam Cordover of Family Diplomacy: A Collaborative Law Firm has been selected to serve on the board of directors of the International Academy of Collaborative Professionals.

Duane A. Daiker – Shumaker, Loop & Kendrick, LLP is pleased to announce that Tampa partner Duane A. Daiker has been appointed to The Florida Bar’s Appellate Practice Certification Standing Committee for the 2018-19 Bar year.

Wiline Justilien Davis – The law firm of Shumaker, Loop & Kendrick, LLP, is pleased to announce that Tampa associate Wiline Justilien Davis was the keynote speaker at the Museum of Discovery and Science’s 5th Annual Friends of MODS’ Building Fantastic Futures Luncheon on May 9.

Danielle M. Diaz – Greenberg Traurig congratulates Associate Danielle M. Diaz, who has been elected to the board of directors for Alpha House of Tampa.

James E. Felman – The Florida Association of Criminal Defense Lawyers honored Tampa lawyer James E. Felman of Kynes, Markman & Felman, P.A. with its Steven M. Goldstein Award at the Annual Meeting on June 9 in Miami Beach. The award recognizes individuals who, through their service and achievements, encourage others within the criminal justice system to act with integrity, independence, expertise, and courage to protect and defend the rights of others.

Robert Freedman – Carlton Fields is pleased to announce that Robert Freedman, a shareholder in the Tampa office, received the Project H.E.L.P. “Dedicated Service” Award. The award is presented to attorneys who volunteer their time and talent to serve low income individuals in the community. He was honored at the Third Annual Project H.E.L.P. Reception and Recognition Ceremony on May 2.

Tony B. Griffin – Pennington, P.A. has expanded its Tampa office with the addition of Tony B. Griffin. Griffin joins the firm as a partner and a Board-Certified Specialist in Labor & Employment Law with over 42 years of experience. He is a Florida Supreme Court and Federal Middle District Court certified civil mediator, and also serves as an arbitrator handling employment and labor matters.

Gunster - one of Florida’s oldest and largest full-service business law firms, Gunster welcomes the addition of five shareholders, two associates and one of counsel attorney to its Tampa office. Attorneys William J. Schifino, Jr., John A. Schifino, Scott Brown, Daniel P. Dietrich and Iden Sinai have joined the firm as shareholders, Justin P. Bennett and Madison E.M. Gardiner as associates, and William J. Schifino, Sr. as of counsel. Among other practice areas, the expansion will boost Gunster’s business litigation and real property practices.

Bret Hamlin – Hill Ward Henderson is pleased to share the news of shareholder Bret Hamlin’s appointment as incoming chair of the ABA Taxation Section’s Employee Benefits Committee.

Nathan Hatcher – Hill Ward Henderson also congratulates Shareholder Nathan Hatcher, who was recently honored with

Continued on page 67
the Stetson Lawyers Alumni Association’s President’s Award.

**Dee Anna Hays – Ogletree Deakins** is pleased to announce that Dee Anna Hays, shareholder in the firm’s Tampa office, is now a Board-Certified Labor and Employment Lawyer by The Florida Bar. Hays is one of only 199 attorneys in the state who have earned this certification.

**Marilyn Mullen Healy – Akerman LLP** welcomes Partner Marilyn Mullen Healy to its Real Estate Practice Group in its Tampa office.

**Celene H. Humphries – Celene H. Humphries of Brannock & Humphries** has been specially honored by the Florida Justice Association with its EAGLE Legend Award, for her hard work on behalf of Florida’s citizens and consumers.

**Thomas F. McDonnell, Jr. – The law firm of Shumaker, Loop & Kendrick, LLP** is pleased to announce that Tampa Associate Thomas F. McDonnell, Jr. has been elected to the Florida Museum of Photographic Arts Board of Directors.

**Matthew J. Mueller – The law firm of Wiand Guerra King** is pleased to announce that Matt Mueller was named a shareholder of the firm. Since joining the firm in 2015, Mueller has led the development of Wiand Guerra King’s White Collar and Criminal Tax Defense practices.

**Eric J. Partlow – Adams and Reese** is pleased to announce that Eric J. Partlow has been appointed Partner in Charge of the firm’s Tampa office.

**Phillip Russell – Ogletree Deakins** congratulates Phillip Russell, shareholder in the firm’s Tampa office, who is now a Board-Certified Labor and Employment Lawyer by The Florida Bar. Russell is one of only 199 attorneys in the state who have earned this certification.

**Mark A. Sessums – Mark A. Sessums** has been elected vice president of the Florida Chapter of the American Academy of Matrimonial Lawyers for the 2018-2019 year. Sessums has also been elected to the board of directors to the American Academy of Matrimonial Lawyers (AAML) Foundation.

**Nelson Mullins and Broad and Cassel – Nelson Mullins Riley & Scarborough LLP and Broad and Cassel LLP** have announced that both partnerships have approved an agreement to combine effective August 1, 2018, to be known in Florida as Nelson Mullins Broad and Cassel.

**Nicole C. Seeley – Walters Levine & Lozano** welcomes Nicole C. Seeley as an attorney for the firm. Seeley will be located in the firm’s Tampa office and practices in the area of medical malpractice defense.

**Douglas A. Wallace – Douglas A. Wallace of Brannock & Humphries** recently joined The American Arbitration Association’s roster of arbitrators. Wallace is now available to serve as a commercial arbitrator.

**Gregory C. Yadley – Shumaker, Loop & Kendrick, LLP**, congratulates Tampa partner Gregory C. Yadley, who was named The Florida Bar’s Business Law Section “2018 Member of the Year.” Yadley was recognized for his accomplishments as chair of the Section’s Long-Range Planning Committee and as chair of the Section-sponsored 36th Annual Federal Securities Institute.

**J. Ryan Yant – Carlton Fields** is pleased to announce that J. Ryan Yant has joined the firm as an associate in its Tampa office. He is a member of the firm’s Creditors’ Rights and Bankruptcy section of the National Trial Practice group.

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**To view additional HCBA news and events, go to www.facebook.com/HCBAtampabay.**
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