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ABOUT THE COVER

This Bar year, we are featuring our region's many Courthouses on the cover of the *Lawyer* magazine. We start with one of the more recognizable and visited Courthouses in Hillsborough County, the George E. Edgecomb Courthouse in downtown Tampa. Built at a cost of \$42.9 million, the courthouse at 800 E Twiggs St. is the first building in downtown Tampa named for an African-American. George Edgecomb was the first African-American county court judge in Hillsborough County. Raised by a single mother in public housing in Tampa, he was student body president at Middleton High School and Clark College (junior and senior years), and earned a law degree at Howard University. He was serving as a prosecutor — the county's first African-American in that role — when Gov. Rubin Askew named him to the bench in 1973. Edgecomb died of leukemia three years later, at age 33. Dedicated in January 2004, the 332,000-square-foot Edgecomb Courthouse is the main building for Florida's 13th Judicial Circuit. It has a bronze bust of Edgecomb in its lobby, and a prominent statue, *Veritas et Justitia* (Lady Justice), outside its front doors.

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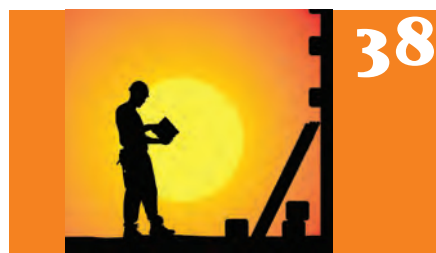
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(ISSN 1553-4456) THE HILLSBOROUGH COUNTY BAR ASSOCIATION Lawyer is published six times per year by the Hillsborough County Bar Association. Editorial, advertising, subscription, and circulation offices: 1610 N. Tampa St., Tampa, FL 33602. Changes of address must reach the Lawyer office six weeks in advance of the next issue date. Give both old and new address. POSTMASTER: Send change of address notices to Hillsborough County Bar Association, 1610 N. Tampa St., Tampa, FL 33602. One copy of each Lawyer is sent free to members of the Hillsborough County Bar Association. Additional subscriptions to members or firm libraries are \$50. Annual subscriptions to others, \$100. Single copy price, \$15.00. (All plus tax.) The Lawyer is published as part of the HCBA's commitment to provide membership with information relating to issues and concerns of the legal community. Opinions and positions expressed in the articles are those of the authors and may not necessarily reflect those of the HCBA. Submissions of feature articles, reviews, and opinion pieces on topics of general interest to the readership of the Lawyer are encouraged and will be considered for publication.



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Get Involved: Start the New Bar Year Off Right!

I encourage all HCBA members to join the Section relevant to their practice area and to take an active role in the Section.

As the new Bar Year begins, I am honored to begin my second year as the Editor of the Magazine. For those that are new to the Magazine or generally unfamiliar with me, my name is Jim Wimsatt, and I am a marital and family law attorney with Harris, Hunt & Derr, P.A. I have been a member of The Florida Bar since 2010, and a member of the District of Columbia Bar since 2003. I grew up as part of a large family in Kentucky. My parents had thirteen children between them, and I was the youngest. I think my upbringing among such a wide variety of personalities provides me with a fairly unique perspective, and being the youngest, I learned to "listen first and speak later" at a young age (mostly because it was hard to get a word in edgewise).

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This month in the Magazine, many of the new Section Chairs are taking the opportunity to introduce themselves and lay out their vision for the coming year. I want to repeat what has become a familiar refrain to those who read these Notes each issue — Get Involved! I encourage all HCBA members to join the Section relevant to their practice area and to take an active role in the Section. They are such a great resource of both substantive education and collegiality. I also encourage you to look at Sections that are outside your strict practice area, but may touch on it, or just areas of law where you have an interest, even if it is purely academic.

For younger attorneys (and also for those like me who are not as young as we like to think), I cannot speak highly enough about the Bar Leadership Institute. The deadline for applications this year will have passed by the time this edition is printed, but please read the superb introduction by Paige Tucker and Hillary Thornton, two excellent attorneys who are going to be two of the leaders of the Institute this year.

I participated last year and found the whole experience to be invaluable. The interactions with your classmates provide a great opportunity to meet new attorneys outside your field, and the modules put on by the Institute provide introductions not just to some amazing companies and organizations in the Tampa Bay area, but also to the lawyers who are helping to lead them.

This issue is full of interesting and topical articles related to the practice of law in Florida. I was especially interested in the article from the Clerk of the Court detailing a newly enacted statute addressed at curtailing real property fraud. In addition, Judge Claudia Isom provides a fascinating profile of attorney Kemi Oguntebi that I commend to all of our readers.

I would also highly recommend checking out the details of the upcoming annual Bench Bar Conference. I know the Committee has been hard at work, and it looks like they have an excellent event planned again this year. I am personally looking forward to attending.

I hope that everyone had an enjoyable and relaxing Summer, and I look forward to the upcoming Bar Year! ■



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Who Is The HCBA?

**I want to thank you for being part of the HCBA
and encourage you to become more involved.**



Welcome back to another HCBA Bar year! I am excited and honored to serve as the HCBA President this year. I want to thank the many, many people who are part of the HCBA. But who is the HCBA?

In short, the HCBA is *you*. You, as a member of the HCBA, are the most important person at the HCBA. There would be no HCBA without you. I want to thank you for being part of the HCBA and encourage you to become more involved in the HCBA. Two specific challenges. First, get involved by attending a luncheon, CLE, or other HCBA event. Second, encourage someone in our local legal community who is not a member to become a member.

I am fortunate and thankful for our great team of officers and directors: President-Elect Anthony “Nino” Martino, Secretary Matt Hall, Treasurer Scott Stigall, Program Chair Alexis Deveaux, Immediate Past-President

Jacqueline Simms-Petredis, and the Directors on the Board. Sean Bevil, as President of the Young Lawyers Division (YLD) of the HCBA, along with the YLD officers and directors contribute greatly with the energy and service they provide the YLD and HCBA.

There are too many chairs and co-chairs of the HCBA sections and committees to list them here and thank them individually. I was fortunate to talk to most, if not all, the chairs and co-chairs of the numerous sections and committees and thank them personally. They all volunteer their time and efforts to lead their sections and committees. Their efforts are integral in the HCBA providing countless CLE courses, luncheons, events, and services to its members.

The HCBA is fortunate that the local judiciary is active, and they comprise an important part of the HCBA. At any HCBA event, there are always numerous judges

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in attendance. Judges Sabella (HCBA Judicial Liaison), S. Ward and Palermo (Bench Bar Committee), Ellison and Farfante (5K Pro Bono River Run), Rice, Costello, and Perrone (Judicial Liaisons), are just a few of the judges that contribute substantially to the HCBA. But at any event, the judiciary is always well represented.

I thank everyone who works at the HCBA. You would think it takes a huge staff to manage this operation. However, it is a small hard-working group of ten individuals who keep the HCBA going. From Executive Director John Kynes to Receptionist Rita Zemetres, they are all professional, dedicated, and know the right answers to all HCBA-related questions.

The HCBA is a voluntary Bar Association whose mission is, “To inspire and promote respect for the law and the justice system through service to the legal profession



and the community.” I appreciate all our members’ service to the legal profession and community. I encourage you to become more active. I encourage you to inspire other lawyers, judges, and professionals to become active members. It is each one of us — the members of the HCBA — that continue to make the HCBA a valuable resource and benefit to our local legal community. ■



We are growing!

Smith, Tozian, Daniel & Davis, P.A. is proud to announce the hiring of Yardley M. Collett. Ms. Collett graduated Magna Cum Laude from Florida State University College of Law and brings an exciting new wealth of knowledge to the firm. She joins a team with over 100 years of combined experience in Legal Ethics, Bar and JQC Defense, and Bar Admission.

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YLD: Where Everybody Knows Your Name

Let us raise our glasses and coffee mugs and cheers to building camaraderie, to fostering inclusiveness, and in continuing to grow and learn among friends and colleagues.

Most people know and love the TV sitcom Cheers, and its catchy theme song that sparks nostalgia, happiness and comfort. The soft, iconic piano introduction soon gives way to lyrics that tend to strike a chord at the end of the work day: "Making your way in the world today takes everything you've got..." The song soon crescendos into the chorus reminiscent of good times: "Sometimes you want to go where everybody knows your name, and they're always glad you came." I recalled these lyrics

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back in June of this year, as I joined friends and colleagues in celebrating another year with the YLD and in welcoming our incoming officers and directors.

I am truly honored and grateful for this opportunity to serve the young lawyers of Hillsborough County, and I am happy to welcome back our returning board members: Nicole Gehringer, Lyndsey Siara, Hannah Becker, Alexis Deveaux, Harold Holder, David Kalteux, Christian Katchuk, Natasha Khoyi, Amanda Keller, and Daniela Mendez. Our legacy and succession of leadership continues to usher in new members, and I am excited to also welcome Julia Ammerman, Alexa Cline, Blake Fromang, and Paige Tucker to the Board. Finally, we are proud to have Judges Samantha Ward and Elizabeth Rice serving as the YLD's judicial liaisons, and our ex-officio board members who are hard at work representing the 13th Judicial Circuit among the Florida Bar YLD's Board of Governors.

In the past Bar Year, the HCBA YLD accomplished many feats, thanks in large part to the tireless efforts and passion of our immediate past president, Lyndsey Siara. Lyndsey's dedication and contributions to the Young Lawyers Division are immeasurable, and we owe a huge amount of gratitude to her and to all of our outgoing committee members and chairs.

As we set goals for the new Bar Year, I am reminded of the Cheers theme and how we should always strive to make the YLD that welcoming place where everybody knows your name. Plans are already underway for our Fall and Spring events where members can forge a closer connection with the legal community, our local judiciary, and with each other. Committees are meeting in September, and we look forward to another successful Golf Tournament in October. Be on the lookout for Coffee for a Cause to return in November, for the YLD to defend its 1st place title at the Judicial Food Festival in 2024, and for more exciting events on the horizon!

So let us raise our glasses and coffee mugs and cheers to building camaraderie, to fostering inclusiveness, and in continuing to grow and learn among friends and colleagues. ■



Congratulations to the 2023-24 YLD Officers and Board of Directors

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Judge Elizabeth Rice – 13th Judicial Circuit



Alex Caballero Installed as 2023-24 HCBA President; Continues Firm's Legacy of Service to Bar and Community

Among the issues Caballero said he intends to focus on this year are increasing HCBA member engagement, encouraging professionalism and camaraderie within the Bar, and continuing the HCBA's strong working relationship with the local judiciary.

Alex Caballero says it was readily apparent what was expected of him when prominent Tampa attorneys Steve Sessums and Caroline Black Sikorske offered him a position in their burgeoning family law practice 24 years ago.

Caballero says he was expected to become Florida Bar Board Certified in Marital and Family Law, and to continue the firm's active involvement in state and local Bar organizations and the community.

For their part, Sessums and Black Sikorske both are highly respected and accomplished family law attorneys, and, over the years, both have served as president of the HCBA and president of the Bar Foundation.

So, it was not surprising when Caballero — continuing this long tradition of service and Bar leadership — was



Chief Judge Christopher Sabella swears in Alex Caballero as 2023-24 HCBA President.

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sworn in as 2023-24 HCBA president at the installation of HCBA officers and directors at the Ferguson Law Center in June (see photos from the event on page 32).

"I appreciate your giving me a chance years ago," Caballero told the 250 or so attendees, referring to Sessums and Black Sikorske.

"I definitely would not be here but for them hiring me and their mentorship," he added.

Caballero grew up in Tampa and got his undergraduate degree from the University of South Florida.

After graduating from Florida State University law school in 1993, Caballero went on to work at the Hillsborough County State Attorney's Office.

In 1999, he joined the Sessums Black firm, where he is now the managing partner.

Caballero's law partner, Andrew Reder, introduced him at the installation event.

"In his 30-year legal career, Alex has demonstrated an unwavering commitment to excellence, professionalism, and service to the legal profession," Reder told the crowd.

Continuing, Reder said, "Alex has been a leader in this organization for over two decades, serving on and chairing numerous boards and committees. But more than all that, here's the one thing I want you to know, Alex Caballero is an honorable man, and his integrity and character are unmatched."

"There is no question that Alex is the right leader to lead the Hillsborough County Bar Association," Reder added.

Caballero was sworn in by Chief Judge Sabella of the 13th Judicial Circuit.

In his remarks, Caballero thanked his colleagues at Sessums Black, his wife, Anita, and their children, and his many friends in attendance, for their personal and professional support over the years.

He said he looked forward to working with the newly installed HCBA board members and with new YLD President Sean Bevil this Bar year.

Among the issues Caballero said he intends to focus on this year are increasing HCBA member engagement, encouraging professionalism and camaraderie within the Bar, and continuing the HCBA's strong working relationship with the local judiciary.

"My goal is to serve the best way that I'm able," said Caballero.

* * *

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

These include the opportunity to forge new relationships and reconnect with HCBA members at the many informative CLE seminars and numerous membership and social events held throughout the Bar year.

Also, make it a point to attend the **HCBA's 26th Annual Bench Bar Conference, Membership Luncheon, and Judicial Reception, scheduled for Wednesday, Oct. 11 at the Tampa Marriott Water Street**, which is always a highlight during the Bar year.

I look forward to seeing you sometime soon at an upcoming HCBA event. ■



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Clerk of Court & Comptroller Working with Local Partners to Combat Property Fraud

New law will change the way deeds are recorded statewide.

Protecting citizens from property fraud is a top priority for my office. We work closely with the Hillsborough County Sheriff and State Attorney to ensure Hillsborough County citizens and government agencies are well prepared to fight property fraud.

House Bill 1419 (HB 1419), entitled “Real Property Fraud,” will affect attorneys and real estate professionals. HB 1419 creates statewide changes establishing new requirements for recordings associated with real property in the Official Records in the State of Florida.

According to the FBI, Florida ranks #3 in the nation for this type of white-collar crime. The intent of

HB 1419 is to refine recording guidelines to impede criminal activity associated with real property recordings.

Beginning July 1, 2023, anyone recording a deed must include the legal description of the real property. For example, a legal description may include details such as lot numbers, subdivision names, etc.

Also effective July 1, 2023, HB 1419 establishes a new “quiet title” action. The Quiet Title action is available to pro se litigants and attorneys to file in instances where there is an allegation that a fraudulent conveyance of property occurred. The filing would give a legitimate property owner the opportunity to correct that fraudulent



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conveyance. It is governed under the summary procedure process in s. 51.011, Florida Statutes. To combat the increase in deed fraud, the Statute authorizes Clerks of Court to provide the complaint form directly to customers in order to expedite the process of initiating litigation to recover their property from the alleged fraudulent transaction.

HB 1419 also amends a Florida Statute to require witnesses' addresses to be clearly listed on instruments that convey real property. Effective January 1, 2024, §695.26, Fla. Stat. (2022) is amended to require the "post office address" of a witness to an instrument to be "legibly printed, typewritten, or stamped upon such instrument." The law also authorizes the Clerk not to record an instrument that does not include all criteria reflected in the section. My office already requires a name and will soon require an address as well. We will be working to help educate Title companies that may be impacted.

A section of HB 1419 creates a Title Fraud Prevention pilot program in southwest Florida. The pilot program solely authorizes the Lee County Clerk of Court to require a person to produce a government-issued ID before recording a deed or other instrument. Lee County's Clerk of Court will provide a final program report to the Governor by December 31, 2025. The pilot also encourages each Clerk's office to put into place a property fraud alert system as of July 2024.

My office is taking additional steps to combat property fraud by logging notary commission numbers to assist local law enforcement in the event multiple crimes are committed, and the notary is complicit with the fraudulent activity.

We have already implemented other proactive measures offering a free property fraud alert that notifies you whenever a document is processed in Hillsborough County using your name or business name. The Clerk's office is notifying new homeowners of this service when they purchase their home, and spreading the word in our community through other outreach efforts. We are also educating homeowner's associations, title companies, and realtors.

You can easily sign-up to have the alert delivered to you, per your choice, via email, text, or phone call. If you receive an alert about activity not initiated by you, early notification can provide you valuable time to report and help derail criminal activity. Homeowners can use the QR code shown in this article, visit www.propertyfraudalert.com/FLHillsborough or call 1-800-728-3858 to start the registration process.

While this service may not always prevent fraud from happening, it provides an early warning system allowing property owners to take appropriate action should they believe fraudulent activity has occurred with their property.

My priority is to make sure every homeowner in Hillsborough County has the opportunity to register and protect their property. ■

Attorneys Needed for HCBA Lawyer Referral Service

The HCBA would like to extend an invitation to all attorneys to join the HCBA's Lawyer Referral Service. Bilingual attorneys are especially in need as the local Spanish-speaking population is underserved in the following practice areas: probate, consumer protection, immigration, landlord/tenant and business.



**To learn more and to join the HCBA's Lawyer Referral Service,
visit www.hillsbar.com/page/JoinLRIS.**

Contact Lupe Vazquez-Mitcham at 813 221-7783 or lupe@hillsbar.com for further information.



Local Young Lawyers Recognized at Florida Bar Convention

The HCBA Young Lawyers Division shone at the recent Florida Bar Convention in June, when their hard work and dedication paid off with several recognitions. First and foremost, congratulations are in order to HCBA YLD member Anisha Patel, who was sworn in as The Florida Bar YLD President for this Bar year. We look forward to a wonderful year under the leadership of Ms. Patel!

In addition, the HCBA YLD received the Outstanding Diversity Leadership Grant Award from The Florida Bar Standing Committee of Diversity and Inclusion for their amazing work on the Bridging the DEI Gap in Law documentary and other initiatives.

Also, YLD Board members Alexis Deveaux received the Lynn Futch Most Productive Young Lawyer Award and Jason Imler received the Michael K. Reese Quality of Life Award from The Florida Bar YLD.

Congratulations to all of these deserving HCBA YLD members!





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Introducing the New 2023-24 HCBA Section & Committee Chairs

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Judge Alissa Ellison – 13th Judicial Circuit Court
Judge Darren Farfante – 13th Judicial Circuit Court

APPELLATE PRACTICE

Brandon Breslow – Kynes, Markman & Felman
David Costello – FL Office of the Attorney General

BAR LEADERSHIP INSTITUTE

Hillary Thornton – Wicker, Smith, O'Hara, McCoy, P.A.
Paige Tucker – Office of the Public Defender
Idalis Vento – Sammis Law Firm, P.A.

BENCH BAR COMMITTEE

Judge Thomas Palermo – 13th Judicial Circuit Court
Judge Samantha Ward – 13th Judicial Circuit Court

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Sasha Moore – CBIZ Forensic Consulting Group

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Lara LaVoie – LaVoie & Kaizer, P.A.

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Kimberly Kelley – Paskert Divers Thompson
Alex Sarsfield – Paskert Divers Thompson

CRIMINAL LAW

Justin Petredis – The Law Offices of Justin Petredis
Diego Pestana – The Suarez Law Firm

DIVERSITY, EQUITY & INCLUSION COMMITTEE

Antina Mobley – Public Defender's Office, 13th Circuit
Amy Casanova-Ward – FL Dept. of Financial Services

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Ryan Reese – Moore Bowman & Reese

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Gordon Schiff – Gordon J. Schiff, P.A.

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Christian Katchuk – 13th Judicial Circuit Court

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Jennifer Touse – BayCare Health System, Inc.

IMMIGRATION & NATIONALITY

Yova Borovska – Buchanan Ingersoll & Rooney
Ashley Broussard – Bay Law Firm, PLLC

INTELLECTUAL PROPERTY

Andriy Lytvyn – Hill Ward Henderson
Patrick Reid – Hill Ward Henderson

JUDICIAL FOOD FESTIVAL

Justin Bennett – Gunster

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Amanda Biondolino – Sass Law Firm
LaKisha Kinsey-Sallis – Fisher & Phillips LLP

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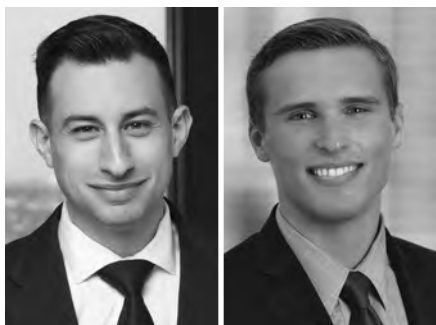
WORKERS' COMPENSATION

Anthony Cortese – Anthony V. Cortese, Attorney at Law
Irene Rodriguez – Irene M. Rodriguez, PA
Ya'Sheaka Williams – Quintairos, Prieto, Wood & Boyer

SOME NONFINAL ORDERS IN MEDICAL NEGLIGENCE CASES NOW APPEALABLE

Appellate Practice Section

Chairs: Brandon Breslow – Kynes, Markman & Felman & David Costello – FL Office of the Attorney General



**This year, the Court
has again expanded
appellate jurisdiction
over nonfinal orders.**



Last year, as Garrett Tozier explained in the March/April issue of this publication, the Florida Supreme Court amended the Florida Rules of Appellate Procedure to permit nonfinal appeals of orders that grant or deny a motion for leave to amend to assert a claim for punitive damages.¹ This year, the Court has again expanded appellate jurisdiction over nonfinal orders. In an opinion issued July 6, 2023, the Court sua sponte amended Florida Rule of Appellate Procedure 9.130, the rule governing nonfinal appeals, to permit appeals of any order “deny[ing] a motion to dismiss on the basis of the qualifications of a

corroborating expert witness under subsections 766.102(5)-(9), Florida Statutes.”² The Court made the amendment effective immediately, but subject to comments that it invited interested persons to make by September 19, 2023.³

The reason for the Court’s amendment is explained in an opinion issued the same day, *University of Florida Board of Trustees v. Carmody*, No. SC2022-0068, 2023 WL 4359489 (Fla. July 6, 2023). In *Carmody*, a medical malpractice defendant unsuccessfully moved to dismiss the plaintiff’s complaint on the grounds that the expert who provided a required presuit affidavit corroborating the alleged negligence was not qualified

to do so.⁴ The defendant then unsuccessfully sought certiorari review in the First District, contending — as certiorari requires — that the order denying dismissal “departed from the essential requirements of the law” and caused “irreparable harm.”⁵ The supreme court agreed with the First District that certiorari review was not available because a trial court’s order on the merits of whether an expert had the necessary qualifications could not “depart from the essential requirements of the law.”⁶ Rather, certiorari review was only available if a trial court failed to enforce the “procedural aspects” of the presuit requirements.⁷

Continued on page 19



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Continued from page 18

While the Court applied its existing precedent in *Carmody*, it concluded a change in nonfinal jurisdiction was merited. It pointed to provisions in the Medical Malpractice Act stating that “[n]o action shall be filed” for medical malpractice unless certain requirements are met and that a court “shall dismiss” claims when certain requirements are not met.⁸ Recognizing that only the Court could amend the rules regarding the scope of interlocutory appeals, the Court explained that it was within its constitutional authority to ensure those rules “manifest the substantive legal enactments of the Legislature.”⁹

Justice Labarga dissented in part in *Carmody* and in the

opinion amending the rule.¹⁰ He urged that any amendment should issue through the rules committee process before enactment, rather than in a Court’s opinion followed by comment.

The comment period is open as of this writing. While comments may result in some refinement of the amended rule, they are not likely to result in the withdrawal of the amendment. And in the interim, nonfinal appeals of orders denying dismissal based on the qualifications of a medical malpractice presuit expert may be taken. ■

¹ Garrett A. Tozier, *Some Punitive Damages Orders Now Immediately Appealable*, HCBA Lawyer magazine, Mar.-Apr. 2022 at 19.

² *In Re: Amendment to Florida Rule of Appellate Procedure 9.130*, No. SC2023-0701, 2023 WL 4359489 (Fla. July 6, 2023).

³ *Id.* at *1.

⁴ *University of Florida Board of Trustees v. Carmody*, No. SC2022-0068, 2023 WL 4359498, *3 (Fla. July 6, 2023).

⁵ *Id.* at *8.

⁶ *Id.* at *14-15.

⁷ *Id.*

⁸ *Id.* at *19 (quoting § 766.104(1), Fla. Stat. (2023), and § 766.206(2), Fla. Stat. (2023)).

⁹ *Id.* at *20.

¹⁰ *Carmody*, No. SC2022-0068, 2023 WL 4359489 at *22; *In Re: Amendment to Florida Rule of Appellate Procedure 9.130*, No. SC2023-0701, 2023 WL 4359489 at *1.

¹¹ *Id.*



Author: Kristin A. Norse — Kynes, Markman & Felman, P.A.

REGISTER NOW

Hillsborough County Bar Association YLD Golf Tournament Friday, October 27, 2023



Held each fall, the YLD Golf Tournament is a long-standing tradition with the Young Lawyers Division. The event is attended by lawyers, judges, business professionals, and anyone interested in supporting the HCBA Young Lawyers Division in its efforts to better serve the community.

The tournament itself is a scramble format with sponsorship opportunities, followed by a casual lunch with giveaways and prizes.

For more information, go to www.hillsbar.com.

WELCOME TO A NEW BAR LEADERSHIP INSTITUTE CLASS!

Bar Leadership Institute

Chairs: Hillary Thornton – Wicker, Smith, O'Hara, McCoy & Ford, P.A., Paige Tucker – Public Defender's Office & Idalis Vento – Sammis Law Firm



The Institute's program aims to identify and develop young attorneys of diverse backgrounds who have the potential and desire to grow into future leaders in the HCBA and the greater Hillsborough County community.

We are very excited to announce that the Hillsborough County Bar Association Bar Leadership Institute (BLI) is underway for the 2023-24 year! HCBA President Alex Caballero has appointed BLI co-chairs Paige Tucker, Idalis Vento, and Hillary Thornton, all of whom were members of the BLI 2022-23 class.

The Institute's program aims to identify and develop young attorneys of diverse backgrounds who have the potential and desire to grow into future leaders in the HCBA and the greater Hillsborough County community. This year's HCBA BLI year will run from September 2023 through May 2024, and will allow BLI members to visit, learn from, and engage with established leaders in the community through monthly modules, in an effort to increase their knowledge of the inner workings of the HCBA, the legal community, and the greater community at large.

BLI members will have several incredible opportunities throughout their time in BLI, which include, among others, trips to the Hillsborough County Courthouse, meetings with leaders in the community, and Fire Department/Tampa Police Department tours, all while

developing critical professional and interpersonal skills necessary for the success of the group dynamic and the associated activities in which BLI members will participate.

BLI members are encouraged to enhance their understanding of the HCBA through attending and engaging in events and board meetings. Further, the 2023-24 BLI Class will plan, execute, and participate in a community service project to increase their knowledge of the amazing community programs that serve the Hillsborough County area every day and provide much needed assistance to these programs.

We are thrilled to have selected a highly diverse and committed group of young lawyers as BLI members for the 2023-24 Bar Leadership Class. As co-chairs, we are excited to engage with this incredible group of lawyers and provide a fantastic leadership and learning experience. We are pleased to provide the readers a quick introduction of ourselves:

Paige Tucker is an Assistant Public Defender for the Thirteenth Judicial Circuit in Felony Division D. Outside of work, Paige serves as a Co-Chair of the Leadership Academy for Hillsborough Association of Women Lawyers (HAWL), she is a provisional member of Junior League of Tampa, and serves as a member

of the Board of Directors for the Hillsborough County Bar Association Young Lawyers Division (HCBA YLD). This year, Paige was accepted to the Wm. Reese Smith Leadership Academy (Class XI).

Idalis Vento is currently an Associate at Sammis Law Firm practicing criminal defense. She received her Bachelor's in History at Stetson University and her Juris Doctorate at New England Law, Boston. Idalis began her career as an Assistant Public Defender with the Office of the Public Defender in Montgomery County, Maryland, before returning to Florida. Upon returning to Florida and passing the Florida Bar, Idalis worked as an Assistant State Attorney in the 13th Judicial Circuit before leaving at the end of March 2023 to begin at Sammis. She was a member of the HCBA 2022-2023 BLI class and has been a member of the Member Service Committee of the HCBA YLD since 2021.

Hillary Thornton is an Associate Attorney at Wicker, Smith, O'Hara, McCoy & Ford, P.A. In addition to serving as Co-Chair of the 2023-24 BLI Class, she is also an active member of the Hillsborough Association for Women Lawyers (HAWL), the Junior League of Tampa (where she currently serves as the Training Chair-Elect),

Continued on page 21

WELCOME TO A NEW BAR LEADERSHIP INSTITUTE CLASS!

Bar Leadership Institute

Continued from page 20

Toastmasters International (where she has previously served as President of her chapter), and the HCBA YLD Member Services Committee (since 2021). ■

Authors: Paige Tucker – Public Defender's Office, Idalis Vento – Sammis Law Firm, and Hillary Thornton – Wicker, Smith, O'Hara, McCoy & Ford, P.A.

Remember to Renew Your Membership!

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Camryn Cecil
Jami Leigh Chalgren
Katie Lynn Chambers
Julianne DeLeo
James Bart Denham
Priyanka Desai
Aissa M. Dorange
Marie Edmonson

Kaden Goodenough
Samantha Jacobsen
Taylor M. Jones
Linda Jorge Carbone
Haneen Kantar
Lauren T. Khouzam
Brittany Kovalskaya
William E. Lighty
Taylor Kennedy McKnight
Bryan McLachlan
Shannon McLin
Natalie N. Minor
Sarah E. Molinaro
Amanda C. Morton
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Sydney Ann Polanin
Nicholas Austin Proenza-Smith
Samantha Regala
Michelle Robertson
Ahmad Ali Saifi
Laura E. Schinella
Dustin Shore
Christopher Mark Shulman
Jessica Lynn Silva
Whitney L. Smith
Andrea Snipes-Booker
Joseph T. Vogel
Kara Zummo

NAVIGATING THE COLLABORATIVE LAW PROCESS

Collaborative Law Section

Chairs: Kelli L. Mitchell – Kelli L. Mitchell, PA & Sasha M. Moore, CPA/ABV, CFE, ASA – CBIZ Forensic Consulting Group



Our goal is to provide valuable educational resources to the section, including training programs, mentorship opportunities, and access to relevant research.



We are both incredibly excited about having this opportunity to guide and inspire our fellow members throughout this upcoming year. With our combined experiences and unique perspectives of alternative dispute resolution, we are prepared to guide the Section through each phase of the collaborative process: the “Before,” “During,” and “After.” Our plans for the year are designed to provide valuable resources and support to our members from preparation to resolution.

To start, a little bit about us. Kelli Mitchell, Esq. is a family law attorney and mediator with Kelli L. Mitchell PA in Tampa. She has devoted her entire practice to handling all matters related to family law, with a special emphasis on settlement negotiations in an effort to keep her clients out of the courtroom. In 2020, Kelli obtained her family law mediation certification from the Florida Supreme Court. Sasha Moore, CPA/ABV, CFE, ASA, is a

manager with the CBIZ Forensic Consulting Group in Tampa. She is a Certified Public Accountant who is experienced in providing unbiased financial expertise and guidance to parties involved in collaborative divorce and litigation.

In the preparation phase, we will equip practitioners with the necessary knowledge and best practices to effectively navigate this initial phase. Moving forward, we plan on delving into real-life scenarios, analyzing challenges, and exploring strategies for successful collaboration. We feel that learning from practical experiences is invaluable in honing our skills as collaborative law professionals. Finally, it is also important to acknowledge that despite the best efforts of all parties involved, reaching a resolution may not always be possible through the collaborative process. It is essential to remember that impasses are not uncommon, and that they do not diminish the value of the collaborative approach. We plan

on exploring other avenues for resolution, where individuals can still work towards finding a fair and mutually agreeable outcome.

We are excited to foster a vibrant community through networking events and continued legal education. These opportunities will provide a platform for members to connect, share insights, and build meaningful relationships within the field. Our goal is to provide valuable educational resources to the section, including training programs, mentorship opportunities, and access to relevant research.

Together, we are dedicated to promoting the growth and advancement of collaborative law. We firmly believe in its transformative power and its potential to revolutionize conflict resolution. ■

Authors: Kelli L. Mitchell – Kelli L. Mitchell, PA & Sasha M. Moore, CPA/ABV, CFE, ASA – CBIZ Forensic Consulting Group

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AN EXCITING BAR YEAR AHEAD!

Construction Law Section

Chairs: Alex M. Sarsfield & Kimberly A. Kelley — Paskert Divers Thompson, P.A.



The Construction Law Section is one of the most active sections of the HCBA, and the Construction Law business in Florida seems to grow every day.



Welcome HCBA Construction Law Section to an awesome Bar year ahead. We are excited to be your new Section Co-Chairs. Debbie Crockett and Adam Bild did a wonderful job leading the Section these past two years, and their shoes will not be easily filled. Additionally, we thank those who served on the Section

Committee who mightily contributed to the Section's successes. We intend to build upon their wonderful work, presenting engaging Continuing Legal Education (CLE) speakers, planning fun social/networking events, and keeping members informed of relevant construction developments through this Magazine.

We have worked with many of you in practice and through the


HCBA, and we know that the Construction Section is uniquely civil and professional toward one another — even in difficult cases. We look forward to getting to know each of you further as your new Co-Chairs.

This year, the Section will provide lunch CLE's from local construction experts and practitioners on a variety of topics most relevant to the Construction Bar today. Our goal is to focus on topics both current and prospective to provide Section members the information necessary to stay abreast of issues that may arise in practice. Feel free to contact us with input on article topics and CLE speakers and presentations. Additionally, we have openings for the Section's Articles and Pro Bono committees. Please contact us if you are interested in contributing to the Section through either of those committees.

The Construction Law Section is one of the most active sections of the HCBA, and the Construction Law business in Florida seems to grow every day. With your continued participation and support, the Section will flourish this Bar year. Be on the lookout for emails from us and the HCBA regarding upcoming Section meetings and CLEs — we look forward to seeing you there! ■


Authors: Alex M. Sarsfield & Kimberly A. Kelley — Paskert Divers Thompson, P.A.

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LETTING HER LIGHT SHINE: KEMI OGUNTEBI

Diversity, Equity & Inclusion Committee

Chairs: Antina Mobley — Public Defender's Office, Thirteenth Circuit & Amy Casanova-Ward — FL Dept. of Financial Services



Kemi came from another country, on another continent, to establish a career that has made Tampa a better place to live, making a real difference to people who need help navigating our legal system.

Diversity has many faces. This month, the HCBA's Diversity, Equity and Inclusion Committee is pleased to focus the spotlight on member Fehintola Folasade Oguntebi, better known to us by her nickname, "Kemi." Kemi was not born and raised in Tampa Bay. Her decision to practice law here came at the end of a long and fascinating journey which began in Nigeria, her birthplace and early home. She is the child of an educator and medical school administrator, and grandchild of religious leaders, all of whom valued education. Her secondary education began at Nigerian boarding schools,

continued with graduation from the University of Ibadan, the oldest university in Nigeria, and culminated with her graduation from the University of Florida's College of Law. During a gap year prior to attending university, she met her future husband, Dr. Bamiduro "Duro" Oguntebi, who was attending dental school. They continued their long-distance relationship through university and a year of public service prior to marrying in 1978. Kemi then joined Duro as he completed his training to become

an endodontist. Their journey together took Kemi to Connecticut, Missouri and Saudi Arabia, before eventually moving to Florida, where Dr. Oguntebi was a professor at the UF College of Dentistry.

While in Gainesville, Kemi opened Kokomama, a store specializing in African goods. As a child, she had watched Perry Mason and formed an impression of what it meant to be an attorney. While in Gainesville, she decided to become an attorney to continue

Continued on page 27

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Continued from page 26

her commitment to public service and help ensure that people have needed access to our American system of justice, graduating from UF in 1994. Following law school, she joined her spouse, who had already moved to Tampa to establish his practice. Making Tampa her home, Kemi opened her own law office. Kemi's commitment to public service led her to volunteer with Bay Area Legal Services. The photo accompanying this article comes from the BALS website which features Kemi saying, "It is good to help those who — but for the help

the volunteer attorneys provide — would be lost in the legal maze."

We come to know people in different contexts. You may know Kemi because of her volunteer service at BALS, heard her singing in a local church choir, or attended the same youth events as she supported her children during their school days. You may have even seen her on the stage as a cast member of HCBA's Law Follies. Wherever your paths may have crossed on her journey, you cannot forget her confident presence and dynamic smile. As with all of us, you know there is a lot more to her story. Kemi came from another country, on another

continent, to establish a career that has made Tampa a better place to live, making a real difference to people who need help navigating our legal system. Kemi has put her values and belief in justice for all into actions.

Thank you, Kemi Oguntebi for being a trailblazer, role model and pace setter for attorneys on the path to justice for the Tampa Bay community. ■

Author: Claudia Isom — DEI Committee member and a Senior Judge for the Thirteenth Judicial Circuit, Hillsborough County

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A DAY IN THE LIFE OF A GUARDIAN AD LITEM APPELLATE ATTORNEY

Government Lawyers Section

Chairs: Alexa Cline — Office of the State Attorney & Christian Katchuk — 13th Judicial Circuit Court



I always thought I had to work my way up the totem pole of trial experience before reaching the appellate echelon. I graduated from Cooley Law School in 2020 and joined the Statewide Guardian ad Litem Office's (GAL) appellate division in January 2022.

Most are familiar with the mission of GAL — to represent the

best interests of Florida's children who have been abused, abandoned and neglected. Under chapter 39 of the Florida Statutes, the GAL is a party to dependency proceedings as the child's representative. This representation continues during an appeal of an order issued during the GAL's appointment.

Florida Rules of Appellate Procedure 9.360(b) and 9.020(g)(2) both compel continuation



**It's true what they say
— when you love what
you do, what you do
doesn't feel like work.**

of the guardian ad litem's status from the lower court in the appeal. Continuation of the GAL's party status is necessary to its ability to defend the order on appeal.

That's where I come in. I am one of eight appellate attorneys who handle all dependency

appeals throughout the state. The

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A DAY IN THE LIFE OF A GUARDIAN AD LITEM APPELLATE ATTORNEY

Government Lawyers Section

Representing Florida's Abused, Neglected, and Abandoned Children in Court and the Community.



Continued from page 30

team works remotely, collaborating weekly via Zoom. Although based in Tampa, I handle appeals and trial support for Circuits 4, 16, and 17 (in other words, the Jacksonville metropolitan area, the Florida Keys, and Broward County). I manage around 25-40 cases, all at varying stages after a notice of appeal has been filed. Each day begins with checking to see what briefs or motions were filed in the middle of the night, and I maintain that surveillance throughout the day. I communicate with my assigned trial teams as they frequently ask me to provide input on whether GAL should be an appellant in any matter or whether to proceed with certain non-final order issues in certiorari. The vast majority of my work involves responding as appellee in appeals of termination of parental rights (TPR) final judgments and, to a lesser extent, challenges to a child's dependency adjudication.

There are many cooks in the kitchen in these cases — the GAL, counsel for each parent, the case manager, the child protective investigator, counsel for the Department of Children and Families, and sometimes an attorney ad litem for the child.

The complexity and nuanced issues presented in each case require significant mental gymnastics to effectively advocate for the child in each answer brief. Chapter 39 is ever changing, and my colleagues and I have frequent conversations about the law.

It's true what they say — when you love what you do, what you do doesn't feel like work. Appellate work is thought provoking and fulfilling. If *you* would like to be a GAL pro bono appellate attorney, you can! The Defending Best Interests Project protects the best interests of children in the appeal process. The project works with partners, including the Pro Bono Committee of The Florida Bar's Appellate Practice Section (APS), to recruit pro bono attorneys who write answer briefs in appeals of cases where a judge has determined TPR is in the child's best interests. Contact me if

inquiring minds would like to know more! ■



Author:
Krystle Cacci –
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Installation of 2023-24 Officers & Directors

More than 250 members attended the annual Installation ceremony at the Chester Ferguson Law Center on June 15, where incoming HCBA President Alex Caballero and YLD President Sean P. Bevil took their oaths of office for the coming Bar year, along with the new officers and directors. (Read more about the Installation and our new HCBA President Alex Caballero on page 10.)

Congratulations also to HCBA Assistant Executive Director Laurie Rideout, who was surprised with the Red McEwen Award from outgoing President Jacqueline Simms-Petredis, for her invaluable support and assistance to the HCBA leadership and members.

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



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Event photos continued on pages 33-35









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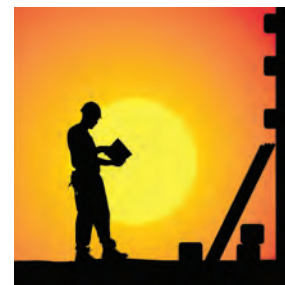
AS TEMPERATURES RISE, SO DO HEAT-RELATED ILLNESSES

Labor & Employment Law Section

Chairs: Amanda Biondolino – Sass Law Firm & LaKisha Kinsey-Sallis – Fisher & Phillips LLP



Failure to protect employees from the heat is not only bad business, but it can also result in OSHA citations and costly penalties for employers.



It comes as no surprise to anyone who has stepped outside recently that it is hot out there — record breaking temperatures kind of hot. Unfortunately, Tampa Bay has been experiencing an increase in the number of days per year where it is hotter than 90 degrees. In 1980, there were only 78 days, while in 2022, that number increased to 126 days.¹ As of July 1, the number of days over 90 degrees this year is 41!

This increase in temperatures, both locally and around the country, has caught the attention of the Occupational Safety and Health Administration (OSHA). The U.S. Department of Labor's Bureau of Labor Statistics (BLS) reports that there was an average of 35 heat-related fatalities per year between 2015 and 2019, and 2,700 cases that resulted in days away from work, although those numbers are likely underreported.² While workers in agriculture and construction are at the highest risk, indoor workers without adequate climate-controlled environments are also affected. On April 8, 2022, OSHA launched its National Emphasis Program (NEP) directed at outdoor and indoor heat-related hazards. The Program will remain in effect for three years unless canceled or extended.

The NEP targets over 70 high-risk industries based on BLS

statistics, heat-related fatalities and hospitalizations, and highest number of heat-related violations and inspections. What may come to a surprise to employers is that some of the industries being targeted including automobile dealers, office administrative services, facilities support services, educational support services, bakeries, restaurants, and investigation and security services. Additionally, the NEP gives OSHA the ability to launch heat-related inspection on worksites *before* workers suffer any injuries. In fact, OSHA Area Offices have been monitoring National Weather Service heat warnings or advisories for the local area and targeting employers for heat inspections on those days.

The NEP is meant to encourage employers to protect workers from heat hazards by doing the following: providing access to shade, water, and frequent breaks; acclimatizing workers; monitoring the weather; monitoring employees; providing training to supervisors on signs of heat illness; and creating a “buddy” system for at-risk employees. Employers should periodically conduct a job hazard analysis to determine the potential exposures to heat illness at its establishment and then implement a heat illness and injury prevention plan. Additionally, employers can place themselves in

a position to defend a general duty clause citation by implementing a written Heat Illness Prevention Plan. The Plan must be written and should aim to ensure new workers or those returning from a break are acclimatized and it should include monitoring of temperatures and levels of work exertion; a means to provide access to cool water to employees and ensure workers are hydrated; plans for rest breaks; and access to shade.

Failure to protect employees from the heat is not only bad business, but it can also result in OSHA citations and costly penalties for employers. ■

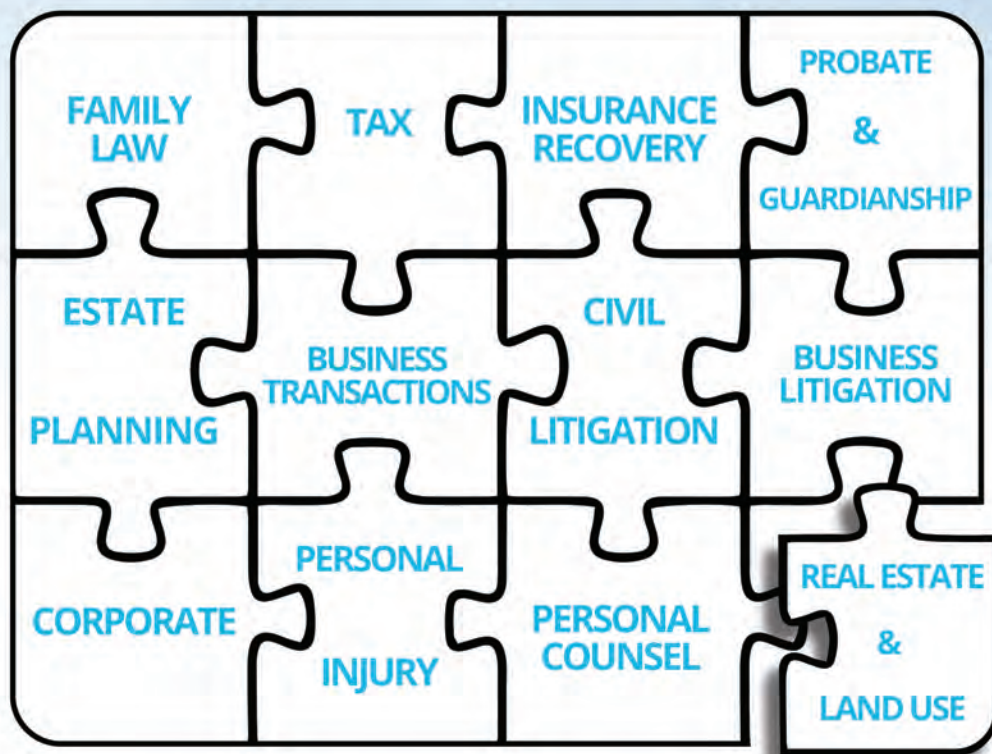
¹ “Number of Days of 90 °F in Tampa by Year.” *Extreme Weather Watch*, <https://www.extremeweatherwatch.com/cities/tampa/yearly-days-of-90-degrees>. Accessed July 14, 2023.

² Birkholtz, Stephany. “What Companies Need to Know About OSHA’s New Heat Illness.” *Occupational Health & Safety*, June 30, 2022. <https://ohsonline.com/Articles/022/06/30/What-Companies-Need.aspx?m=1&Page=1>.



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MAJOR CHANGES TO FLORIDA'S ALIMONY & PARENTING LAWS

Marital & Family Law Section

Chair: Andrew D. Reder, B.C.S. — Sessums Black, P.A.



Permanent alimony is abolished in Florida.



Historic changes to Florida's alimony and parenting laws went into effect on July 1, 2023. The sweeping changes are consequential and warrant deep thought and analysis. This article is merely intended to highlight a few major aspects of the landmark overhaul.¹

Alimony: SB 1416

The momentous changes to sections 61.08 and 61.14, Fla. Stat., include: abolishing permanent alimony; creating a statutory formula for the maximum *length and amount* of durational alimony; new guidelines to determine the “length of marriage”; revised alimony factors; new considerations for supportive relationships; codifying a payor's right to seek modification of alimony at “normal retirement age”; and, if that wasn't enough, creating a brand-new procedure for payors to petition for a modification or termination of alimony “6 months before retirement.”

To reiterate, permanent alimony is *abolished* in Florida. Forms of alimony still available include temporary; bridge-the-gap; rehabilitative; durational; and lump sum. Of these, durational alimony

underwent the biggest change with the creation of a statutory formula establishing the maximum *length* and maximum *amount* of durational alimony awards.

For short-term marriages (now defined as a marriage of less than 10 years), durational alimony can last no more than 50% of the length of the marriage; for a moderate-term marriage (between 10-20 years), no more than 60% of the length of the marriage; and for long-term marriages (20 years or more), no more than 75%.

Further, the new law caps the maximum *amount* of durational alimony at the lesser of the recipient's “reasonable need,” or *35% of the difference between the parties' net incomes*. Thus, (Payor's net income — Recipient's net income) .35 = the maximum amount of alimony. To clear away a common misconception, there is no *addition* in this formula!

Traditionally, the amorphous — and highly subjective — concepts of “need” and “ability to pay” (along with broad statutory factors) were the polestar for every alimony award. Now, rote application of a formula in the statute will guide practitioners and judges to more predictable outcomes in many alimony cases.

Timesharing: HB 1301

Florida's timesharing statute, the freshly amended section 61.13, Fla. Stat., now creates a rebuttal presumption that “equal” timesharing is in the best interest of the child. This statutory mandate may be rebutted only if the parent opposing equal timesharing proves by a *preponderance of the evidence* that equal timesharing is not in the child's best interests.

The level of difficulty in rebutting the equal (50/50) timesharing presumption remains to be seen. Indeed, how courts interpret and apply the new statutory mandate will determine whether this is a seismic change in the law or nothing more than a subtle shift.

¹ Additional changes include HB 775 (modifying section 744.301, Fla. Stat.), to provide that a father who has established paternity is a “natural guardian” of the child and is entitled to the “rights and responsibilities” of parents. SB 1416 also deletes the “unanticipated” change requirement in section 61.13, Fla. Stat., to modify a parenting plan.

Author: Andrew D. Reder, B.C.S. — Sessums Black, P.A.

Join the Marital & Family Law Section at www.hillsbar.com for the latest news and updates from the Section.



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NEW MEDIATION BEST PRACTICES HANDBOOK OFFERS BEST MEDIATION STRATEGIES

Mediation & Arbitration Section

Chairs: Gerald Albrecht – Albrecht Mediation Services, Amber Boles — Law Office of Amber Boles & Lara Tibbals — Tibbals Mediation, LLC



Any trial lawyer, mediator, in-house counsel or client representative engaging in mediation would benefit greatly by reviewing the newly released Third Edition of *The Florida Mediation Best Practices Handbook*. The *Handbook* is Florida's first mediation best practices resource for mediators, trial lawyers and other mediation stakeholders. It contains the best mediation strategies and techniques contributed by over 800 trial lawyers, mediators, in-house counsel, adjusters, etc., for mediating cases at an elite level.

The Third Edition contains detailed strategies on presenting the most effective opening statement, how to deal with difficult personalities and hardball negotiators, techniques for avoiding an impasse, cutting-edge negotiation tactics, using humor to diffuse difficult situations, how to handle a party that threatens to leave, how to document the settlement agreement during a Zoom mediation, and how to reignite settlement talks after an impasse.

The *Handbook* is divided into two sections: best practices for the mediator and best practices for the trial lawyer. It contains forms for state and federal practice, citations to mediation ethics rules

for mediators and trial lawyers, and subject matter specific supplements describing how to mediate in specific practices areas such as employment law, family law, securities litigation, etc. The *Handbook* contains practice tips for both in-person and virtual mediation.

The *Handbook's* strategies and techniques were obtained by surveying trial lawyers, mediators and other mediation stakeholders around the State and by collecting ideas from practitioners at *Litigator Mediator Forums* held throughout Florida. The *Handbook* and the *Litigator Mediator Forums* are part of an ongoing partnership between Florida trial lawyers and mediators to improve the mediation process together for their mutual clients. This partnership was started by the HCBA's Mediation & Arbitration and Trial & Litigation Sections in 2020. In recent years, this collaborative effort has been adopted by the ADR Section of the Florida Bar, The Trial Lawyers' Section of the Florida Bar, The American Bar Association, and the Dispute Resolution Center of the Florida Supreme Court, which distributes the *Handbook* to its mediation offices across the State. Law schools and universities around the State of Florida are using the *Handbook* to teach

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Mediation Advocacy and negotiation skills at both the graduate and undergraduate level.

The *Handbook* is edited by a panel of trial lawyers, mediators, and in-house counsel/decisionmakers with broad mediation experience. The editors for the Third Edition include Jerry Albrecht, Anitra Clement, Patricia Huie, Harold Oehler, Rania Shehata and Alyssia Totten. In order for a best practice to be approved, it must be voted for by a majority of this diverse group of editors.

Harold Oehler, the primary author of the *Handbook*, was a part of a HCBA panel on September 13th to discuss the Third Edition's new strategies. This live and virtual presentation was jointly hosted by the Mediation and Trial Sections of the HCBA. The Third Edition of the *Handbook* is available on the

Mediation & Arbitration and Trial & Litigation pages of the HCBA's website. ■

Author:
Harold Oehler —
Oehler Mediation





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MVAC 2023-2024 — REACHING OUT

Military & Veterans Affairs Committee

Chairs: Robert Barton — Rumberger/Kirk & Steve Collins — Law Office of Rory Weiner



**MVAC will continue
volunteer efforts
to assist local
veterans in need
around the Tampa
Bay area.**



The Military and Veterans Affairs Committee (MVAC) is excited to ring in the 2023-2024 Bar year. We have an exciting list of events planned that will serve the Tampa Bay veteran community as well as our local military legal community. MVAC will continue volunteer efforts to assist local veterans in need around the Tampa Bay area and offer CLEs and networking opportunities to our veteran and non-veteran legal community. MVAC will also be concentrating more efforts on one of our core tenets this year — networking with local members of the Judge Advocate Generals' Corps (JAG), including government civilian attorneys in the JAG community, to introduce them to the Hillsborough County Bar Association and, if needed, assist them with the transition to civilian life.

Service

This year, MVAC will continue to provide support to local homeless veteran “stand down” events where we provide legal advice to homeless, disadvantaged, and disabled veterans. The impact of these events is invaluable, both

on the attorney giving the advice and the veteran. We will also continue to promote the Veterans Legal Assistance Registry (VLAR), the State of Florida's first registry that connects veterans in need of legal assistance with lawyers willing to provide services at a reduced rate or pro bono. If you would like to see the list, check out the HCBA website under the “For The Public” tab or go to <http://tinyurl.com/veteranslegalregistry>. (If you would like to be added to the registry, contact Steve or Robert). Finally, we will continue to promote the 13th Judicial Circuit's nationally-recognized Veterans Treatment Court through the leadership and guidance of Judge Michael Scionti and Colonel DJ Reyes, USA, Retired.

Networking

In addition to our service projects, MVAC will be hosting multiple networking events throughout the year. We are planning on teaming up with members of the local JAG community for professional

development sessions for all active duty, reserve, national guard, and civilian JAGs. We are also going to host a Veteran's Day event honoring our local heroes in the fall and host our annual VLAR reception in the spring. There will also be CLE opportunities focusing on topics related to the military community.

Should I Join?

Absolutely! You do not have to be a veteran to support veterans or to join MVAC. We are an all-inclusive committee, with members from diverse backgrounds and diverse practice areas. As a member of MVAC, there are numerous opportunities to serve, network, lead, write, or speak. What we all have in common is we want to support and promote ALL those who are currently serving or have served in the U.S. military and their families. Come to one of our happy hours, volunteer at a service event, or attend one of our CLE events. You will not be disappointed! ■

Author: Steven Collins — Law Office of Rory Weiner

Contact the MVAC Co-Chairs to Join the Veterans Legal Assistance Registry (VLAR).

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WELCOME BACK FROM THE REAL PROPERTY, PROBATE AND TRUST LAW SECTION

Real Property, Probate & Trust Law Section

Chairs: Lauren A. Taylor – Fogarty Mueller Harris & Melodie Khosrovani - Shutts & Bowen, LLP



We are always looking for opportunities to help the Tampa Bay community through pro bono service, so please share any projects you would like our Section to consider adopting.



We are looking forward to another great Bar year and are honored to serve as your co-chairs of the HCBA Real Property, Probate and Trust Law (RPPTL) Section. 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 put on four luncheons, all of which will be for CLE credit. The luncheon dates are tentatively scheduled for: October 31, 2023; January 31, 2024; March 13, 2024; and May 22, 2024.

Like prior years, two of our luncheons will focus on real property, and two will focus on issues in estate planning, probate, and trust law. The luncheons will be held at

the Chester H. Ferguson Law Center and will be held at noon, typically lasting one hour. If anyone is interested in presenting a CLE, or wishes to hear about a particular topic or trend, please let us know.

Additionally, we are always looking for opportunities to help the Tampa Bay community through pro bono service, so please share any opportunities or projects you would like our Section to consider adopting.

Finally, one of the best ways to keep each other apprised of relevant legal issues that may affect each of our practices is through this *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. The *Lawyer's* success is dependent on the members of the HCBA submitting articles, so we invite you to consider contributing an article this Bar year. Please contact us if you would like additional information or wish to submit an article on behalf of the Section.

We look forward to a great year and hope to see you at our Section's various events! ■

Authors: Lauren A. Taylor – Fogarty Mueller Harris & Melodie Khosrovani – Shutts & Bowen, LLP

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SMALL LAW FIRM NETWORKING AND REFERRALS: THE IMPORTANCE OF HCBA MEMBERSHIP

Solo & Small Firm Section

Chairs: David Carter – Carter Injury Law, PA & Dawn Myers – Myers Law, P.A.



In the legal profession, solo and small law firms play a crucial role in providing personalized and specialized legal services to their clients. However, their success often hinges on their ability to create a strong network of connections and to generate referrals. One powerful avenue for achieving this is through being an active part of a bar association. As the new co-chairs of the HCBA Solo Practitioner & Small Firms Section, we understand the significance of small law firm networking and referrals as well as the benefits of bar association membership in enhancing the professional growth and client base of solo practitioners and small law firms. As of the writing of this article, the HCBA has over 285 solo practitioners and small firms in its membership base, a small law firm being defined as having 5 or fewer attorneys. These firms are actively engaged in vast array of practice areas, including, but not limited to, family, criminal, personal injury, real estate, bankruptcy, and estate planning.

Building a Robust Network and Generating Referrals

For small law firms, establishing and nurturing connections with other legal professionals, potential clients, and referral sources is

essential. Networking allows these firms to broaden their reach beyond their immediate circles, leading to increased exposure and credibility within the legal community. The HCBA serves as the ideal platform for building such a network. The HCBA hosts events, seminars, and conferences where

attorneys can interact with their peers, exchange ideas, and forge valuable connections.

By being part of the HCBA, attorneys can position themselves to receive and give referrals within a trusted professional community. When small law firms actively participate in HCBA events, they increase their visibility and credibility. This, in turn, encourages other attorneys to refer clients to them, confident in the quality of their services.

Collaborative Opportunities

Collaboration among legal professionals can lead to mutually beneficial outcomes. Small law firms often face limited resources and expertise, making it challenging to handle complex cases single-handedly. The HCBA facilitates collaborative



By collaborating with other attorneys, small law firms can leverage diverse skill sets, access new perspectives, and expand their service offerings.

opportunities, where firms can team up to tackle larger cases or share knowledge on specialized subjects. By collaborating with other attorneys, small law firms can leverage diverse skill sets, access new perspectives, and expand their service offerings. This not only strengthens their practice but also

enhances their reputation as a well-rounded and capable firm.

Continuing Legal Education

In the dynamic legal landscape, staying up-to-date with ever-evolving laws and regulations is crucial. The HCBA offers numerous Continuing Legal Education (CLE) programs, providing attorneys with opportunities to refine their knowledge and skills. For small law firms, this access to educational resources is invaluable, as it allows them to maintain their expertise in their respective practice areas. We are currently putting together this year's CLE offering for solos and small law firms and we welcome input from our fellow members as to topics that would help your small law firm.

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Advocacy and Representation

The HCBA serves as an advocate for the legal community, addressing issues that impact the profession and providing a unified voice in the legal and legislative arenas.

By being part of a bar association, small law firms can actively contribute to the development of policies that affect their practice and clients.

We look forward to serving as this year's co-chairs of the HCBA Solo Practitioner & Small Firms

Section and hope for a successful year ahead! ■

Authors: David Carter – Carter Injury Law, PA & Dawn Myers – Myers Law, P.A.



SAVE *the* DATE **hcba events**



Wednesday, October 11, 2023

26th Annual Bench Bar Conference
Membership Luncheon & Judicial Reception
Tampa Marriott Water Street

Friday, October 27, 2023

YLD Golf Tournament
Temple Terrace Golf & Country Club

Wednesday, December 6, 2023

Holiday Open House
Chester H. Ferguson Law Center



Saturday, March 23, 2024

5K Pro Bono River Run & Judicial Food
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FLORIDA TAX ON COMMERCIAL PROPERTY LEASES REDUCED AGAIN

Tax Law Section

Chair: Christopher Dingman – Johnson, Pope, Bokor, Ruppel



Florida has recently taken another step in a series of reductions to the sales tax on commercial leases of real property via House Bill 7063.



The sales tax imposed on leases of commercial real property in Florida has been a topic of concern for businesses in the state since its introduction. Concerns often focus on both the tax's high rate and the fact that no other state levies a similar tax on such commercial leases of real property. To address this concern, the Florida legislature has made a concerted effort to reduce the sales tax on commercial rent. The tax has been reduced several times over the last ten years, reflecting the state government's commitment to fostering a favorable business environment.

Florida has recently taken another step in the series of reductions to the sales tax on commercial leases of real property via House Bill 7063, which was signed into law by Governor Ron DeSantis on May 25, 2023. This legislation, in addition to providing planned sales tax

holidays relating to things such as disaster preparedness and back-to-school shopping, reduces the sales tax on such commercial leases from 5.5% to 4.5%, effective December 1, 2023.

The Bill Analysis for this new legislation, however, notes this reduction is only "temporary" in light of Senate Bill 50 passed in April of 2021. This prior legislation will allow for an eventual reduction of the sales tax on commercial leases to 2%. This reduction is set to occur two months after Florida's Unemployment Compensation Trust Fund (the "Fund") reaches its pre-pandemic balance of around \$4,071,519,600. Based on the Fund's forecast summary published in March of this year, the legislature estimates this reduction to 2% to become effective August 1, 2024.

Typically, commercial leases treat the sales tax as a tenant expense. Therefore, this development could have an immediate impact on clients who have leased property on a long-term basis. Additionally, the impact of the reduction on tenant cash flow will likely be a topic of discussion when negotiating terms of new leases. In either case, it will be important to make sure that the taxes are being appropriately remitted to the Florida Department of Revenue, and the rates must be closely monitored to avoid unintentional overpayments or underpayments. ■



*Author:
Tyler Willis -
Johnson Pope
Bokor Ruppel &
Burns LLP*

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HCBA luncheons and events.**

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Voluntary Bar Leader Summit

HCBA was proud to host the leadership of more than half dozen local voluntary bar associations on July 28 at the Chester Ferguson Law Center, where they gathered at a Tampa Bay Area Voluntary Bar Leader Summit to discuss how to better partner in support of the local legal community. The HCBA looks forward to working with its fellow associations on future projects!

Thank you also to our Summit sponsor: Huseby Court Reporting.



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UPDATE FROM THE TECHNOLOGY LAW SECTION

Technology Law Section

Chairs: John Mullen – Phelps Dunbar, LLP & Kurt Sanger – Integrated Cybersecurity Partners



The HCBA Technology Law Section's focus for 2023-2024 will be driven by the rapid growth of information technology (IT) communities in our region and throughout Florida. The growing communities include IT service providers and product developers, cybersecurity and compliance businesses, state and local government organizations empowered by additional IT funding, and many more — all with unique operational challenges and legal issues. The Tech Section's agenda this year will address a broad set of technologies and sectors but will prioritize two categories: attorneys' use of technologies to advance the practice of law (and protection of those technologies), and the pervasive, complex IT legal issues facing clients today.

Hillsborough County has earned a national if not global reputation as an innovation incubator and its attorneys should expect increased demand for legal services. Contributing to this increase are the growing number of local companies developing advanced technologies, the growing number of users of those diverse technologies, the increased scrutiny of social media and other IT companies by federal and state government officials, and the

complexity born of IT's enmeshment with almost every aspect of personal and professional life.

To support the growing demand for attorneys' expertise and innovative legal solutions, the Tech Section will highlight technologies that facilitate the business of running a law office as well as help prepare attorneys for substantive aspects of their legal practices. Available tools support everything from assistance with the dreaded obligations of billing to inspecting millions of pages of documents for information relevant to class action suits. These capabilities normally interact with the most sensitive categories of personal information, the handling of which is often subject to regulation or contract. Cyber and data security are essential elements of working with these tools.

As IT-related legal services and litigation needs multiply, HCBA attorneys will have additional opportunities to serve clients. The Tech Section plans to present subject matter experts to identify emerging practice areas and discuss the latest statutes, regulations, and cases addressing technology. In addition to attorneys, the Section



The Tech Section's agenda this year will prioritize two categories: attorneys' use of technologies to advance the practice of law (and protection of those technologies), and the pervasive, complex IT legal issues facing clients today.

will host leaders from technical professions to share their perspectives regarding law's impact on their products and services, how to ensure data and system security, and compliance and reporting regimes.

In the Summer 2021 edition of the HCBA *Lawyer* magazine, Judge Thomas N. Palermo noted, "Technology continues to revolutionize the practice of law." This statement is similarly

accurate today. In the past two years the revolution has accelerated, and attorneys must aggressively educate themselves on technology matters if they hope to maintain pace. The aspiration for the upcoming Bar year is that members of the HCBA Technology Law Section and participants in the Section's events will be aware of options to improve their practices through technology, prepared to protect their devices, systems, capabilities and data from unauthorized access, and armed with the substantive knowledge necessary to provide outstanding legal advice to clients in this dynamic field. ■

Authors: John Mullen – Phelps Dunbar, LLP & Kurt Sanger – Integrated Cybersecurity Partners

HCBA & YLD Boards Plan For The Year Ahead

The Hillsborough County Bar Association Board of Directors and the Young Lawyers Division Board of Directors joined forces for a retreat on August 18-19 at Zota Beach Resort in Longboat Key. Both boards discussed its plans and programs for the upcoming Bar year, and how to increase member involvement and engagement.

The board members would like to thank the Retreat's Major Sponsors:



ANOTHER BANNER YEAR FOR THE TRIAL AND LITIGATION SECTION

Trial & Litigation Section

Chair: Jason Whittemore – Wagner McLaughlin Whittemore



The Trial and Litigation Section looks forward to another great Bar Year. First and foremost, the Section owes a huge thank you to our 2022-2023 Chair, Kristin Norse. The test of leadership is whether an organization is left better than a person found it. Kristin more than met that mark in leading another exceptional year for the Section.

In our post-pandemic days, we enjoyed a return to (the new) normal. In-person meetings, luncheons, and events brought renewed energy and involvement to the Section through our members. We ended the year with our awards luncheon where we recognized the following three titans of our Section with our premier awards:

- Anthony T. Martino, recipient of the Herbert G. Goldburg Award;

Changes in technology and the need for improvement in dispute resolution will headline the focus of the Section as we continue to adapt to a “post-COVID” world with an ever-increasing volume of cases finding their way into litigation.




- Kevin Napper, recipient of the James “Jimbo” Kynes Memorial “in the Trenches Award” for Criminal Trial Practice; and
- Keith Carter, recipient of the Michael A. Fogarty Memorial “In the Trenches” Award for Civil Trial Practice.

Our Section is fortunate to have the benefit and mentorship of these great lawyers.

As the 2023-2024 Chair, it is humbling to consider the long line of great trial lawyers who served this Section before me. There is no doubt that their work has ensured the success of this Section for years to come.

Of course, in addition to Kristin’s service, the Section’s success is directly tied to its members and the Board. In that vein, I’d like to thank the members of last year’s Board: Amy Currotto, William (Bill) Daniel, Jaret Fuente, Lauren Humphries, Jenay Iurato, Erin Jackson, Rebecca LoCascio, Anthony (Nino) Martino, Lily McCarty, Chad Moore, John Schifino, Ella Shenhav, Morgan Streetman, and Katherine Yanes, as well as the participation of Judge Jessica Costello and Judge Michael Williams as our judicial

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“Exploring Resolution Opportunities”

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liaisons. I'd like to offer special thanks to Lauren Humphries (Chair-Elect), Jenay Iurato (Secretary), and Lilly McCarty (Treasurer) for volunteering to serve as officers on this year's Board.

As we look forward to this year, we aim to improve upon the great programs and events we offer our members. Changes in technology and the need for improvement in

dispute resolution will headline the focus of the Section as we continue to adapt to a "post-COVID" world with an ever-increasing volume of cases finding their way into litigation. The Section also looks forward to continuing its focus on pro bono service, as well as assisting the HCBA in Bar events throughout the year, including the fall's premiere CLE event — The Bench Bar Conference.

We encourage our members to offer any ideas or suggestions to help improve the Section throughout the year. Additionally, if you have any interest in becoming more involved in the Section, feel free to e-mail me at jason@wagnerlaw.com. Please keep an eye out for upcoming Section events. We look forward to seeing you throughout the Bar Year. ■

Author: Jason Whittemore - Wagner McLaughlin Whittemore



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Workers' Compensation Section

Chairs: Anthony V. Cortese – Anthony V. Cortese, Attorney at Law, Irene Rodriguez – Irene M. Rodriguez, PA & Ya'Sheaka Williams – Quintairos, Prieto, Wood & Boyer



**I urge any
practitioner to
carefully read
this decision.**



Attorneys who practice in the worker's compensation field should carefully read the decision in *Churchill v. DBI Services and Corvel*, No. 1D21-3199 (1st DCA May 31, 2023). It is an important and complex ruling.

The claimant in the case was a cleaning person who mixed some chemicals that exploded into a vapor that enveloped her face on November 1, 2020. She immediately began choking and having other symptoms. She was taken by ambulance to the hospital and admitted for 5 days for conditions including toxic effects of fumes and chemicals, and respiratory distress. The worker's compensation insurance carrier accepted the claim as compensable on November 13, 2020, paid for prescriptions, and began paying indemnity on the same day. Treatment was authorized and indemnity paid until February 7, 2021.

On January 8, 2021, the employer/carrier sent a 120-day pay and investigate letter, and on February 24, 2021, the employer/carrier issued a denial, refusing to pay certain medical bills and contending that the claimant could not prove compensability of

this as a toxic exposure because the claimant could not prove the specific chemical exposures involved or the quantity the claimant was exposed to, as required under F.S. 440.02(1). At the pretrial, the employer/carrier agreed to pay all medical bills incurred before February 24, 2021. In discovery, the claimant asked for a deposition of the corporate representative of the employer, but the Judge of Compensation denied the request and granted a protective order against it.

After a final hearing, the Judge held that the claimant had not proven the specific chemicals involved nor the quantity of the exposure, and so, under the rule requiring this specific proof for a toxic exposure injury, the claimant had not established compensability. The Judge also denied the claim for attorney's fees for the medical bills that the employer/carrier had first denied and then at the pretrial agreed to pay.

The denial of the award of attorney's fees to the claimant's counsel for medical bills that were denied and paid after litigation was reversed and remanded by the First District Court of Appeal without much fanfare, holding it was an error not to award fees based on

successful litigation for benefits, even though the success was only for part of the benefits at issue.

The denial of the request for a corporate representative deposition was also reversed and remanded. The workers' compensation rules of procedure, at F.S. 440.30, incorporate the civil rules of procedure, which expressly allow such a deposition. It was noted that the deposition of the employer would be meaningful on the issues in a toxic exposure case.

The more complex ruling involved the 120-day notice to pay and investigate rule. There was a 120-day letter issued within 120 days of the injury, and there was a final denial within 120 days of the injury. However, because there had been 59 days between the commencement of payment of benefits and the issuance of a 120-day written notice, the First District held that the employer/carrier waived the right to deny compensability, making the issue of proof of toxic exposure moot. I urge all worker's compensation practitioners to carefully read this decision. ■

Author: Anthony V. Cortese - Anthony V. Cortese, Attorney at Law

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Brannock Berman & Seider congratulates several of its colleagues for their recent appointments: **Steven L. Brannock** was appointed to the Florida Supreme Court Historical Society Board of Trustees; **Thomas J. Seider** was appointed as Chair of the Florida Justice Association's Appellate Practice Section and as Co-Chair of The Florida Bar Appellate Practice Section's Pro Bono Committee; **Joseph T. Eagleton** was appointed Treasurer of The Florida Bar's Appellate Practice Section; and **Sarah B. Roberge** was appointed to the Executive Council of The Florida Bar's Appellate Practice Section and selected as Editor of the Section's submissions to The Florida Bar Journal.

Hill Ward Henderson is pleased to announce that **Jarod Brazel**, an associate at the firm, has been accepted into The Florida Fellows Institute Class of VI.

Gunster welcomes **Matthew A. Brown**, who joined the firm's Private Wealth Services practice in Tampa. He concentrates his practice in the areas of estate planning, asset protection, and tax-advantaged wealth transfers.

The Florida Bar Criminal Law Section presented HCBA member and local attorney **James E. Felman** of **Kynes, Markman & Felman** with its 2023 Selig I. Goldin Memorial Award in June. During remarks, he was recognized

for his tireless advocacy for legal reform in the policy arena. A National Association of Criminal Defense Lawyers board member, Felman chairs the group's Task Force on First Step Act Implementation and the NACDL's Task Force on Federal Rule of Criminal Procedure 17(c) Review. In addition, Felman chairs the ABA Criminal Justice Section's Task Force on First Step Act Implementation and is a former ABA Criminal Justice Section chair. Felman is also a founding member of the Steering Committee for Clemency Project 2014 and is a former co-chair of the Practitioner's Advisory Group to the U.S. Sentencing Commission. Congratulations to Felman for this well-deserved award.

Hill Ward Henderson is pleased to announce that **Katherine Frazier**, a shareholder at the firm, has assumed the position of Chair of the Real Property, Probate and Trust Law Section of The Florida Bar.

Harris, Hunt & Derr, P.A. is pleased to announce their newest partner, **Nicole Gehringer**. With years of dedication, hard work, and commitment to helping their clients, Harris, Hunt & Derr looks forward to having Nicole lead the firm alongside partners Nancy Harris, Joe Hunt, Christine Derr, and Katherine Scott.

Hill Ward Henderson is proud to announce that attorney

Andriy Lytvyn has been appointed to serve on The Florida Bar's Intellectual Property Law Certification Committee.

United States Bankruptcy **Judge Catherine Peek McEwen** recently received appointments by Chief Justice John Roberts to two committees of the Judicial Conference of the United States (JCUS), the policy-making body of the federal judiciary. She was appointed to an indefinite term on the Committee on the Judicial Branch as well as to a second, three-year term on the Advisory Committee on Bankruptcy Rules. The Branch Committee's mission is to study and address issues affecting the judiciary as an institution and affecting the status of judicial officers; the Bankruptcy Rules Committee studies the operation and effect of the rules of practice and procedure in bankruptcy courts.

Adams and Reese welcomes the addition of two attorneys to its Tampa office — **Anna Stein**, a construction and commercial litigation attorney, and **Erica Pope**, a labor and employment attorney. Stein is board-certified in Construction Law by The Florida Bar, and practices in commercial litigation. An Associate, Pope focuses her practice on management-side defense, representing employers in various aspects of state and federal court litigation and pre-suit administrative proceedings.



To submit news for Around the Association, please email Stacy@hillsbar.com. To view additional HCBA news and events, go to www.facebook.com/HCBAatampabay.

JURY TRIALS

Judge: Hon. Janet C. Croom

Parties: Sonya Carolyn Carp and Daniel Joseph Carp v. Markious Allen Coyle and Coca-Cola Beverages Florida LLC

Attorneys for plaintiff:

Christian Denmon and Andrew Plagge of Denmon Pearlman law firm

Attorneys for defendant:

Robert L. Blank, Damien Orato

and Alyxandra Buhler of Rumberger, Kirk & Caldwell

Nature of case: Trucking accident

Verdict: Defense Verdict

Judge: Hon. Jeffrey Ashton, Ninth Judicial Circuit

Parties: Mary Lloyd and Margaret LaDuke v. Omar Daabics

Attorneys for plaintiff:

E. Christopher Abdoney and William A. Knight

Attorneys for defendant:

Rodney Lundy of Conroy Simberg, LaShawnda Jackson of Rumberger/Kirk

Nature of case: Automobile Negligence

Verdict: Total verdict \$4,149,000

To submit Jury Trial information, please fill out the online form at www.hillsbar.com/page/LawyerMagazine.



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