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TAMPA, FLORIDA | JAN - FEB 2024 | VOL. 34, NO. 3





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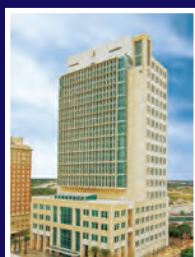
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On this issue's cover, we are highlighting another prominent Courthouse in Hillsborough County — the Sam M. Gibbons United States Courthouse. Housing the Tampa Division of the Middle District of Florida, the Division serves Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties. The Middle District of Florida is one of the country's 94 United States District Courts, which stretches over 350 miles from the Georgia border on the northeast to south of Naples on Florida's southwest coast. These courts are an integral part of the country's justice system, serving to resolve both civil and criminal matters. Each United States District Court includes a United States Bankruptcy Court. There also are two special trial courts: the Court of International Trade addresses cases involving international trade and customs laws, and the United States Court of Federal Claims deals with most claims for money damages against the United States government. For more information on the Middle District of Florida, visit <https://www.flmd.uscourts.gov/>.

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THE HILLSBOROUGH COUNTY BAR ASSOCIATION

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WELCOME NEW HCBA MEMBERS OCTOBER AND NOVEMBER 2023

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HCBA Pro Bono River Run & Judicial Food Festival

Saturday, March 23, 2024

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Starting the New Year off on the Right Foot

Let's all make a resolution this year to try to be kinder to ourselves.

By the time this issue reaches your hands, the holiday season will have ended. I hope that everyone had wonderful holidays and that you had an opportunity to relax, recharge, and reflect on the year that has just ended. With all that is going on in the world and our practices, it is more important than ever to take time with loved ones, friends, and family. We all should try to recognize how rest and time with those close to us benefit us in ways that may not immediately show up in billable hours or revenue reports. I know — easier said than done, but something to aspire to. On that note, both the Family Law Section and the DEI Committee have articles emphasizing the importance of taking care of our mental health and self-care in the legal profession. Let's all make a resolution this year to try to be kinder to ourselves.

This issue of the magazine is chock full of excellent articles and information. I can highly recommend to you Chief Judge Sabella's appraisal of Judge Ficarrotta's term as Chief Judge. All residents of the Thirteenth



Judicial Circuit owe a great debt of gratitude to Judge Ficarrotta. If his leadership in supporting the creation of mental health and other alternative courts had been

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Continued from page 4

all he did, he would have been one of the most impactful Chief Judges in the history of the Circuit. When you add in his stewardship and leadership in keeping the Courts open to the public during COVID, his legacy is undeniable.

The Clerk of the Court has an update on how jurors donating their compensation for service has raised almost \$40,000 for the Spring of Tampa Bay. The article also provides background information on the charity jurors' donations will benefit in the coming year, Voices for Children of Tampa Bay.

The Appellate Section has a fascinating article on how Artificial Intelligence is already here and providing ways appellate practitioners (and trial attorneys) can integrate AI into their practices. The Criminal Law Section details the other side of AI — monitoring by the State of phone calls to and from incarcerated individuals and the (scary to this writer) implications thereof.

Speaking of criminal law, the latest in a series of articles that I have really come to enjoy about the day-to-day

practices of government attorneys features Rocky Brancato with a peek into his daily life as the Chief Operating Officer for Hillsborough County's Public Defender's Office. What a fascinating and high stakes position! I absolutely love hearing and reading about positions in the legal profession with which I am unfamiliar.

Immigration is in the news daily, and both the Immigration Law Section and the Labor & Employment Law Section provide insights this month on how the nation's and Florida's policies toward immigrants are impacting the ability of employers to hire and retain the employees they desperately need.

Finally, please read the article on Human Trafficking Prevention Month by Brent A. Woody and Jenay E. Iurato of the Trial & Litigation Section. I encourage you all to go above and beyond the minimum pro bono requirements of The Florida Bar and to share your talents with such worthy organizations as the Justice Restoration Center.

Thank you to all of the contributors this issue, and I hope everyone enjoys and learns from the fruits of their labors! ■

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Make 2024 A Great Year

January is the time of year to make resolutions and commitments for a great year, personally and professionally.

It was a great 2023 year at the HCBA. There were great seminars and CLE programs presented by the different sections and committees. The HCBA Diversity Membership Luncheon, the 5K Pro Bono River Run and Judicial Food Festival, the Bench Bar Program, the HCBA Membership Law Day Luncheon, and the HCBA Holiday Open House were a few of the recurring events that were amazing. I look forward to these events in 2024 and hope you will attend.

One of my favorite events is the 5K Pro Bono River Run/Judicial Food Festival. This year the event is scheduled for Saturday, March 23, 2024. I hope everyone can attend. Usually, the weather is amazing and it is a good time to be outside. The food and drinks taste so much better after a 5K Run. Given that it is January, now is a good time to start the New Year resolution and start training for the 5K Run.

But before the 5K Run and Judicial Food Festival, there are many events to attend. On January 16, the HCBA Diversity Membership Luncheon will occur at Marriott Water Street. The event is well attended, and not only is it a time to catch up with other lawyers who you have probably not seen in a while, but is a time to meet new HCBA members. The speaker is always interesting, and it is always a great time. I encourage you to please attend if you are able to.

March 9 will be the HCBA Night at the Tampa Bay Lightning Game at Amalie Arena. The game starts at 7:00 pm and is always a family friendly event. It is a fun time to go and have a group cheering for the Lightning.

The HCBA Membership Law Day Luncheon is scheduled for May 7, 2024 at the Hilton Downtown. The Luncheon provides a great time to network with fellow



HCBA members. This event always has a wonderful speaker and should not be missed. I hope you can make it.

I encourage everyone to please go to the HCBA website at hillsbar.com and look at all the wonderful information. There is a calendar that contains more information on the above events, and on the many other HCBA events that are too numerous to list in this article. I also encourage everyone to go to the "For Attorneys" tab and click on "Sections & Committees." The page for each HCBA Section and Committee will appear and provide specific details about upcoming luncheons, CLE's and events for the specific Section or Committee.

January is the time of year to make resolutions and commitments for a great year, personally and professionally. Now is time to look at the calendar on the HCBA website and put on your calendar the many great upcoming events. Let the HCBA help you make 2024 your most successful and rewarding year. ■

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New Beginnings With the YLD

To answer the needs of our members, the YLD seeks to remain in step with our newest members.

2024 is here, bringing with it our New Year's resolutions, goals for the future, and commitments to growth. As we begin a new calendar year, I am reminded that we must never discount our beginnings, especially the beginning of a legal career. The YLD is unique in that it has a constantly changing membership and is comprised of those lawyers under the age of 36 or in their first five years of practice. Like a revolving door, the YLD is constantly seeing members "age out," as it also welcomes new members and new lawyers to its member base.

Because of its cyclical membership, the YLD is always in a state of experiencing new beginnings and growth. For instance,

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in a lawyer's first years of practice, they will be exposed to a number of new experiences that will set the momentum and direction of their career, like representing their first client, arguing their first case, or drafting their first major work product. Young lawyers will develop a critical understanding of the practice of law, and also experience a tremendous level of growth. Many, like myself, will even travel to a new city to start their first legal job and will be faced with building a new professional network. In a lawyer's first years in practice, they may also have the opportunity to forge important connections and to develop mentor relationships with seasoned attorneys in the community. Undeniably, a lawyer's beginnings are a vital stage in their long-term career.

The new year will undoubtedly bring new challenges and new opportunities for growth amongst our established young lawyers. It will also bring a completely new experience to all of our new, young lawyers. In February, hundreds will take the bar exam here in Tampa, and the HCBA YLD will soon welcome a new class of young

lawyers. Those young lawyers will then begin their journey building a network and advancing their career... and so the cycle continues to refresh the YLD's ranks with bright minds and up-and-coming lawyers.

To answer the needs of our members, the YLD seeks to remain in step with our newest members. In January, the YLD hosts its annual Coffee at the Courthouse & Judicial Shadowing Program with other voluntary bar associations, to better acquaint our members with the judiciary and provide a valuable opportunity for networking with our local judges. In March, in conjunction with Law Week, the YLD will be visiting a number of local schools to conduct mock trials and speak about the profession of law. We also look forward to hosting additional events aimed at providing educational CLEs and learning opportunities for our members.

As we sail into 2024, the dawn of another new year reminds us of the importance of beginnings and of beginning a legal career, and that we should always strive to keep in perspective the needs of Hillsborough's young and new lawyers. ■



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2023 American Bar Association Profile Report Spotlights Advances and Challenges Facing Legal Profession

Over the past decade, Florida's lawyer population was the fastest growing in the nation, with the number of active lawyers increasing 24%, followed by North Carolina at 20%, and Texas and Georgia both at 17%.

The American Bar Association released its fifth annual *Profile of the Legal Profession* on Nov. 30, and it offers some interesting findings on the state of the legal profession in the United States.

The comprehensive 140-page report details key statistics about lawyers, judges, and law students, covering issues such as demographics, employment, law school trends, diversity, and legal aid.

"The 2023 Profile marks both the significant strides and challenges in diversity and the path forward for the legal community," ABA President Mary Smith said in a statement.

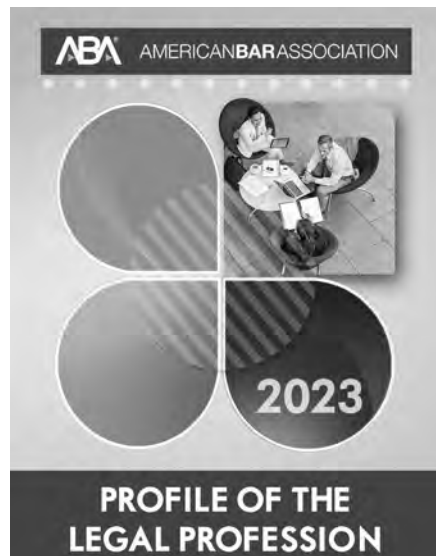
In the report's introduction, Smith highlighted the dearth of legal aid attorneys in the U.S.

Citing statistics from the Legal Services Corp., Smith said 92% of low-income Americans face civil legal issues without adequate legal counsel.

Nationwide, there are about three legal aid attorneys per 10,000 residents living in poverty.

"The truth is this: For many low-income Americans, it's hard to find a paid legal aid lawyer to handle a civil litigation problem — a child custody case, an eviction or trouble getting veterans benefits," the report stated.

Smith also wrote that while the number of diverse lawyers has nearly doubled from 11% to 21% over the past decade, the legal profession still lags in mirroring the nation's demographics, where 41% of the population is non-white.



Continued on page 11

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Regarding gender representation in the law, Smith noted that women now constitute 39% of the legal workforce, which is a 5% increase over the past decade.

Additionally, Smith said that while law schools have seen a surge in female applicants — with women now comprising 56% of the student population — a wide gap remains in the number of women holding senior law firm positions.

A chapter on demographics said that there are now more than 1.3 million lawyers in the U.S., which is a 5% increase from 2013 to 2023.

Over the past decade, Florida's lawyer population was the fastest growing in the nation, with the number of active lawyers increasing 24%, followed by North Carolina at 20%, and Texas and Georgia both at 17%.

According to the report, Florida has 84,594 active lawyers, which makes it the state with the fourth largest lawyer population overall, behind New York (188,341), California (170,959) and Texas (96,827), respectively.

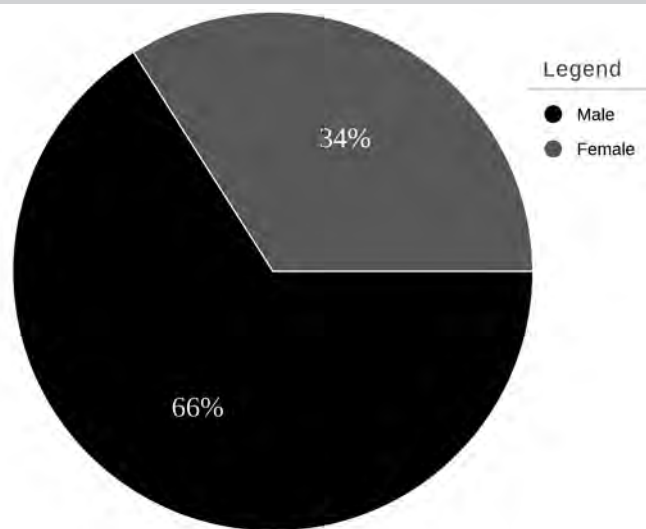
The report also devotes a full chapter to lawyer well-being. Disturbingly, it states that lawyers are twice as likely as non-lawyers to think about suicide.

Other highlights from the ABA report:

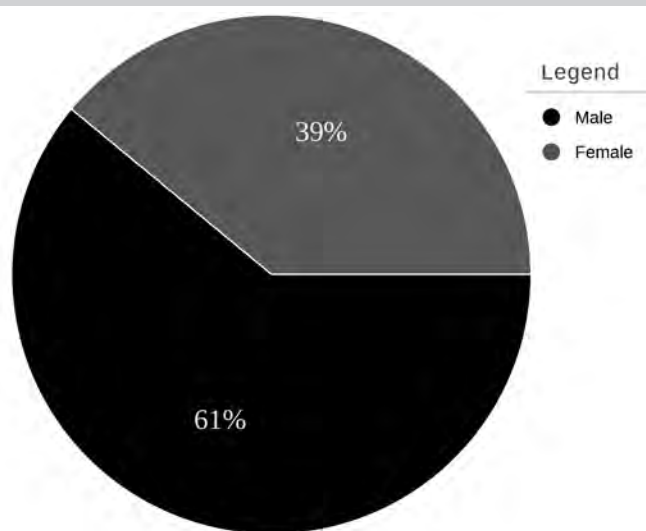
- In the past five years, the wages for the average lawyer in the U.S. rose 15.4% — from \$141,890 in 2017 to \$163,770 in 2022.
- Lawyers, on average, are older than the general working population.
- Roughly 1 in 12 lawyers said they have a “virtual law practice.”
- Nearly 9 out of 10 lawyers (89%) said their firms use social media networks, such as LinkedIn.
- To protect themselves from computer security breaches, nearly half of all attorneys (46%) said their firms have cyber liability insurance, which is up significantly from 34% in 2018.
- Law schools reported that 38,020 students began JD studies in 2022, a drop of 11% from the previous year.
- Unemployment among new law school graduates remained at the lowest level in at least a decade in 2022, at about 5%.
- The number of new law graduates joining law firms right after graduation is higher than ever, at about 50%. The rest got jobs in government, courts, business, public interest, and other settings.

The full American Bar Association report can be found at www.abalegalprofile.com. ■

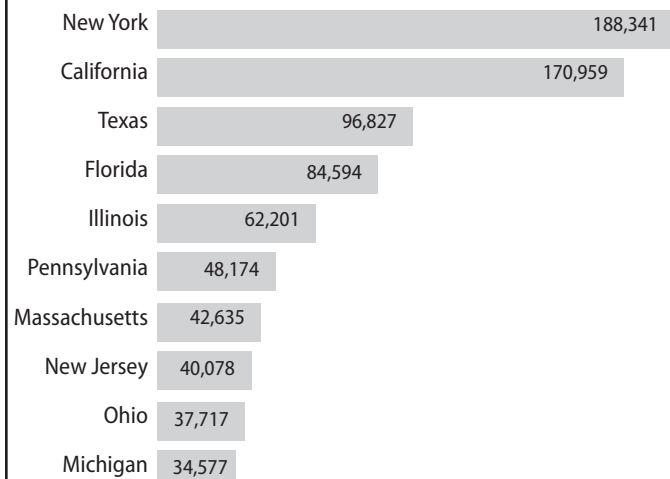
LAWYER GENDER 2013



LAWYER GENDER 2023



10 States with the most lawyers 2023





Chief Judge Recognition and Transition

I will do my best to make the members of the Hillsborough County Bar Association proud to work in the best Circuit in the State of Florida.

They say *all good things must come to an end*. As to Ronald N. Ficarrota's term as Chief Judge, there is truth to the saying. On June 30, 2023, Judge Ficarrota's term as the Chief Judge of the Thirteenth Judicial Circuit ended. The Florida Rules of Judicial Administration restrict the number of two-year terms a Chief Judge can serve, with eight years being the maximum. Since his term began in 2015, his eight years were up in 2023.

Shortly thereafter, he announced he would retire on August 31, 2023. Knowing Ron like I do, I know he struggled with the decision to retire. He truly loved being a Chief Judge! But a life beyond the bench was calling, and he looked forward to spending more time with his wife Monica, brother Joe, and sister Rosemary.

Ron's tenure as Chief Judge was a unique one. He led the Thirteenth Circuit through the COVID-19 pandemic, grounded in the belief that that the public's



right to access to the courts was fundamental and must be protected. Due to his leadership, the Thirteenth Circuit was a leader in providing access to hearings via

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Zoom, enabling staff to work in a safe, hybrid manner, and returning to jury trials while adhering to social distancing. He worked with our Hillsborough County Administration partners to establish sanitation protocols for all court facilities, our justice partners to collaborate on processes and procedures that met the needs of all stakeholders, and always emphasized that the health and wellness of our court family and citizens of our community was most paramount.

Our sincere appreciation for his service was conveyed in a very meaningful way. On June 28, 2023, we unveiled the Ronald N. Ficarrotta Courtroom. His brothers and sisters on the bench, members of the Administrative Office of the Courts, and his beloved family shared in the celebration. Ron was overwhelmed with emotion and appreciation as he stood outside Courtroom 505, on the fifth floor of the Edgcomb Courthouse, to witness the surprise unveiling.

Then on September 29, 2023, County Commissioner Harry Cohen presented Chief Judge Ficarrotta with a commemorative plaque from the Board of County Commissioners, recognizing his service as Chief Judge (shown on previous page). The plaque now hangs below the Ronald N. Ficarrotta Courtroom signage. All who pass the plaque will forever be reminded of the service, dedication, and vision of our beloved Chief Judge Ficarrotta.

It occurs to me now (and did then) that I have some very big shoes to fill as the Circuit's new Chief Judge. While I am humbled and thankful for the faith that my fellow judges placed upon me in the spring of 2023, I know there is much work to be done. The assignments before me are plentiful, with many projects on the horizon, including the construction of two new county

courtrooms on the fourth floor of the Edgcomb Courthouse, and two in the Pat Frank Court Building. And of course, I will endeavor to keep Ron's hope and vision alive — that we will in the next several years design and build a new criminal courthouse in downtown Tampa.

I will do my best to make the members of the Hillsborough County Bar Association proud to work in the best Circuit in the State of Florida. I am so thankful for your support, and I look forward to working with each and every one of you. ■

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Hillsborough County ‘Generous Jurors’ Raise Almost \$40,000 For Local Domestic Violence Shelter

We believe community partnerships are key to our office, and this new option is another way to continue to show support for our community.

Jury Duty — what does it mean to you? If you’re an attorney, it means you are looking to ensure your client’s case will be heard by 12 citizens who can be impartial and fair. If you’re a judge, it means that on several days during the week you are hosting anywhere from 50 to 200 citizens in your courtroom and listening to the question-and-answer section of both the prosecution and defense as they try to agree on a jury. If you’re a juror, well, that day may look a little different.

In Hillsborough County, we call citizens to dutifully serve, summoning three thousand jurors every week for criminal and civil trials.

The Clerk’s office works closely with the Thirteenth Judicial Circuit to make sure jury duty is a rewarding experience. We do our best to give as much information to jurors prior to their arrival at the courthouse, and we are excited to have recently released our “What to know before you go” video to the public. Please watch to see



how we are informing the public about their jury service. The video is located at: www.hillsclerk.com/Jury. Our staff does its best to provide an atmosphere where jurors can spend the day in our courthouse understanding

Continued on page 15

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.

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the process but also have some flexibility to read or work while they wait to be sent to a courtroom.

Jurors have always had the option to request compensation for their time if they are unemployed, not regularly employed, or employed but their employer does not pay their regular wages while they serve.

Based on statute, Hillsborough County jurors have had the option to donate their compensation, if not paid by an employer, to a local charitable organization. At the time of jury service, jurors choose to make their donation. At the end of their service, we thank them with a letter from the Clerk's office about their donation. Since the summer of 2022, those jurors donated more than \$40,000 dollars to The Spring of Tampa Bay, our local domestic violence shelter.

As of November 1, those donations will be directed to a non-profit called Voices for Children of Tampa Bay, which provides support to children in foster care.

The Clerk's Office rotates the designated charity each year, pursuant to Section 40.24, Florida Statutes.



We believe community partnerships are key to our office, and this new option is another way to continue to show support for our community.

Jury service is a civic responsibility all United States citizens share, no matter the duration of your service. You play a vital role in the American justice system, and the Clerk's Office strives to accommodate you as you dutifully serve.

Giving our jurors the option to donate their compensation is of great benefit to these non-profits. We appreciate not only our generous jurors for their service, but for their donations.

As always, we are here to assist in all aspects of the court's business functions. If you need to conduct business with the Clerk's office in the future, you can visit www.hillsclerk.com and remotely access many of our services 24/7, including information regarding jury duty. We welcome your feedback on your experience so we can continually improve the process.

To learn more about Voices for Children and the important work they do for abused, abandoned, and neglected children in our community, please visit vftampabay.org or call 813.275.9300. ■



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— M E D I A T I O N S —

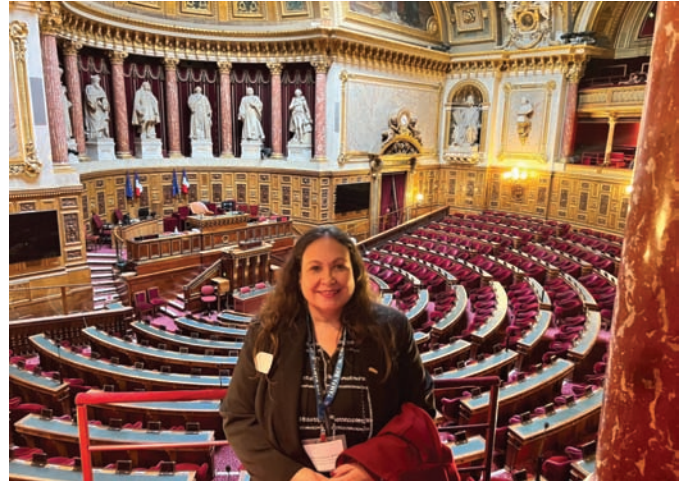
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Tampa Delegation Mission Visit to Our Sister City of Le Havre, France

The purpose of the Tampa Delegation Mission visit was to foster global cooperation, international partnerships, and cultural exchanges between the City of Tampa and Le Havre, France.



I was invited to take part in the Tampa Delegation Mission visiting our Sister City of Le Havre, France, that took place the week of October 1, 2023. I was able to attend and proudly represent the Hillsborough County Bar Association in my role as a member of the Board of Directors. The purpose of the Tampa Delegation Mission visit was to foster global cooperation, international partnerships, and cultural exchanges between the City of Tampa and Le Havre, France.

Our delegation included judges from the Thirteenth Judicial Circuit, led by the Honorable Judge Helene Daniels, lawyers, delegates from both the University of South Florida and the Tampa Museum of Art, business and maritime sector delegates led by Glenn Cooper and Deborah Wilkenson, Tampa Sister Cities delegates

led by President Alfred Goldberg, and government leaders including Mayor Jane Castor, City of Tampa Councilmen Guido Maniscalco, Hillsborough County Commissioner Harry Cohen, and Maria Chapa-Lopez, former United States Attorney for the Middle District of Florida. It was amazing to be part of a delegation filled with people who represent Tampa so well in such a variety of fields.

On our first day in Le Havre, France, we were greeted on the beach with a picnic hosted by lawyers from the Le Havre Bar Association, Le Havre Connections, educators, and business leaders. They were all so warm and welcoming. Many brought homemade dishes and desserts. And of course, there was wine and cheese.

Continued on page 17

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Continued from page 16

The French delegation were lovely hosts, rolling out the red carpet for us. They planned many events throughout the week, so we had a full calendar. These included: an evening reception hosted by Mayor Edouard Phillipe of Le Havre at City Hall; a day spent at the Ecole Nationale Supérieure Maritime Campus (ENSM) at Le Havre (learning about maritime law and government practices of both Tampa and Le Havre); a business luncheon hosted by Jean-Louis Gregoire,



President of Administrative Counsel of EM Normandie Business School; a tour of the Museum of Modern Art (MUMA) at Le Havre by Guillaume Gaillard, Director of Heritage/Culture; an evening reception hosted by the Le Havre Bar Association; a breakfast reception and walking tour hosted by Sylvie de Gaetano, Mayor of Trouville-Sur-Mer; a visit to the American Cemetery, where we were given a tour and met the U.S. Counsel General to Western France; an afternoon

Counsel General

Continued on page 19



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Continued from page 17

reception at the Omaha Beach Golf Club where we met the Chief Judge for that area of Normandy; and a tour of the Senate in Paris lead by M. Arthur Gueulle, Collaborateur de Madame Agnes Canayer.

Although we had a very busy calendar, there was some downtime that allowed the Tampa delegation to enjoy additional wonders of France. I was able to visit the Mont Saint-Michel Abbey and its lovely town, the treasures of the Louve in Paris, and some wonderful French restaurants and shops. One of these restaurants was the amazing La Taverne Paillette in Le Havre, which was originally a brewery that opened in 1596, full of history and phenomenal dishes.

Being a part of this magnificent delegation was such a joy! Not only was I able to meet amazing people within both the Tampa delegation and the French delegation, but I was also able to make lifelong friends.

And now we leave it to our Sister City of Le Havre to come visit Tampa so we can give back to them with the same joy and kindness. It will also give us the opportunity to proudly showcase our wonderful City of Tampa and our extraordinary Hillsborough County Bar Association. Merci pour tout mes amis. (Thank you for everything my friends). Jusqu' a ce que je te revoie! (Till I see you again!). ■



Author: Amy Casanova-Ward – FL Dept. of Financial Services



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YLD Golf Tournament

The HCBA Young Lawyers Division had a great turnout for their annual golf tournament on October 27th. More than 100 golfers and sponsor representatives came out for the YLD's signature fundraising event at the Temple Terrace Golf & Country Club.

Congratulations to the winning team members, and thank you also to the YLD Committee for all of their work in planning the tournament!

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TAKE THE LEAD IN PRO BONO SERVICE AT THE 15TH ANNUAL HCBA 5K PRO BONO RIVER RUN

5K Pro Bono River Run Committee

Chairs: Judge Alissa Ellison & Judge Darren Farfante – Thirteenth Judicial Circuit Court



Attention please — the 2024 Annual HCBA 5k Pro Bono River Run is right around the corner. This year's race is Saturday, March 23, 2024 at 10:00 a.m. and you will not want to miss out! Once again, the race route will trace the scenic Tampa Riverwalk — beginning and ending at Water Works Park — promising a beautiful morning with friends, family, and colleagues. The morning will start with a spirited 5k-araoke Challenge, and members of the judiciary will again award finisher medals to participants upon completion. From top to bottom, this will be an enthusiastic and interactive event.

The goal of the 5k Pro Bono River Run is to encourage the performance of pro bono services within our community. The results of the River Run speak for themselves. Since the inception of the 5k Pro Bono River Run, participants have delivered over 25,000 of pro bono service to our community. Last year, the 5k Pro Bono River Run resulted in over 3,000 pledged pro



**Save the date and plan to
attend the 5K Pro Bono River
Run & Judicial Food Festival
on March 23.**

bono hours. With your pledge, we know that we can do even better this year!

In furtherance of the HCBA's mission to encourage pro bono service, we will again offer a reduced registration fee of \$25 for every runner who pledges at least 25 hours of pro bono service. We encourage

**Continued on
page 29**

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Continued from page 28

you to take advantage of this reduced registration fee and to pledge 25 hours of pro bono service hours today. The commitment of pro bono hours is an impactful and meaningful way to give back to our community and assist those who need legal support, but are unable to financially obtain such services. Don't miss out on your opportunity to make a difference in the legal community.

The event is family friendly and open to all ages and calibers of runners and walkers. The race is chip-timed and awards will be presented at the conclusion of the race. Awards will also be given to past proven performers of pro bono hours to highlight the

importance of pro bono service. Your registration fee includes a T-shirt and finisher medal.

Not interested in running or walking? You can still be a part of the River Run by volunteering your time to assist on race day. If you are interested in volunteering for the event, please contact Jason Imler at Jason@ImlerLaw.com or Bill Shelhart at William.Shelhart@myfloridalegal.com for additional information.

After the race is completed, participants can also chow down on fantastic food and celebrate with members of the judiciary and legal community at the Judicial Food Festival at Stetson University's Tampa Law Center. The Food Festival is held immediately after the race at no cost to HCBA members

and their families and guests. The Food Festival is the perfect way to cap off a successful event and to enjoy time with your colleagues and members of the judiciary.

Your commitment to pro bono service is important to our community and has a lasting effect on those in need. On behalf of our committee, we thank you in advance for participating in the 15th Annual Pro Bono River Run and for answering this call to service. Please visit www.hillsbar.com for additional information and a link to the registration page. Take the lead in pro bono service by registering and pledging pro bono hours today! ■

Authors: Judge Alissa Ellison & Judge Darren Farfante – Thirteenth Judicial Circuit Court

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**Now is the time to
harness the power of AI
to gain new capabilities
to better serve our
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The advent of numerous accessible Artificial Intelligence (“AI”) powered tools is disrupting the legal profession and creating new capabilities. While you may not encounter robots at counsel’s table any time soon, it’s never too early to integrate AI into your appellate practice.

AI accelerates legal research and case analysis. AI can quickly analyze cited case law and identify precedents you may have overlooked. On November 15, 2023, Westlaw Precision launched a generative¹ AI-powered search. While Westlaw has been using AI since 2003, these new capabilities include the ability to “chat” with

Westlaw about its findings as you would with a colleague.² Similarly, LexisNexis announced a generative AI platform on May 4, 2023.³

AI provides predictive analytics to develop strategy. AI can analyze historical data and gauge whether legal arguments were successful in the past and predict potential outcomes. A study using data from Brazilian federal courts concluded that AI using deep learning models⁴ predicted outcomes of appeals better than human experts.⁵ Another study used AI to predict outcomes of the United States Supreme Court, which achieved 70.2% accuracy at the case outcome level and 71.9% accuracy at the justice vote level.⁶

AI assists in drafting persuasive arguments. Through Natural Language Processing (“NLP”), which gives computers the ability to understand text and spoken words,⁷ AI can analyze briefs that were successful in the past and provide feedback to lawyers on how to make their briefs more compelling. AI can provide additional insight by identifying potential counterarguments and caselaw that align with your procedural position.

Technology has always impacted how we practice law, from computers replacing typewriters, e-mail supplanting handwritten

Continued on page 31



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Continued from page 30

letters, and platforms like Westlaw and LexisNexis superseding bookshelves of reporters. Now is the time to harness the power of AI to gain new capabilities to better serve our clients and our practice.

Note that AI did not write this article. However, it could have. ■

¹ Generative AI systems create text, images, audio, video, and other content. *Science & Tech Spotlight: Generative AI*, U.S. Government Accountability Office (June 13, 2023), <https://www.gao.gov/products/gao-23-106782>.

² *Generative AI Product Review: Westlaw Precision*, Thomas Reuters Legal Current (June 8, 2023), <https://www.legalcurrent.com/>

generative-ai-product-preview-westlaw-precision/.

³ *LexisNexis Announces Launch of Lexis+ AI Commercial Preview, Most Comprehensive Global Legal Generative AI Platform*, LexisNexis (May 4, 2023), <https://www.lexisnexis.com/community/pressroom/b/news/posts/lexisnexis-announces-launch-of-lexis-ai-commercial-preview-most-comprehensive-global-legal-generative-ai-platform>.

⁴ Deep learning is a subset of machine learning using neural networks to simulate the behavior of the human brain, allowing it to “learn” from large amounts of data. *What is Deep Learning*, IBM (last visited Nov. 15, 2023), <https://www.ibm.com/topics/deep-learning>.

⁵ Jacob de Menezes-Neto, Elias, and Marco Bruno Miranda Clementino. “Using deep learning to predict

outcomes of legal appeals better than human experts: A study with data from Brazilian federal courts.” *PloS one* vol. 17,7 e0272287. 28 Jul. 2022, doi:10.1371/journal.pone.0272287.

⁶ Katz, Daniel Martin et al. “A general approach for predicting the behavior of the Supreme Court of the United States.” *PloS one* vol. 12,4 e0174698. 12 Apr. 2017, doi:10.1371/journal.pone.0174698.

⁷ *What is Natural Language Processing (NLP)?*, IBM (last visited Nov. 15, 2023),

<https://www.ibm.com/topics/natural-language-processing>.



Author: Elise Engle – Shutts & Bowen LLP

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YLD Coordinates Donation to Metropolitan Ministries through its Friendsgiving Events

The HCBA Young Lawyers Division was proud to announce that its Community Outreach Committee delivered over 700 pounds of food to Metropolitan Ministries in November as part of its Friendsgiving events. Non-perishables were collected at the joint event with the Government Lawyers Section, Coffee for a Cause on Nov. 14 (photos on page 47), as well as at the YLD Friendsgiving Happy Hour, held on Nov. 15 (photos included below). The turkeys and hams were purchased and donated with a generous grant from the Florida Bar YLD. Congratulations on this impressive effort!



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“THIS CALL IS SUBJECT TO MONITORING, RECORDING (AND ANALYSIS BY A.I.)”

Criminal Law Section

Chairs: Justin Petredis – The Law Offices of Justin Petredis & Diego Pestana – The Suarez Law Firm



“This call originates from an inmate correctional facility and is subject to monitoring and recording.” The Florida Department of Corrections currently has approximately 80,000 incarcerated inmates.¹ The Florida Administrative Code mandates that all inmate calls, except those placed to attorneys under proper procedures, and to foreign consulates, shall be subject to monitoring and recording.²

Notice to all Participants to the Communication

All monitored calls shall contain a prompt which clearly identifies the call as coming from a Florida Department of Corrections institution and advises that the call is subject to being monitored and recorded by the Department of Corrections.³ Likewise, signs are required to be posted on or near each phone which state that calls are subject to being monitored or recorded.⁴

Additionally, it is standard practice for defense counsel to

It is now more important than ever to advise clients, and their families, that calls while incarcerated are not simply subject to recording and monitoring, but also to real-time analysis and investigation conducted by artificial intelligence software.



advise incarcerated clients, and their families, that communications are recorded and monitored. I advise clients to imagine law enforcement, the prosecutor, judge, and jury are all listening in on their jail calls. Despite warnings, that imagined scenario still manages to manifest itself in certain cases. When jail recordings are introduced as evidence, they typically include discussion of criminal activity, and even candid confessions.

Artificial Intelligence

As reported in several media outlets, earlier this year the Florida Department of Corrections contracted with LeoTech, a company that produced a patented artificial intelligence software platform named Verus. According to the LeoTech website, Verus provides continuous real-time monitoring of communications and enables users to search “through millions of transcripts

at sub-second speeds.”⁵ The A.I. software provides for searches by keyword, customizable alerts, the ability to investigate and uncover links and connections amongst the data collected, and even the ability to identify slang and coded lexical categories, terms, and synonyms.

Needle in a Haystack

Although it has been standard practice to record jail calls, the ability to effectively examine the content has been limited by the labor and costs required. Widespread examination would be equivalent of looking for a needle in a haystack. Effective mass-investigation of the communications of 80,000 inmates would not be economical or feasible without A.I. It has been reported that the contract with LeoTech enables prisons to record and scan up to 50 million minutes of

Continued on page 35

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conversations. What used to be impractical, if not impossible, is now at the fingertips of prison officials.

Implications

The use of A.I. will assist prison officials and law enforcement by enhancing the efficiency of call monitoring. However, it raises concerns from privacy advocates, particularly regarding the potential for abuse or misuse of the

technology, as well as the potential issues pertaining to data access and storage duration. For the defense practitioner, it is now more important than ever to advise clients, and their families, that calls while incarcerated are not simply subject to recording and monitoring, but also to real-time analysis and investigation conducted by artificial intelligence software. ■

¹ <https://fdc.myflorida.com>.

² Fla. Admin. Code R. 33-602.205(1).

³ Fla. Admin. Code R. 33-602.205(1)(J).

⁴ Fla. Admin. Code R. 33-602.205(K).

⁵ <https://leotechnologies.com/verus/>.

⁶ <https://www.tampabay.com/news/florida/2023/09/19/florida-artificial-intelligence-prison-surveillance-leo-technologies-verus-calls-amazon>.



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*Author:
Ron Frey –
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Law Day Luncheon, Hilton Downtown Tampa

Thursday, May 9, 2024

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Since the onset of the COVID-19 pandemic, there has been a lasting “burnout” effect felt nationwide by employees in just about every sector imaginable. Globally, millions of people were left traumatized as death tolls dramatically rose. Grappling alone with this new standard of life, families and communities were left unsupported and in isolation. People began turning to social media for help with topics as varied as how to help your child with their algebra homework and how to treat mental health. This “burnout” was further worsened by social media that avidly and morbidly reported the news coverage of constant death tolls, police and government activity, and CDC reports. Those images reverberated, adding to the day-to-day, work-life mental health struggles. In an effort to balance this new work-life culture, the outcry from employees was clear, “We need your help; we need to feel valued in difficult times!” Deftly, the TikTok community responded with socially acceptable ways to pushback and protect mental health.

The message of protecting mental health has now culminated into an actual cohesive movement. Employees tweet and post TikTok’s on social media emphasizing the need for professional success to take



Recent data shows that it's no longer the accepted norm for business models to reflect prioritizing work above mental health.

a back seat to mental health. Popularly known as “quiet quitting,” employees sought a novel pathway toward self-care. Employers who failed to provide proper mental health initiatives sent an unfortunate message of apathetic human values.

As recently reported by *Fortune*, young engineer Zaid Kahn created a TikTok post describing “quiet quitting” as “still performing your duties, while no longer subscribing to the hustle-culture mentality that work defines you... your worth as a person is no longer defined by your labor.”¹ Nevertheless, many may not have believed and initially disregarded the social media posts of a Gen-Zer. I mean how could Zaid Kahn have a substantial effect on business overall? And yet he did! In fact, he captured the attention of more than 3.6 million people worldwide. Today, “quiet quitting” is more potent to the bottom line than ever, and employers need to take notice.

Employers can no longer forego mental health in order to selfishly serve the bottom line. Employers are now urged to change the culture, transforming employees’ mental health into a collective priority. With attrition rates on the rise, *Harvard Business Review’s* study reported “68% of Millennials and 81% of Gen Zers have left roles for mental health reasons.”² These alarming rates have heightened concerns, highlighting the need for employers to do more than offer mere cake in the conference room to appease chronic burnout.

Determined to increase the valuable need for positive and sustainable mental health, employers are encouraged to diversify their methods of supporting their workforce. Law firms are no exception to this dynamic. As reported by *JDSupra*, 78% of women who worked for Big Law

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pointed to issues such as gender biases, billable hour target pressure, isolation, and insufficient work-life balance as reasons for seeking work elsewhere.³

Recent data shows that it's no longer the accepted norm for business models to reflect prioritizing work above mental health. Employers that succeed in this change are more likely to yield higher employee job satisfaction rates combined with high intentions to remain at their company.

In conclusion, employers must invest in work-life balance to be

successful moving forward. This includes the need for mental health initiatives. A happy employee is a loyal employee that will help the company grow for years to come. ■

¹ Royle, Orianna Rosa. "The Gen Zer who sparked the 'quiet quitting' movement has left his corporate career because it turned out mentally checking out of a job doesn't work" *Fortune*, July 11, 2023. <https://fortune.com/2023/07/11/zaid-khan-quiet-quitting-gen-z-quits-job/>.

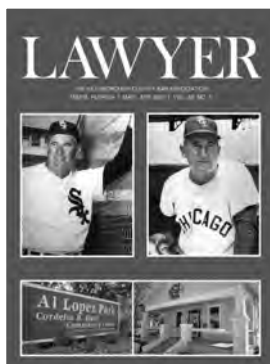
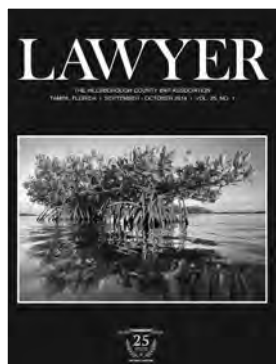
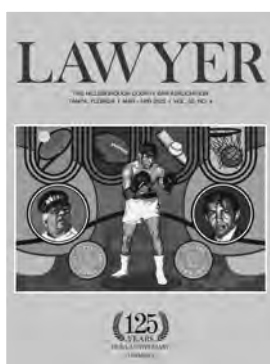
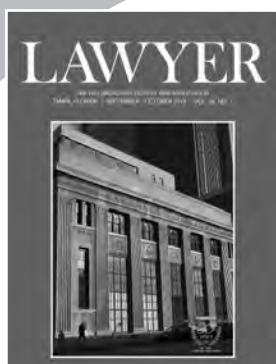
² Greenwood, Kelly and Anas, Julia. "It's a New Era for Mental Health at Work". *Harvard Business Review*, October 2021. <https://hbr.org/>

2021/10/its-a-new-era-for-mental-health-at-work.

³ Leopard, Laura. "Why Are Women Leaving Big Law and What Can Law Firms Do About it?" *JDSUPRA*, July 25, 2022. <https://www.jdsupra.com/legalnews/why-are-women-leaving-big-law-and-what-6682026/>.



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A DAY IN THE LIFE OF THE COO AT THE PUBLIC DEFENDER'S OFFICE

Government Lawyers Section

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



What is to most people just another tragic news story, to me is our next high-profile case and a client with emergent needs.



My position as Chief Operations Officer for the Hillsborough County Public Defender's Office is dynamic, challenging, and gratifying. Although I am second in command to our elected Public Defender, I am primarily a servant of our staff, clients, and community. My title is Chief Operations Officer instead

of Chief Assistant Public Defender because I oversee all areas of the office, not just our attorneys. No two days are ever the same.

On a good day, I start off in the courtrooms, checking on our attorneys, answering their questions, helping solve our clients' problems, interacting with judges, and then moving on to the next one. We have a staff of roughly

200, each of whom presents their own unique challenges. My position sometimes carries me beyond their work and into their personal tragedies to assist however I can. My best days are when I am in a jury trial. This year I tried a homicide case and a sexual battery case, on top of performing my

Continued on page 41

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A DAY IN THE LIFE OF THE COO AT THE PUBLIC DEFENDER'S OFFICE

Government Lawyers Section

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other duties. The not so good days happen when I have plans to get a lot done but then get rapidly diverted away. What is to most people just another tragic news story, to me is our next high-profile case and a client with emergent needs. My duties even include traveling back and forth, to and from Tallahassee for the upcoming legislative session.

Our office is always changing, whether it be to better meet the needs of our community or to adapt to changes in the law. We are currently working on ways to mitigate the juvenile gun crisis affecting our community. Science tells us that kids can be rehabilitated, even after committing a serious crime. Using evidence-based approaches and

wrapping these juveniles in mentorship while their cases are pending is just one way we are striving to meet their needs. We are also preparing for a new law, as of January 1, 2024, that will see our office go from having roughly five pretrial detention hearings per month to nearly one hundred. How will we effectively handle the greatly increased number of hearings that will decide if a fellow citizen is held in jail during the pendency of their case? That is my job to help figure out. One thing is certain — we will have to be efficient, as we did not get any extra staffing positions to correspond to the increased workload.

Collaboration is key at my level. I also sit on our Problem-Solving Courts Oversight Committee, where we have launched new treatment

courts such as our Juvenile Mental Health Court. I chair our Circuit 13 Juvenile Justice Advisory Board, made up of stakeholders from the court system, law enforcement, juvenile justice, and treatment providers. I also serve as an alternative representative on Hillsborough County's Commission on Human Trafficking.

Our attorneys and staff breathe life into our Constitution every day. It is my privilege to work with them and to serve our community. ■



*Author: Rocky Brancato –
Office of the
Public Defender,
13th Judicial
Circuit*



Coffee and a CLE

The Government Lawyers Section hosted a joint Coffee and a CLE with the HAWL Government Attorneys Committee on November 3 on the topic of "Becoming A Judge." A big thank you to the CLE speakers: Judge Melissa Black, Administrative Law Judge Mary Li Creasy, Judge Logan Murphy, and Judge Cynthia Oster!



NAVIGATING THE INCREASED DEMAND FOR IMMIGRANT WORKERS

Immigration & Nationality Section

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



Even those included in the “first-preference” categories reserved for top talent face lengthy delays.



In recent months, employment-based permanent residence (“green card”) categories have been plagued by significant backlogs, causing delays and frustrations for both employers and foreign workers. Advance immigration and workforce planning can mitigate the impact of potential talent gaps.

Overview of the Visa Bulletin and Quotas:

Each employment-based green card category is subject to an annual quota. The U.S. Department of State releases a monthly Visa Bulletin, which provides updates on availability for each green card category. Increased demand for employment-based immigrants, particularly in certain categories, has outpaced the limits established by Congress. This high demand, coupled with per-country limits, has contributed to significant backlogs.

Impact of the Visa Bulletin Backlogs:

These backlogs can significantly impact the recruitment and retention of foreign talent. Extended waiting periods may lead to gaps in employment-authorization, causing delays and disruptions in workforce planning. The delays also negatively impact workers who face anxiety, uncertainty and loss of personal and professional opportunities.

Because there is a per country limit, individuals born in certain countries are subject to severe delays. Individuals born in India and China, even those included in the “first-preference” categories reserved for top talent, face lengthy delays. For example, first-preference might include an extraordinary physician who has been deemed by U.S. Citizenship and Immigration Services to be “one of a small percentage at the top of the field,” a cancer researcher in the “Outstanding Researchers” category, a professor in the “Outstanding Professors” category, or a Chief Executive Officer of a major multinational company. Despite being included in the fastest employment-based category reserved for those with the highest level of skill, these individuals may have to wait for years before receiving a green card simply because of their country of birth.

Even individuals born in countries other than India and China are currently subject to extensive delays because of recent retrogressions under the second-and third-preference categories. An individual with an advanced degree recruited for a job that an employer has proven cannot be filled by U.S. workers may have to wait for years before receiving a green card, regardless of the country of birth. Those for whom the job offer

requirement is waived because their work will be in the national interest are also included in this category. Even essential workers, such as Registered Nurses, whose occupation is currently in short supply nationwide, face a significant backlog before being able to immigrate.

Strategies for Mitigating the Impact of Backlogs:

U.S. employers who rely on recruiting foreign national workers for critical positions should engage in proactive workforce planning by identifying key roles, initiating the immigration process early, and exploring temporary visa categories to bridge any gaps in work authorization. Employers should partner with immigration counsel on navigating the backlogs, processing permanent residence applications as efficiently as possible, and exploring interim temporary visa options.

Conclusion:

By anticipating employment-based immigration backlogs and proactively planning their staffing needs, employers can more effectively adapt their global workforce strategies in order to maintain a competitive edge in the talent market. ■

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

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SB 1718 AND ITS EFFECT ON FLORIDA'S WORKFORCE

Labor & Employment Law Section

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



**In response to SB 1718,
many workers are
choosing to leave
the state.**



United States immigration law is federal law. Recent Florida legislation, however, is having a significant impact on immigrants living and working in the Sunshine State. Signed into law on May 10, 2023, Senate Bill (SB) No. 1718 (Chapter 2023-40), among other things, requires private employers with twenty-five or more employees to use the E-Verify system and imposes criminal penalties on individuals transporting undocumented immigrants into Florida.

In response to SB 1718, many workers are choosing to leave the state. While the workers themselves may possess lawful U.S. immigration status, their family members may not — prompting tough decisions for many. These decisions are likely to have a considerable effect on companies doing business in Florida. The Florida Policy Institute estimates that the industries most impacted by SB 1718 will be: Construction; Professional, Scientific, Management, Administrative, and Waste Management Services; Accommodation and Food Services; Arts; Entertainment and Recreation; Retail Trade; Other Services; and Agriculture. These

industries accounted for twenty-five percent, or \$275 billion, of Florida's gross domestic product (GDP) in 2019. SB 1718's ripple effect could lead to the loss of 10 percent of the workforce and wages of these industries, resulting in a reduction in GDP of \$12.6 billion per year for Florida.¹

Three arrests have been made since SB 1718 went into effect. The most recent was made on August 21, 2023 when a driver entered Florida from Georgia and was apprehended in Hernando County with six undocumented individuals in the car. Under SB 1718, the driver now faces felony human smuggling charges.

The new law encountered its first legal challenge on July 17, 2023, when a group including the American Immigration Council filed a complaint in the U.S. District Court for the Southern District of Florida challenging the constitutionality of Section 10 of SB 1718². The complaint alleged that, through SB 1718, Florida has taken on “the federal government's exclusive role in regulating immigration” and deprived persons it subjects to [Section 10's] criminal provisions of due process of law.³” According to the complaint, the Florida law

attaches penalties to “a wide array of conduct that Congress chose *not* to prohibit,” and places “state officials in the unlawful position of making complex determinations about people's immigration status and history.”⁴ (Emphasis in the original.)

It remains to be seen what long-term effects SB 1718 will have on Florida's employers and on the state's workforce. In the short-term, it appears that the new law is having a chilling effect. ■

¹ *Florida HB 1617/SB 1718: Potential Economic and Fiscal Impact*. Florida Policy Institute. April 26, 2023.

² https://www.americanimmigrationcouncil.org/sites/default/files/litigation_documents/challenging_florida_unconstitutional_anti_immigrant_law_complaint.pdf.

³ <https://ogletree.com/insights-resources/blog-posts/floridas-sb-1718-faces-its-first-legal-challenges/>.

⁴ *Farmworker Association of Florida, Inc. v. DeSantis*, No. 1:23-cv-22655-RKA (S.D. Fla.).



Author: Natalie L. McEwan – Ogletree Deakins

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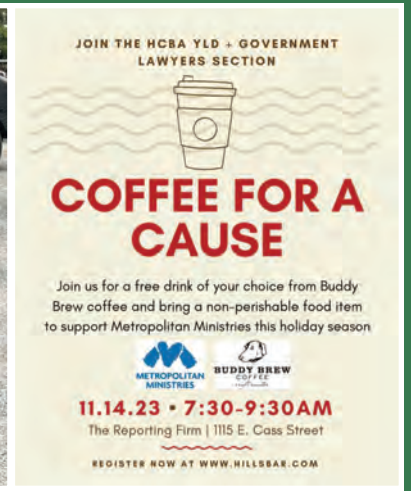


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Buddy Brew Coffee for a Cause Event

The Young Lawyers Division and the Government Lawyers Section sponsored their Third Annual "Coffee for a Cause" event on November 14. HCBA members were invited to stop by for a free coffee, latte, or tea from the Buddy Brew Coffee Truck, and donate a non-perishable food item for the Metropolitan Ministries. The event, held at The Reporting Firm in downtown Tampa, was made possible through a grant from the Florida Bar YLD.



PRIORITIZING SELF CARE

Marital & Family Law Section

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



**We want to make a
difference in our clients'
lives and champion their
causes but without the right
fuel we end up burned out.**



It is a daily occurrence in our profession. Our office phone rings with emergencies and fires that need putting out Monday morning and you haven't even poured yourself a cup of coffee. A few minutes turns to hours, lunch is missed and you are running on empty at 3 pm. We want to make a difference in our clients' lives and champion their causes, but without the right fuel, we end up burned out.

There is a reason when we board a plane that during the safety check we are advised to place our own oxygen mask on first before helping others. When we find ways to help ourselves, we find balance in our career and help our clients achieve the impossible for themselves.

Earlier in my career, I used to dismiss the idea of self-care. That is until life forced me to deal with it head on. At 37 years old, I suffered a heart attack in the middle of a trial. I had pushed off thinking

about myself to get through everything so much that my body just shut down. It was a revelation for me, and a wake-up call that things needed to change immediately. Because I practice family law, I realized that for me to thrive I needed to carve more time for the activities that make me happy and also do a deep dive in my business to see what best practices I could implement to ease the stress I was dealing with. As a family law attorney, a majority of my clients have experienced trauma, and I wanted to add tools to my own toolbox to help protect myself from secondary trauma and preserve my own physical and mental health.

The real question we have to ask ourselves is: what kind of self-care should we focus on? There are so many aspects that we can work on that it can be overwhelming. As a starting point, we can step back and look at our greatest stressors, the pain points that make each day

tougher, and prioritize ways to remove or lessen them so that we can thrive. Our long-term health is important, so make that doctor's appointment I know you are putting off because you think you have time later. Find an activity or hobby that makes you happy and carve out time to enjoy it. Look for ways to help yourself achieve peace and calmness. Whether it is taking time to meditate to quiet your mind or sitting down with a therapist to talk through the stressors in life, these steps put you on a path to prioritizing self-care, and in turn being the best version of yourself

for your clients and family. ■



*Author:
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Family Law &
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Have You Updated Your Membership Profile with HCBA?

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Marital & Family Law Section Luncheon

On November 8, the Marital & Family Law Section hosted a fascinating luncheon on topic of “Two Views from Two Benches: Changing Your Strategy from Trial to Appeal in Family Law Proceedings.” We thank Judge Matthew Lucas from the Second District Court of Appeal who provided his insight to the attendees.



LEMONS OR LIMES? THE MISUSE OF A WORD LEADS TO AN IMPASSE

Mediation & Arbitration Section

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



Subtle language and cultural differences can quickly cause a breakdown in communication.

It is important to understand how language and cultural differences can interfere with the successful resolution of a case during mediation.

Two years into my legal practice, my supervisor asked if I would rotate to a different unit with more serious cases. I, instinctively, said, “let me ask my pillow.” He looked at me perplexed and politely asked if I was having a mental breakdown. “I just need to think about it overnight,” I clarified. See? English speakers “sleep on things.” We, Spanish-speakers, “ask our pillows.” Subtle language and cultural differences can quickly cause a breakdown in communication.

Communication is the process of exchanging ideas, opinions, facts, and feelings. This exchange is necessary to any negotiation. A successful negotiation whereby the parties walk away with a satisfactory agreement depends on how effective the parties communicate with each other. If a breakdown in communication occurs the negotiation may come to a halt, or worse, create more conflict.

In the world of conflict resolution, miscommunication and misunderstanding are common barriers to effective communication. A good mediator will work toward eliminating these obstacles, enabling the parties to identify issues and

explore mutually agreeable alternatives through meaningful communication. Language is the most common tool of communication, and language barriers are a root cause of misunderstandings.

Think of two people whose native languages are different and who speak and understand the other’s language at a very basic level. They can communicate but may encounter the common problem of false cognates. False cognates are words in one language that are similar in form or sound in a different language but are not etymologically related. A Spanish-speaking parent may tell you, “I was mad at my husband because he thinks it is our daughter’s choice to *assist* the school.” You may then ask, “what sort of help would your daughter provide?” The parent will be confused and will not deliver a logical answer because she meant that her husband believes it is their daughter’s choice to *attend* school.

The improper use of one word changed the entire meaning of the conversation. In English “assist” is to help, and to the parent, “assist” sounds very close to “asistir,” which in Spanish means to attend. I must confess that when my husband asks

me to buy lemons I still pause and think, “green or yellow,” because in Spanish lime is “limón” and lemon is “lima.” These may seem like trivial illustrations, but the impact of these misunderstandings in mediations can result in an unnecessary impasse.

A mediator can attempt to overcome an impasse if there is a genuine disagreement in positions, but this is a challenging task when the issue is miscommunication due to language. Miscommunication certainly occurs when we speak the same language, but the likelihood of it occurring when language barriers and cultural differences are present increases significantly.

A mediator who speaks the same language as the litigants and understands the subtle cultural differences will maximize enhanced

communication and minimize frustration due to things being lost in translation. ■



Author: Mafé Rajul – MFR Mediation

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Intellectual Property Law Section Hosts CLE

On November 10, the Intellectual Property Law Section hosted an informative CLE entitled “Practice Tips from In-House IP Counsel on Ethics, Business Value of IP, and Other Insights.” The speaker, Robert Gravois, Assistant General Counsel, Intellectual Property, at ADT, discussed ethical issues in signing documents filed with the USPTO; privilege & confidentiality for patent practitioners; third-party litigation funding and patent litigation; the business proposition of patents; and growing your relationship with in-house counsel. Thank you to Mr. Gravois for his presentation!





Senior Counsel Section Luncheon

The Senior Counsel Section was proud to host Hillsborough County Sheriff Chad Chronister as the speaker at their luncheon on Dec. 4 at the Chester Ferguson Law Center. A veteran law enforcement officer, Sheriff Chad Chronister has served with the Hillsborough County Sheriff's Office for the past 31 years.





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CONSOLIDATION OF CIRCUIT COURTS COULD IMPACT VETERANS

Military & Veterans Affairs Committee

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



Changes to Circuit Court organization would likely undermine one of Florida's most effective Veterans Treatment Courts.



As of early November, a panel appointed by the Florida Supreme Court is working on a draft report regarding consolidation of Florida's Circuit Courts. Originally raised in a letter written to the Supreme Court by the speaker of the Florida House, there is now an investigation into whether consolidation of some of the State's Circuits could cut costs and increase efficiency. The panel recently held a public hearing at the George Edgecomb Courthouse

and on Zoom, where the resounding sentiment seemed to be against consolidation, particularly here in the Thirteenth Circuit. The criteria set by the Court center on how changes to the Judicial Circuits would impact the community at large. Measured by factors like efficiency, access to courts, and public trust, the goal is to ensure that the Circuits are best organized to serve the people.

Here in Hillsborough County, one group may be particularly

impacted by changes to the Thirteenth Circuit: veterans enrolled in the county's Veterans Treatment Court. The Veterans Treatment Court, or "VTC," specializes in a rehabilitative approach for veterans suffering from military service-related issues and stands by their motto, "Leave No Veteran Behind." Col. DJ Reyes, Ret., heads the volunteer Veteran Mentor Program, which

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CONSOLIDATION OF CIRCUIT COURTS COULD IMPACT VETERANS

Military & Veterans Affairs Committee

Continued from page 56

he considers a key component of the VTC's success. He believes changes would disrupt the relationships with local services, impact the rate of volunteering by Veteran Mentors, and "will significantly degrade — if not nullify — this program." VTC Judges have called Veteran Mentors "the Secret Sauce" of the VTC's success and Col. Reyes insists that "a significantly degraded, or worse, a non-existent Veteran Mentor component, reduces the VTC to basically another Drug Court or Mental Health Court."

Two key parties in the success and accessibility of the program are the Thirteenth Circuit State Attorney and Public Defender's Offices. Public Defender Julianne Holt believes consolidation is "inefficient on its face." At VTC's founding, "all defense counsel cheered" she remembers, because "finally, the collateral and long-term effects of their service were being acknowledged." She remains concerned about how changes could materially impact the VTC's efforts, "with proper care and intervention their lives could be held together, recreated, and full of purpose. That is our obligation as the caretakers of our veterans and their families."

According to State Attorney Suzy Lopez, "The VTC offers our military heroes a second chance as we collaboratively address the underlying issues that led them into the criminal justice system in the first place." She is dedicated to the continued success of the program, "I will always fight for more resources for this specialized court and believe that any consolidation plan that diminishes this valuable program is a bad idea." Regardless of the outcome of the investigation, she maintains that "whether a consolidation moves forward or not should have no material impact on the services the court system makes available to our veterans."

After public input, the Committee seems unlikely to recommend consolidation. It will be interesting to see how the Supreme Court and Legislature respond. ■

*Author: Patrick J. Murphy —
Lorenzo & Lorenzo, P.A.*



MVAC Hosts Veterans Day Luncheon

The HCBA Military & Veterans Affairs Committees hosted a great Veterans Day Luncheon on November 9 at the Ferguson Law Center. We appreciate our speaker Col. Eric Widmar, Staff Judge Advocate with U.S. Central Command, for his inspirational remarks about courageous and ethical leadership in these turbulent times.





Aside from Broadway's "*The Producers*," Bialystock and Bloom, nobody ever enjoys a gut wrenching, heart pounding, negative review. Let's explore the techniques encouraged to implement when replying in **Scenario C**: an unfavorable online review made directly by a client. The attorney has several options in this scenario:

1. Do not reply, as engaging with the client could lead to violations of confidentiality or provoke additional online criticism. Instead, ask the platform to delete the comment.
2. Reply with an invitation to meet with the client to resolve any issues from the posted feedback.
3. Respond with a general statement declaring your disagreement with the online allegation, but not disclosing case details.

The American Bar Association first advocates for lawyers to not reply to online negative feedback. Any response could be used against the attorney in arguments about the violation of attorney-client privilege. Florida Bar Ethics



Navigating the world of technology while staying loyal to the oaths and standards of professional conduct can feel like a walk on a razor's edge, but with discipline and practice, you too can glide through without a scratch.

Opinion 21-1² states that a general response could indicate that the events are not "accurately portrayed" which demonstrates the attorneys' participation in the events mentioned, "which could disclose confidential client information." Instead, the attorney could submit a request to delete the remark to the platform. Therefore,

option one ensures no confidential information will be disclosed.

The Florida Bar Ethics Opinion 20-01³ states that the attorney can reply if the counsel feels it is best to address the comment. The ABA Formal Opinion 496⁴ promotes a reply consisting of an invitation to contact the lawyer directly to resolve the conflict. No content of the meeting should be in the response, but the act of the attorney devising a solution may appeal to online viewers and future clients.

Option three explores the situation where the attorney implements a general response. However, any response may not contain any information that discloses details of the case, in order to avoid any violation of Rule 4-1.6 Confidentiality of Information. A more in-depth

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In our last article, we explored **Scenario A**, the options for responding or not responding to positive online reviews. We will now explore **Scenario B**, delving into the complications that may arise when a third party writes a critique of the lawyer. Technically, a lawyer only has ethical obligations to their client. However, it is still important to appear professional online. In addition to a proper image, a response to the stranger may reveal details that could break the expected confidentiality with a client. Due to this danger, the American Bar Association¹ recommends that the lawyer only reply with a statement that says the person posting is "not a client or former client, as the lawyer owes no ethical duties to the person posting in that circumstance." To steer clear of violating the attorney-client privilege, the lawyer may consider pursuing consent from the client before posting a reply, "particularly where responding might be in the client or former client's best interests."

Situations like the ones above are difficult to navigate due to the complexity of attorney-client privilege. The third portion of this article will analyze the best response to a negative comment made directly by a client- perhaps the most difficult scenario in this series.

Continued from page 58

look at this rule indicates: “The confidentiality rule applies not merely to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source.” Accordingly, attorney-client confidentiality is to remain intact even after representation has ended. To abstain from potential issues, Florida Bar Ethics Opinion 20-01⁵ supports a broad counter statement. One example may be: “Due to attorney-client privilege, I cannot entirely address this comment. However, I do not believe this statement reflects my work.”

In conclusion, the best option is to avoid replying to negative

comments, though it might be tempting to defend oneself against harsh or dishonest feedback. Navigating the world of technology while staying loyal to the oaths and standards of professional conduct can feel like a walk on a razor’s edge, but with discipline and practice, you too can glide through without a scratch. ■

¹ https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba-formal-opinion-496.pdf.

² <https://www-media.floridabar.org/uploads/2021/12/FL-Bar-Ethics-Op-21-1.pdf>.

³ <https://www-media.floridabar.org/uploads/2020/11/FL-Bar-Ethics-Op-20-1.pdf>.

⁴ https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/aba-formal-opinion-496.pdf.

⁵ <https://www-media.floridabar.org/uploads/2020/11/FL-Bar-Ethics-Op-20-1.pdf>.



Co-Authored by: Grace A. Garcia & Anthony J. Garcia, Esq. – Garcia Mediation



Florida Patriot Award Awarded to Judge Holder

Congratulations to Judge Greg Holder of the Thirteenth Judicial Circuit Court, one of the recipients of the 3rd Annual Florida Patriot Award, that honors and recognizes legal veteran service to our country and community. HCBA hosted a watch party for the virtual, statewide awards ceremony at the Chester Ferguson Law Center on November 27.

The Florida Patriot Award program was co-sponsored by HCBA, along with other bar associations and law firms across Florida.

HUMAN TRAFFICKING PREVENTION MONTH

Trial & Litigation Section

Chair: Jason Whittlemore – Wagner McLaughlin Whittlemore



Florida generally ranks third in the number of reported human trafficking cases, and the Tampa Bay area is a hotspot for trafficking activity. In other words, human trafficking is occurring in our communities every day.



January is Human Trafficking Prevention Month. Government agencies, NGOs, businesses, and community partners all over the United States will bring attention to the issue through public events, trainings, media appearances, and social media. Defined as the use of force, fraud, or coercion to cause someone to engage in a commercial sex act or labor services (coercion is not required in the case of minors), human trafficking is often mistakenly considered an international issue primarily involving physical restraint, abduction, or kidnapping. The reality is, most victims are exploited by someone they knew

prior to the trafficking, and very rarely does human trafficking involve abduction or kidnapping. While human trafficking is certainly an international issue, most victims in the U.S. are U.S. citizens.

Estimates of the number of human trafficking victims worldwide range from 26 million to 50 million depending on the source. Those statistics only tell part of the story, as researchers generally agree that incidents of human trafficking are grossly underreported, and most cases go unidentified. Florida generally ranks third in the number of reported human trafficking

cases, and the Tampa Bay area is a hotspot for trafficking activity. In other words, human trafficking is occurring in our communities every day.

Beginning in 2012, the Florida Legislature responded to the unique challenges of human trafficking by enacting important legal protections for victims and making prosecutions of traffickers easier. Among other things, the Legislature passed the Safe Harbor Act which provided that law enforcement must refer commercially sexually exploited

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children to social services rather than into the juvenile justice system. Also, human trafficking victim safe house location information was exempted from public records to prevent traffickers from finding survivors in restorative residential programs. And in 2014, lawmakers eliminated the statute of limitations for human trafficking crimes.

In 2013, legislators provided critical relief for survivors who had received a criminal record as a result of the coercion of a trafficker. Under section 943.0583, Florida Statutes, trafficking survivors have the opportunity to expunge undeserved criminal records, vacate related convictions, and continue their recoveries without the unjust

burden of a criminal record. Florida's law in this area continues to be a nationwide model.

Most individuals subjected to human trafficking emerge from the exploitation with significant legal issues related to, among other things, undeserved criminal records, debt accumulated under the coercion of a trafficker, and family law. The Justice Restoration Center¹ (JRC), a Tampa area nonprofit organization, provides *pro bono* trauma-informed legal services exclusively to trafficking victims and survivors. JRC has focused on criminal record relief, having expunged nearly 1,300 charges and vacated over 500 convictions for trafficking survivors since 2013.

Human Trafficking Prevention Month reminds us that the legal

profession is uniquely positioned to make a difference in the fight against human trafficking and to bring hope to trafficking survivors. Attorneys with an interest in serving trafficking survivors may contact JRC at 727-940-2282. ■

¹ Justice Restoration Center is a DBA of the West Florida Center for Trafficking Advocacy, Inc.



Authors: Brent A. Woody & Jenay E. Iurato – Justice Restoration Center

2023 TRIAL & LITIGATION AWARD NOMINATIONS

The HCBA Trial and Litigation Section is seeking nominations for the following 2024 awards:

- Herbert G. Goldberg Memorial Award
- Michael A. Fogarty Memorial Award
- James H. Kynes Memorial Award
- Court Family Award

The deadline to submit your nominations is February 1.

To view the nomination form and for more information, go to:
www.hillsbar.com.

*The awards ceremony will take place
at the May Trial and Litigation Section luncheon.*

Congratulations to the **Asian Pacific American Bar Association Tampa Bay Chapter**, which was named Affiliate of the Year by the National Asian Pacific American Bar Association.

Ceci Berman of Brannock Berman & Seider participated in a panel discussion at The Florida Bar Appellate Practice Section's Practicing Before the Second District Court of Appeal CLE on the topic of "Motion Practice and Procedure."

Hill Ward Henderson is pleased to welcome **Tara Rao Bild** as Senior Counsel, and **Nicholas C. Wigelsworth** as an associate in the firm's Trusts and Estates Group. Bild focuses her practice on estate planning and probate and trust administration. Wigelsworth focuses his practice primarily in the areas of estate planning, wealth and

family business succession planning, transfer tax planning, gift and estate tax planning, asset protection, probate and trust administration.

Amy Casanova-Ward was invited to attend the National Insurance Crime Bureau's (NICB) National Conference of Insurance Crime Attorneys 2023. She attended as a representative of **The Florida Department of Financial Services**, in her capacity as a Senior Attorney for the Criminal Law and False Claims Unit.

Bradley Arant Boult Cummings LLP is pleased to announce that **Ben Dachevall** has been re-slotted as general counsel for the Tampa Bay Economic Development Council (EDC).

Partner **Jennifer Powers** and Senior Counsel **Sean Murphy** have joined **Phelps'** Tampa

Business group. Powers brings decades of success representing sophisticated lenders in commercial finance transactions. Murphy has a long track record of managing transactions and securing financing for clients in some of the country's most competitive markets.

Sass Law Firm is proud to announce that **Sarah A. Naccache** joined the firm as an associate attorney. She brings her commercial litigation experience to the firm to advance employee rights in the workplace.

Hill Ward Henderson is pleased to announce that shareholder **Robert Shimberg** was elected to the National Association of Dealer Counsel (NADC) Board of Directors. The NADC is a nationwide professional organization of attorneys who represent automobile and other vehicle dealers.

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HCBA Community Services and MVAC Support Local Veterans at Fisher House

On November 29, the HCBA Community Services Committee and the HCBA Military & Veterans Affairs Committee provided dinner from Mission BBQ to the patients and family members at the James A. Haley Fisher House in Tampa. A special thanks to Scarborough Law, Bob Nader Mediation Services, Rosemary Armstrong and Paul S. Elliott for sponsoring this special event.



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Judge: Hon. Amy Williams -
Pinellas County

Parties: Alexis Scognamiglio v.
Cameron Baxley and Allstate Ins. Co.

Attorneys for plaintiff: Steve
Yerrid, David Dickey, and Gable
Yerrid

Attorneys for defendant:
Greg Jones for Baxley and Barbi
Feldman for Allstate

Nature of case: Pedestrian
struck by Jeep in cross walk and
UM causing mTBI and neck injury

Verdict: \$1,378,642.74

Judge: Hon. Chet Tharpe

Parties: Sea World Parks &
Entertainment LLC d/b/a Busch
Gardens vs. Zelma Belle

Attorneys for plaintiff:
Sanga Turnbull from The Turnbull
Law Firm LLC and Geoffrey Moore

from the Maher Law Firm

Attorneys for defendant:
Robert L. Blank, Carie Hall and
Passion Wells of Rumberger, Kirk
& Caldwell

Nature of case: Theme park
accident

Verdict: Defense Verdict

Judge: Hon. Mark Wolfe

Parties: Lawrence Kaiser v.
Progressive Ins. Co.

Attorneys for plaintiff: Stephen
Barnes & Christopher Donegan

Attorneys for defendant: James
Hanratty & Patrick Delong

Nature of case: Underinsured
Motorist Claim. ACDF & lumbar
stem cell injection

Verdict: \$1,501,003.37



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