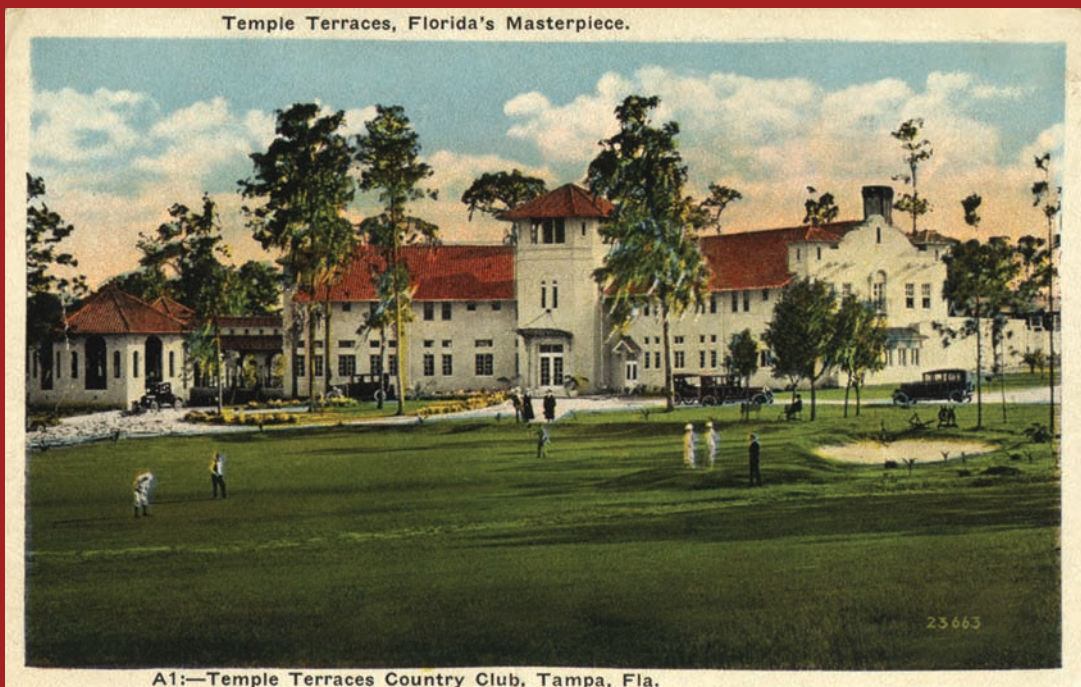


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ABOUT THE COVER



We continue to highlight historic local golf courses on the cover of the magazine this Bar year. For this issue, we feature the Temple Terrace Golf & Country Club, which many members will recognize as the site of our annual Young Lawyers Division Golf Tournament. One of the oldest private golf courses in Central Florida, Temple Terrace Golf & Country Club was designed and built in 1921 by renowned golf architect Tom Bendelow, who also designed Palma Ceia Golf Course. Opened in 1922, the unique design featured no parallel fairways and roads on both sides of most holes to allow galleries to follow play in automobiles. The figure eight pattern of the course meandered through orange groves and housing lots in a new development being built in the Florida land boom.

The original clubhouse building behind number eighteen green (pictured in the photo on the cover) now belongs to Florida College and is used as a dormitory. During the 1920's, the club and a casino were the center of most social activities in that part of the county. The course was also the site of another notable historic event when Evangelist Billy Graham, who was attending what was then known as Florida Bible Institute (now Florida College), decided upon his career while meditating on the eighteenth green one night in 1939. The main portion of the present clubhouse was completed in 1998, and the outdoor grill and pool opened in 2001. For more information, visit: www.templeterracegolf.com. (Photo credit: PamElla Lee Photography, <https://pamellalee.net/>)

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Past Presidents Luncheon

The Hillsborough County Bar Association was pleased to host a large gathering of our past HCBA presidents and the past presidents of the Hillsborough County Bar Foundation on December 9. These leaders of the local legal community took the time to re-connect and reminisce about their experiences with the HCBA.



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Looking Forward to the New Year

I hope that each and every one of you has a great year, full of gratitude!

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.

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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.

This season also is a time to reflect on the good we have accomplished in our practices in the past year. In that spirit, I encourage everyone to read the article by Judges Alissa Ellison and Darren Farfante about the Sixteenth Annual HCBA 5K Pro Bono River Run. The goal of the River Run is to encourage our members to pledge and perform pro bono services. Some of us have practice areas that lend themselves easily to pro bono work. I know the Family Law Section has regular opportunities for members to participate in clinics designed to help out pro bono litigants in family law matters. But one of the beautiful things about pro bono work is that there are opportunities to help people who really need it no matter what your legal day job is!

This time of year is also one where we look forward and start to set goals for the coming months. Each year I choose a word or mantra to focus on for the year. The past few years my phrase or word has been related to progress — a sense of constant forward motion. This year, I am taking a different approach. My mantra is simply gratitude, and one of my key goals for this year is to express and show gratitude to those who I interact with each day.

I hope that each and every one of you has a great year, full of gratitude! ■

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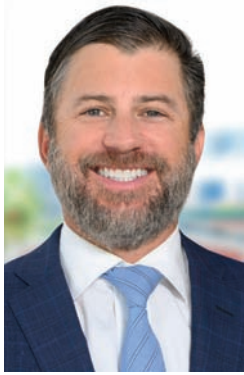
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Bridging Divides: Finding Common Ground in Turbulent Times

Let's use this moment to grow, mend relationships, and create a stronger legal community for the future.



As the president of the Hillsborough County Bar Association, I've been reflecting on the state of our nation and our legal community. The recent election has been a stark reminder of the divisions in our country, yet it also provides an opportunity — an opportunity to grow, to coalesce, and to move forward together.

Whether or not you voted for President-elect Donald Trump, the election is behind us, and the next four years are in front of us. It's a chance to reset, to focus on what unites us rather than what divides us. As legal professionals,

we are uniquely positioned to lead by example, showing how people with differing opinions can still work toward common goals.

The past few years have not been easy. The country has faced challenges that have tested our resolve and fractured relationships, both personally and professionally. Within the legal community, these divisions may have surfaced in ways that hindered collaboration.

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Now is the time to mend those fences. Let's seize this moment to rebuild bridges with colleagues we may not have worked well with in the past.

Our profession thrives on relationships — relationships with clients, judges, opposing counsel, and our peers. By fostering goodwill and encouraging open dialogue, we can create an environment where differing perspectives are valued and constructive solutions are found.

Let's also think about the broader context. As attorneys, we are advocates, problem-solvers, and champions for justice. It's up to us to model civility and respect, even when we disagree. This doesn't mean compromising on our principles or beliefs; it means finding a way to work together toward shared goals.

Over the next four years, we have an opportunity to grow — not just as individuals but as a legal community. Growth requires reflection, humility, and action. It calls for us to ask difficult questions: How can we better serve our clients? How can we improve access to justice? How can we support one another, both professionally and personally?

To answer these questions, we must set aside personal grievances and focus on the bigger picture. The Hillsborough County Bar Association is here to support you in this endeavor. Through our committees, events, and initiatives, we aim to provide resources and spaces for collaboration and growth.

I encourage all of us to approach this new chapter with optimism and resolve. Let's embrace the challenges ahead and turn them into opportunities for improvement. Let's strive to be better attorneys, better colleagues, and better citizens.

No matter where you stand politically, we all share a common goal: to see our country, our community, and our profession thrive. The next four years are what we make of them. Let's choose to make them a time of progress and unity, however you define this.

Thank you for allowing me to serve as your HCBA president. I look forward to working with each of you to make this year one of growth, collaboration, and success. Together, we can build a stronger, more united legal community. ■



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Finding Connection and Friendship Through the YLD

The YLD brings together members from numerous areas of law who may never have crossed paths, let alone spend time getting to know each other.

One of the greatest impacts of the HCBA Young Lawyers Division is that it offers its members many things: networking opportunities, continuing legal education credits, and access to judiciary, to name a few. Beyond the classic attorney basics provided by bar associations all over the country, the HCBA YLD has provided its members with two special extras: connection and friendship. Throughout each bar year, the YLD sees members return year after year to participate in scheduled events and to spend time with old and new members, many of whom have become friends; friendships and connections form that may have never otherwise happened. The YLD brings together members from numerous areas of law who may never have crossed paths, let alone spend time getting to know each other.

The YLD excels at creating events for everyone to connect because not everyone enjoys the same type of social activity. Most recently, the YLD Community Outreach Committee held an event on Saturday, November 2. This event focused on health and wellness in the form of a



YLD Community Outreach Committee Co-chairs
Lexy Bubley and Tiffani Thornton.

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yoga class followed by a beach cleanup. What is unique about this committee is that its focus is not directly on the law, but the community and those who live in Hillsborough County. The Community Outreach Committee has been co-chaired by Lexy Bubley and Tiffani Thornton for the last few years, a dynamic duo who plan the committee's yearly events. Lexy, who practices family law, and Tiffani, who practices estate law, met while co-chairing the community outreach committee, and have been co-chairs ever since. When they speak about their YLD experience, Tiffani states, "The close-knit YLD group and the programming it promotes has enriched me as a professional and an individual because of the opportunities to meet other young lawyers with similar experience and interests — we always support each other through our good days and the difficult ones!" These type of interactions and relationships are truly what the YLD tries to encourage and hopes to achieve. Lexy says, "Through my involvement with HCBA YLD, I have been able to positively impact the community, and also intersect with various members of the legal community who I may not have met in my everyday practice, and as a result of my involvement I have created lasting friendships with committee members, committee chairs, and board members."



With every year, the HCBA YLD relationships grow, and professional connections and friendships become everlasting. This is why this organization has a true impact on our community and is one we aim to continue with as the HCBA YLD continues to grow. ■

*Author: Julia M. Ammerman –
Probasco Singer Bayne, PLLC
& Alexa Cline – Office of the
Attorney General*



The YLD held a morning yoga class and beach clean-up on November 2.

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New ABA Report Spotlights Rise of Female Lawyers in Legal Profession; Labels 2016 to 2026 as the “Decade of the Female Lawyer”

“Each year, older, predominantly male lawyers are retiring while younger, predominantly female lawyers are entering the profession.”

— ABA’s 2024 Profile of the Legal Profession

The American Bar Association (ABA) released its sixth annual Profile of the Legal Profession this past November, offering some interesting findings about the state of the legal profession in the United States.

The report’s chapter on women in the legal profession indicates a significant shift from a male-dominated field to one where women are increasingly prominent.

The report predicts that the decade from 2016 to 2026 “may become known as the Decade of the Female Lawyer.”

The *ABA’s 2024 Profile of the Legal Profession* compiles statistics about lawyers, judges, and law students. It includes chapters on lawyer demographics, wages, judges, legal education, and women in the profession.

While men still outnumber women in the legal profession, the gap is closing each year. Women now constitute 41% of all lawyers, up 5% from 2014.

The report notes, “Each year, older, predominantly male lawyers are retiring while younger, predominantly female lawyers are entering the profession.”

If current trends continue, the U.S. will have an equal number of female attorneys as male attorneys within 20 years.

Despite recent progress, some areas still see slow advancement for women. For instance, women remain a minority among law firm partners.

In 2023, only 28% of all law firm partners were women, according to a National Association for Law Placement (NALP) survey.

Some key statistics about women from the report:

- In 2016, women became a majority of law school students.
- In 2020, women became a majority of lawyers in the federal government.

Continued on page 13



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- In 2023, for the first time, women became a majority of law firm associates.
- By 2025, women will likely become a majority of full-time law school faculty.

Another chapter in the ABA report focuses on legal demographics and the growth of the legal profession.

There are currently more than 1.3 million lawyers in the U.S., according to the ABA.

Over the past decade, the number of lawyers nationwide has grown by more than 41,000, a 3.2% increase from 2014 to 2024.

The report also states that one-fourth of all U.S. lawyers are concentrated in just two states: New York (187,656 lawyers) and California (175,883 lawyers), which account for 28% of the nation's lawyers.

The report notes Florida has the fastest-growing lawyer population, with a 17% increase in active resident lawyers over the past decade.

Florida, with just over 80,000 active resident attorneys, ranks fourth among states after New York, California, and Texas.

Overall, Florida has slightly more than 113,000 lawyers, with 15% residing out of state, according to the Florida Bar.

The full 2024 ABA Profile of the Legal Profession can be found on the ABA's website at www.americanbar.org.

* * *

On a different note, I want to extend heartfelt congratulations to **David Rowland** from the 13th Judicial Circuit on his recent retirement this past December.

For the past 30 years, Rowland served as general counsel for the 13th Circuit, where he oversaw the legal staff and provided essential legal support to all the judges.

In November, the Tampa City Council honored Rowland with a special commendation. During the presentation, Councilman Luis Viera praised Rowland for his humility and tireless dedication to both the judicial circuit and the community.

The HCBA is profoundly grateful for David's support and assistance over the years and wishes him all the best in his future endeavors. ■



HCBA Events



Jan. 21, 2025

YLD Coffee at the Courthouse
George Edgecomb Courthouse

Feb. 1, 2025

HCBA at Tampa Bay Lightning
Amalie Arena

Mar. 29, 2025

16th Annual 5K Pro Bono River Run &
21st Annual Judicial Food Festival
Stetson Law Tampa Campus and Riverwalk

May 20, 2025

Law Day Membership Luncheon
Hilton Downtown Tampa

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

STAY CONNECTED.



RPPTL Section Hosts CLE

On November 13, the Real Property, Probate & Trust Law Section hosted a CLE on the topic of "Homestead Horrors." Speaker Tiffani K. Thornton with The Law Office of Tiffani K. Thornton, PLLC provided a review of the homestead paradigm and discussed the implications for planning and application during administration.



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Reflecting on My Time as Hillsborough County Clerk of Circuit Court and Comptroller

It was a true honor to lead an incredible team of nearly 700 public servants dedicated to serving our community with transparency, equity, and independence.

Reflecting on my four years as Hillsborough County Clerk of Circuit Court and Comptroller, I feel immense pride in all we accomplished together. It was a true honor to lead an incredible team of nearly 700 public servants dedicated to serving our community with transparency, equity, and independence. We worked daily to make government services more accessible, efficient, and responsive to the needs of the people we serve.

Improving Public Access and Transparency

One of our core goals was to improve the customer experience. We worked hard to meet people where they were — whether that meant offering services 24/7 or finding new ways to engage the community. I'm incredibly proud of how we reached out to educate the public about the broad range of services we provide. We weren't just a government office; we became a trusted resource, ensuring people knew they could rely on us when they needed help.

Supporting Domestic Violence Survivors

A cause close to my heart is supporting survivors of domestic violence. We worked tirelessly to speed up the injunction process, including a significant legislative change that allowed Clerk's Offices statewide to email documents to law enforcement, cutting down delays and helping survivors get protection faster. We also expanded partnerships with law enforcement to make it easier for survivors to file petitions for protection. We also launched *Hope Cards*, which automatically provide survivors with a quick reference tool to inform law enforcement of

their status. I'm so grateful for the partnerships with organizations like The Spring of Tampa Bay and the Crisis Center, who have been instrumental in this work.

Recognizing Our Team's Dedication

I couldn't be prouder of our team. The recognition we received as a Top Workplace, including being named a Woman-Led Top Workplace, reflects the dedication and passion of those working in the Clerk's Office. We built a culture of excellence; these awards are a testament to that commitment.

Innovative Services for the Community

We also introduced several innovative programs to serve our community better. The Property Fraud Alert Program has over 70,000 subscribers and helps protect local homeowners from fraud. We expanded

services like Passport Saturdays and Evenings to make it easier for busy families to access essential services. And we were proud to launch the first-ever Government Career Fair, helping people connect with rewarding public service opportunities.

Looking to the Future

As I hand the reins over to the newly elected Clerk, Victor Crist, our work will continue to grow and evolve. I am deeply grateful to my team, our partners, and the people of Hillsborough County for the opportunity to serve. We've made great strides, but the future is bright, and I look forward to seeing all the progress yet to come. ■

Author: Cindy Stuart



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PRO BONO SERVICE IN THE SPOTLIGHT AT THE 16TH ANNUAL HCBA 5K PRO BONO RIVER RUN

5K Pro Bono River Run Committee

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



Ladies and Gentlemen, on your mark! The **2025 Annual HCBA 5k Pro Bono River Run** is right around the corner. This year's event is Saturday, March 29, 2025 at 10:00 a.m. Once again, the race route will trace the Tampa Riverwalk — beginning and ending at Water Works Park — promising a beautiful morning with scenic views shared with friends, family, and colleagues.

Taking center stage at the 5K Pro Bono River Run are pro bono performers within our community. The mission of the River Run is to encourage HCBA members to pledge and perform pro bono services throughout the year. The

results of the River Run speak for themselves. Since the inception of the 5K Pro Bono River Run, our pro bono stars have delivered over 27,618 hours of pro bono service to our community. Last year alone, the 5K Pro Bono River Run resulted in the completion of 2,618 pro bono hours — well exceeding the 2,100 pledged pro bono hours!

This year, our goal is to exceed last year's pledged pro bono hours. To accomplish this goal, we encourage each of you to consider pledging and performing pro bono hours. In furtherance of the HCBA's mission to encourage pro



The 2025 Annual HCBA 5k Pro Bono River Run is right around the corner on Saturday, March 29, 2025 at 10:00 a.m.

bono service, we will again offer a significantly reduced registration fee of \$25 for every runner who pledges at least 25 hours of pro bono service. Committing pro bono hours serves our community, fulfills your Oath of Admission, and provides invaluable services to those in dire

need. This is your time to shine and make a difference!

The event is family friendly and open to all ages and calibers of runners and walkers. The race is

Continued on page 21

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Continued from page 20

chip-timed, and awards will be presented at the conclusion of the race. We will also celebrate past proven performers of pro bono hours to bring focus to the importance of pro bono service. Your registration fee includes a T-shirt and finisher medal and, of course, time well spent with members of the judiciary and other members of the HCBA.

Registration is live now! Use the QR Code below to secure your spot. The 5K River Run sold out last year, so do not miss your chance to participate in this annual event. If you are not interested in running or walking, you can still participate by volunteering your time to assist on race day. If you are interested in volunteering for the event and cheering on your fellow HCBA members, please use the QR to register as a volunteer.

After the race is completed, participants will be able to chow



down and celebrate with members of the judiciary and other members of the legal community at the Judicial Food Festival at Stetson University's Tampa Law Center.

The Food Festival begins immediately after the race and is free to HCBA members and their families and guests. The Food Festival is always a crowd favorite, with food and fellowship aplenty.

Your commitment to pro bono service is important to our community and has a lasting effect on those in need. On behalf of the HCBA, we thank you in advance for participating in the 16th Annual Pro Bono River Run and for answering this call to service. Please use the QR code or visit www.hillsbar.com for additional information and a link to the registration page. Run happy, run grumpy, run speedy, run slow . . . just run for pro bono! ■

*Authors: Judges
Alissa Ellison &
Darren Farfante
— Thirteenth
Judicial Circuit
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THINGS I'VE LEARNED ABOUT WORKING AT THE SECOND DISTRICT COURT OF APPEAL

Appellate Practice Section

Chairs: David Costello – FL Office of the Attorney General & Dimitri Peteves – Creed & Gowdy, P.A.



I worked as a criminal appellate Assistant Attorney General for twenty years. In March 2024, I accepted a position in Central Staff at the Second District Court of Appeal. Here are just a few things I've learned about the court in my short time there.

The Court

The Second District Court of Appeal, established in 1956 in Lakeland, has historically been one of the busiest appellate courts in the country. Between 2000 and 2015, the court fluctuated between 5,500 and 6,300 cases covering fourteen counties. With the formation of the Sixth District Court of Appeal on January 1, 2023, the court now covers the Thirteenth Judicial Circuit (Hillsborough County), the Sixth Judicial Circuit (Pasco and Pinellas Counties), and the Twelfth Judicial Circuit (Manatee, Sarasota, and DeSoto Counties). The Court has fifteen judges.

Collaboration

The Second District Court of Appeal works well because the many moving parts that comprise the court, work together. Staff Attorneys, Judicial Assistants, the Clerk's Office, Central Staff Attorneys, Support Staff, and the Marshall's Office all play a part in the everyday operations of the court. All of these offices openly communicate with



The Second District Court of Appeal has historically been one of the busiest appellate courts in the country. Between 2000 and 2015, the court fluctuated between 5,500 and 6,300 cases covering fourteen counties.

each other on a daily basis to efficiently run the court.

Consensus

Generally, each case is decided by a panel of three judges, at least two of whom must agree on how the case is resolved. Consensus does not mean that all the judges agree on every case. Consensus means trying to get to the right answer and making sure that the opinions that are published are clear, concise and conform to the rules. Each opinion is reviewed multiple times before it is published. Reviewers verify citations, local rules, and grammar for each opinion. This ensures that when a practitioner is reading a case after it is published there will be no confusion as to what it says.

Congeniality

After being hired as a Central Staff Attorney, my first introduction to the court was during a monthly gathering. The Second District Court of Appeal holds a monthly court conference where the judges meet and take care of the business of the court. On that same day, after the judge's conference, everyone at the court gathers for

lunch or dessert. My first interaction with the court showed me that everyone that works there respects each other and treats each other like family.

Change

As mentioned, the counties the court served changed in January 2023. The court started using a new case management system in April 2024. We will be moving into our new permanent courthouse in St. Petersburg, the Bernie McCabe Courthouse, in 2025. The court was recently temporarily displaced, from its current home at the Stetson Law School building in Tampa, due to Hurricanes Helene and Milton. But each of these changes has been met with the same collaboration, consensus and congeniality that is the standard for the Second District

Court of Appeal. It is truly a great place to work. ■



*Author:
Elba Caridad
Martin – Second
District Court
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DETERMINING A WINNER – PREVAILING PARTY STILL UNDEFINED

Construction Law Section

Chairs: Kimberly Kelley – Paskert Divers Thompson & Alex Sarsfield – Paskert Divers Thompson



Affirmative judgment does not control the prevailing party determination.



The “American Rule” regarding attorneys’ fees and costs requires each party to pay their own.¹ Florida Courts generally follow this rule except when fees are “expressly provided for by statute, rule, or contract.”²

Many construction contracts allow the “prevailing party” to recover fees and costs. However, prevailing party fee provisions can lack specificity and require interpretation, especially when the dispute involves multiple parties and issues. The Florida Supreme Court stated the party who prevails “on the significant issues . . . should be considered the prevailing party for attorney’s fees.”³ This gives trial court judges flexibility “to determine from the record” who prevailed on the significant issues.⁴

Florida’s Fourth District Court of Appeal recently addressed the “significant issues” test and determination of the “prevailing party.”⁵ *Lemartec* involved a dispute arising out of the construction of three buildings.⁶ In that case, a Contractor provided three Letters of Intent (LOI) to a Subcontractor stating that subcontracts were forthcoming.⁷ The Subcontractor never signed the subcontracts and, unlike the LOI’s, the subcontracts contained a cross-default provision.⁸ The Subcontractor performed its duties, with the exception of

installing stairs at the final building.⁹ As a result, the Contractor determined the Subcontractor failed to perform and did not pay the balance owed on the subcontracts pursuant to the cross-default provisions.¹⁰

The Subcontractor filed suit, and the trial court awarded the Subcontractor the balance of the subcontracts minus the offset for not completing the stairs pursuant to the cross-default provisions.¹¹ Despite failing to secure the full balance alleged in its complaint, the trial court determined the Subcontractor was the prevailing party since they received “some of the benefit” sought and “recover[ed] a money judgment.”¹²

The Fourth District Court of Appeal disagreed, finding “the mere fact that [the] Subcontractor recovered an affirmative judgment does not control the prevailing party determination.”¹³ In their reasoning, the Fourth District Court of Appeal stated, “a defendant who successfully defeats most of a plaintiff’s claimed damages can be considered the prevailing party, especially when the amount of damages is a significant point of contention between the parties.”¹⁴

Even with this ruling, the question of how the “prevailing party” is determined remains unanswered. Absent a clear definition of the term, trial courts

are left with discretion and flexibility in determining the threshold for prevailing on the significant issues in the case. ■

¹ See *Alyeska Pipeline Service Co. v. Wilderness Society*, 421 U.S. 240 (1975).

² *Hubbel v. Aetna Cas. & Sur. Co.*, 758 So. 2d 94, 97 (Fla. 2000).

³ *Moritz v. Hoyt Enters., Inc.*, 604 So.2d 807, 810 (Fla. 1992).

⁴ *Id.*

⁵ *Lemartec Corp. v. E. Coast Metal Structures Corp.*, 391 So. 3d 426 (Fla. 4th DCA 2024).

⁶ *Id.* at 428.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 428-29.

¹⁰ *Id.* at 429.

¹¹ *Id.* at 430.

¹² *Id.* at 431.

¹³ *Id.* at 435.

¹⁴ *Id.* at 435. See also *Skylink Jets, Inc. v. Klukan*, 308 So. 3d 1048 (Fla. 4th DCA 2020).



Authors: Connor Smedberg – *Foley & Lardner LLP* & Brian Allen – *Carlton Fields, P.A.*

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Holiday Open House

The Hillsborough County Bar Association hosted a festive gathering of lawyers, judges, family members and friends at the Holiday Open House on December 5. Attendees enjoyed a cheerful atmosphere as they gathered to celebrate, socialize, and re-connect before the year came to an end. The attendees also donated to a good cause, bringing presents for Toys for Tots. (See photos on pages 26-30.)

The open house was a success, thanks to the generosity of our sponsor:



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27th Annual Bench Bar Conference, Membership Luncheon & Judicial Reception

The HCBA was pleased to host another successful Bench Bar Conference, Membership Luncheon & Judicial Reception, as more than 500 attorneys, judges, and other legal professionals came out for a day of great CLE programming and networking on November 14 at the Hilton Downtown Tampa. The Committee worked hard to plan an informative and timely conference, with the theme "Expedition to Excellence."

At the Membership Luncheon, our keynote speaker was Professor Bill Hamilton, University of Florida EDiscovery and Civil Procedure Professor, who spoke on the timely topic of "The Impacts of Artificial Intelligence on the Practice of Law." During the luncheon, the Hillsborough County Bar Foundation was pleased to present seven donation checks to local legal charities, totaling \$120,000. The 13th Judicial Circuit also presented its annual Professionalism Awards to Frank de la Grana and Nick Cox. In addition, the HCBA recognized Hillsborough County Public Defender Julianne Holt and thanked her for her many years of public service, before her upcoming retirement.

The conference ended with attorneys, judges, and friends of the legal community mingling at the Judicial Reception in the evening.

The HCBA would like to thank the members of the Bench Bar Committee, the speakers, and all of the sponsors for making this conference possible. (Sponsors listed on page 39.)

Photography was courtesy of Thompson Brand Images. Thank you also to TCS for providing A/V assistance and signage at the conference. Additional photos from the event are available at www.facebook.com/HCBATampabay. See photos on pages 32 - 39.











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THE NEW LAWS IN FLORIDA THAT ARE PROTECTING HOMEOWNERS AGAINST SQUATTERS

Criminal Law Section

Chairs: Justin Petredis – The Law Offices of Justin Petredis & Amy Casanova-Ward – Florida Department of Financial Services - Office of the General Counsel



Florida homeowners now have more rights and protections than they ever had before. This is no longer just a civil matter.



On March 27, 2024, Governor Ron DeSantis signed House Bill 621. House Bill 621 is a law which, at the request of a property owner, authorizes the sheriff to immediately remove and arrest squatters. It also created two new statutes, § 82.036 and § 817.0311, Fla. Stats, and it amended certain provisions of two already existing statutes: § 806.13 and § 817.03, Fla. Stats. to include provisions for real property.

Section 82.036 Fla Stat., titled as “Limited Alternative Remedy to Remove Unauthorized Persons from Residential Real Property,” allows the sheriff of the county in which the property is located to remove an unlawful occupant of a residential dwelling. The statute sets out a procedural way and a sample complaint to be filed with the sheriff for homeowners and their registered agent to immediately remove squatters.

Section 817.0311, Fla. Stat., titled as “Fraudulent Sale or Lease of Residential Real Property,” allows law enforcement to arrest “a person who lists or advertises residential real property for sale knowing that the purported seller

has no legal title or authority to sell the property, or rents or leases the property to another person knowing that he or she has no lawful ownership in the property or leasehold interest in the property.” The person arrested is then charged with a first-degree felony, which is punishable by up to thirty years in Florida State Prison. The person charged is also subjected to a fine of ten thousand dollars. *See:* § 775.083, Fla. Stat.

Section 806.13, Fla. Stat, titled as “Criminal Mischief; penalties; penalty for minor,” was also updated. Section 806.13(4) was added to include the provision that now allows law enforcement to charge a person with a second-degree felony, punishable by up to fifteen years in Florida State Prison, if they unlawfully detain or occupy or trespass “upon a residential dwelling and ... intentionally damage[] the dwelling causing \$1,000 or more in damages.” The person charged is also subjected to a fine of ten thousand dollars. *See:* § 775.083, Fla. Stat.

Section 817.03, Fla. Stat, newly titled as “Making False Statement to Obtain Property or Credit or to

Detain Real Property” was updated to include the ‘detain real property’ part. Section 817.03 (2) was added to include the provision that now allows law enforcement to charge a person if “with the intent to detain or remain upon real property [they] knowingly and willfully present to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights.” The person arrested is then charged with a first-degree misdemeanor, which is punishable by up to 364 days in the county jail. The person charged is also subjected to a fine of one thousand dollars. *See:* § 775.083, Fla. Stat.

In conclusion, Florida homeowners now have more rights and protections than they ever had before. This is no longer just a civil matter. The new laws make squatting, and the damage done to real property that squatters leave behind, a criminal matter, enforceable by jail time and/or very lengthy Florida Prison sentences. ■

*Author: Amy Casanova-Ward –
Florida Department of Financial
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The legal field can be an intimidating and hostile environment. How can we work together within our individual firms to ensure that our firms are safe and thoughtful spaces, both for our colleagues and our clients? Let us discuss some benefits of embracing differences and building a trauma-informed team to better to accomplish goals.

The legal field has become much more diverse in the past few decades, and firms should embrace the different lived experiences of both colleagues and clients. Here at the Innocence Project of Florida (IPF: www.floridainnocence.org), our staff comes from a multitude of backgrounds. No two colleagues

have parallel lived experiences. We work collaboratively on our common mission, which is benefited by us recognizing our differences and how they contribute to better and more innovative ideas for reaching our goals.

Having a diverse staff helps a clientele see themselves in your staff instead of seeing a wall of faces and voices that they can't identify with, and that clients may even view as adversarial or intimidating. In most cases, clients are seeking legal assistance for problems, not for joyful life events. Recognizing the trauma that your clients have had is important. Trauma, as defined by the Substance Abuse and Mental

Health Services Administration (SAMHSA), is “an event or circumstance resulting in physical harm, emotional harm, and/or life-threatening harm. The event or circumstance has lasting adverse effects on the individual’s well-being.” Trauma-informed legal firms represent an important shift both in how legal assistance is provided to clientele and how firm staff are treated.

Trauma-informed legal services focus on fostering an environment that centers communication and collaboration. At IPF, our clients have been subjected to unimaginable trauma, being wrongfully convicted

Continued on page 45

Robert Maxim Stoler, Esq. *Stoler Mediation Services*

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BENEFITS OF A DIVERSE AND TRAUMA-INFORMED LEGAL TEAM

Continued from page 44

and imprisoned for years and sometimes decades. IPF has been blessed to have had a licensed clinical social worker on staff since its founding. He works with clients both behind bars and also after their release. Firms should be aware of the trauma that legal work may have on your staff. The legal field can be very stressful. Here at IPF, we are often the last hope for clients who are wrongfully imprisoned. When we are unable to help free someone from wrongful incarceration, it pains us all. The firm has established a culture that encourages staff to find ways to work through trauma and stress. Some of the practices IPF has adopted include a dog-friendly office, mental health breaks/leave, and gatherings where we participate in non-legal activities such as volunteering, crafting, and trivia.

IPF engaged the services of Through Restorative Justice (www.throughrj.com), an attorney-led organization that helped us learn to better communicate with each other and establish a culture of support in contrast to the competitive culture of many legal firms.

Practices that I believe will build a better environment for your firm and clientele include: mental health services, communication that is supportive as opposed to adversarial/competitive, recognizing different perspectives, restorative conflict resolution, promoting accountability, and encouraging empathy and dialogue. ■



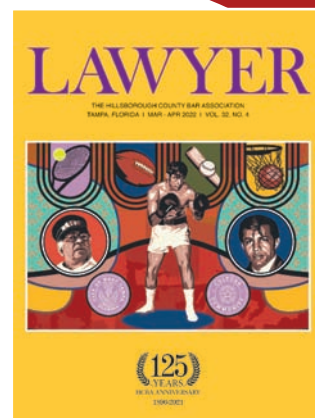
Author:
Gretchen Cothron —
Innocence Project
of Florida



Criminal Law Section Hosts CLE

On November 6, the Criminal Law Section hosted a fascinating CLE with special speaker Retired FBI Agent James Stern, who discussed the topic of “Utilizing Polygraph Examinations in the Private Sector and Undercover Operations.” He discussed his experiences as an FBI agent for 25 years, a polygraph examiner, undercover agent, SWAT team member, and Chief of the Asian and African Criminal Enterprise Unit at FBI Headquarters.

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POST-HURRICANE FLEXIBILITIES OFFERED BY CMS

Health Care Law Section

Chairs: Elizabeth “Beth” Scarola – Epstein Becker & Green, P.C. & Rebecca Arends Siviglia – Moffitt Cancer Center



As a result of Hurricanes Helene and Milton, CMS extended additional resources to Medicare providers and certain health care facilities.



As our local community continues to recover from the aftermath of Hurricanes Helene and Milton, health care lawyers should be aware of, and consider the extent upon which their clients can rely upon, the flexibilities that the Centers for Medicare & Medicaid Services (CMS) have extended to assist with the Public Health Emergencies (PHEs) in Florida. As a result of Hurricanes Helene and Milton, CMS extended additional resources to Medicare providers and certain health care facilities in Florida.

As background, during a PHE, the Secretary of the U.S. Department of Health and Human Services (HHS) may temporarily waive certain HIPAA Privacy Rule requirements for hospitals. During the recent PHE, CMS issued HIPAA-related waivers lasting up to seventy-two hours to Florida hospitals that had activated their disaster protocol, including waivers for: the distribution of HIPAA privacy notices; patient rights to request privacy restrictions and confidential communications; communications with family or

friends involved in care; and, opting out of facility directories.

CMS provided additional waivers for Florida health care providers, such as medical staff flexibility in an effort to address workforce shortages, and reduce the burden of credentialing and privileging processes.

Examples of other CMS Waivers issued for Florida hospitals and health care facilities, include:

- **EMTALA Flexibility:** to permit offsite patient screening outside the hospital’s campus;
- **Surge Capacity and Space Use:** to permit the repurposing of non-patient areas for patient care, as long as the state approves and safety is ensured;
- **Telemedicine:** to permit the provision of telemedicine services to patients through agreements with offsite hospitals to expand access to care; and,
- **Temporary Expansion Locations:** to permit the establishment of additional care locations that meet the required conditions, including

existing provider-based departments, to expand capacity during emergencies.

These flexibilities will remain in place until the PHE has been rescinded.

The CMS waivers are aimed at increasing flexibility and capacity in response to healthcare system demands. Hurricanes Helene and Milton were a stark reminder of CMS requirements (including Conditions of Participation) for disaster planning to appropriately prepare for and respond to such events. As Florida attorneys, it is essential that our professional community is proactive about advising Florida health care entities on preparedness plans and flexibilities to navigate emergencies

in furtherance of the goal of continuity of care during times of natural disasters. ■



Author: Jenna Dees – Epstein Becker & Green

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WORKPLACE LAW DEVELOPMENTS EXPECTED UNDER PRESIDENT TRUMP

Labor & Employment Law Section

Chairs: Amanda Biondolino – Amanda L. Biondolino PLLC & Raquel Jefferson – Phelps Dunbar



One thing is certain, employers and employees should consult experienced employment counsel to navigate the changes that are sure to come.



With President-Elect Donald Trump returning to the White House, it's time to look ahead at what to expect during his second term. Below are some predictions.

Adjustments to the Labor Relations Playing Field

The Trump Administration will

likely adjust the scales for federal labor law policy, generally giving employers more leeway over the next four years. While it takes time for a new administration to install new Board leaders and begin to change policy, we will eventually see the Trump National Labor Relations Board (NLRB) reverse efforts to smooth the path for unions and organizers. Expect to

see the Biden Administration's pro-labor efforts rolled back or reversed between 2025 and 2028.

We will probably see a repeat of his prior term's roll back of the NLRB's "quickie election" rule and the issuance of rules that make it easier for workers to undo union representation. We also expect

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President-Elect Trump to jettison NLRB General Counsel Jennifer Abruzzo as one of his first acts as President. For several years, she pushed an ambitious agenda — including wanting to crack down on stay-or-pay provisions, limiting non-disparagement language in severance agreements, construing non-compete agreements as unfair labor practices, and classifying student-athletes as employees. We expect to see an equally ambitious appointee who will work to undo much of General Counsel Abruzzo's policies.

Support for No Taxes on Tipped Wages

On the campaign trail, President-Elect Trump said he would support legislation that ends federal income taxes on tips for hospitality workers. Supporters say such a move would help employees take home more pay without forcing hospitality employers to increase base wages in the face of high inflation and low margins. Critics, however, say income-tax-free tips may drive base wages down, encourage customers to tip less, and cause a revenue shortfall for the federal government.

This promise had bipartisan support during campaign season,¹ and we've already seen some Congressional movement on this issue.

Artificial Intelligence Given Free Rein at Federal Level

The Biden-Harris administration issued a sweeping AI executive order² last year containing numerous provisions that could eventually impact the workplace. Trump's campaign platform promised to repeal it. President-Elect Trump

has described it as “dangerous” and a hinderance to innovation, so you can expect it to be scrapped early on in his second term.

President-Elect Trump has not yet provided any details as to how he would approach AI issues — though he has spent a good deal of time appealing to tech leaders and seeking their campaign support, signaling an openness to fostering strong relations with the industry.

But even if we don't see federal action at the agency or legislative level, we'll start to see courts impose liability on employers, businesses, and AI developers for unintentional discrimination and other actions that run afoul of best practices. And we'll see states begin to regulate AI as they watch D.C. punt the issue.

One thing is certain, employers

and employees should consult experienced employment counsel to navigate the changes that are sure to come. ■

¹ <https://www.rosen.senate.gov/2024/07/12/rosen-cortez-masto-join-bipartisan-legislation-to-exempt-tips-from-federal-income-tax/>.

² <https://www.fisherphillips.com/en/news-insights/white-house-issues-sweeping-ai-executive-order.html>.



Authors: Alissa Kranz & Elysse Gorney – Fisher Phillips LLP



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TRANSFORMING FAMILY LAW: EMBRACING THE *FAMILY COURT GUIDING PRINCIPLES*

Marital & Family Law Section

Chair: Kim Maxwell – Older Lundy Koch & Martino



The *Guiding Principles* emphasize the court's role in identifying services and crafting solutions that ensure long-term stability and minimize future court actions through *Therapeutic Justice*.



Family law cases involve families, “the foundation of society,”¹ making them unique. Litigants’ lives are permanently intertwined through children, inheritances, businesses, or life savings, making final judgments rarely final. Disagreements often bring litigants back to court for enforcement, contempt, or modification proceedings,

exhausting the entire family’s time, money, and emotions. Recognizing the distinctiveness and potential devastation of contested family cases, the Florida Supreme Court issued the *Family Court Guiding Principles*² to help all stakeholders better serve Florida’s families.

The *Guiding Principles* emphasize the court’s role in identifying services and crafting solutions that

ensure long-term stability and minimize future court actions³ through *Therapeutic Justice*.⁴ This approach requires addressing families’ interrelated legal and non-legal problems to improve their functioning by empowering them with skills development, dispute resolution assistance, access

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to services, and various forums to resolve issues without additional trauma. If attorneys, judges, magistrates, paralegals, case managers, and other stakeholders embraced these principles and focused on helping the family to heal their underlying issues rather than simply symptoms, the number of cases in family court could decrease.

Trauma often underlies litigants' problematic behavior in contested family matters. Trauma is a bio-psycho-social experience affecting individuals physically, mentally, emotionally, and socially due to events causing moderate to severe stress reactions characterized by horror, helplessness, serious injury, or the threat of serious injury or death.⁵ Properly identifying and connecting families with local resources to address their trauma can potentially reduce or eliminate the need for court involvement. In essence, healing trauma can heal the family.

In 2023-2024, Florida's courts took significant steps to implement the *Guiding Principles*. The Office of State Courts Administrator and The Family Law Section of the Florida Bar, in an unprecedented partnership, hosted eleven workshops throughout Florida on trauma in family law cases.⁶ These workshops fostered collaboration between the bench, the bar, and local resources to implement therapeutic justice. Over 970 registrants participated, leading to ongoing local and statewide meetings, additional training sessions, and an increase in trauma-informed practices among the judiciary, practitioners, and courts.

Help us continue to transform Florida's family law system by

becoming trauma-informed and trauma-responsive. Join this movement to improve lives by contacting the Florida Bar Family Law Section's Immediate Past Chair Sarah E. Kay at Sarah@kayfamilylaw.com or 813-520-2700 to get involved. Together, we can build a stronger Florida and brighter future one family at a time. ■

¹ Ronald Reagan, Proclamation 5281 – National Family Week (Nov. 15, 1984) (available at: <https://www.presidency.ucsb.edu/documents/proclamation-5281-national-family-week-1984>)

² *In re Report of Family Court Steering Committee*, 794 So. 2d 518 (Fla. 2001). For a judicial perspective of implementation of the *Guiding Principles*, see Judge John Guy, *Florida Family Courts' Guiding Principles*, Florida Family Law

Section *Commentator*, 14, Vol. 2 (Spring 2024).

³ Guiding Principle 10.

⁴ Guiding Principle 5.

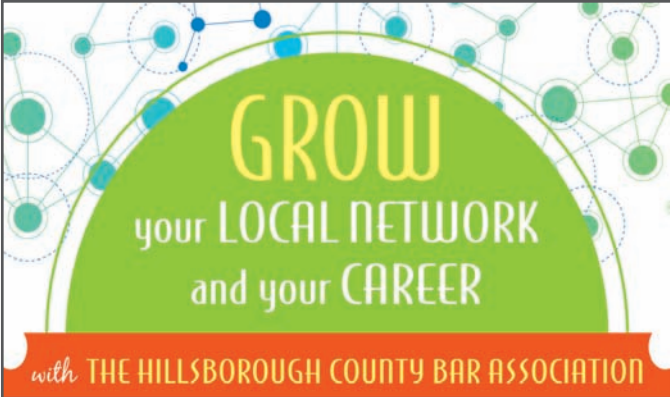
⁵ *Helping Patients Cope With a Traumatic Event*, CDC [<https://perma.cc/SH6H-MJAM>].

⁶ Office of State Courts Administrator, *Responding to Trauma in Family Court Cases*, Full Court Press (Summer 2024) (available at: [https://www.flcourts.gov/Publications-Statistics/](https://www.flcourts.gov/Publications-Statistics/Publications/Full-Court-Press/Full-Court-Press-Summer-2024)

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Author:
Sarah E. Kay –
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CONTRADICTIONS AND BALANCE IN MEDIATION

Mediation & Arbitration Section

Chairs: Amber Boles – Law Office of Amber Boles & Lara Tibbals – Tibbals Mediation, LLC



It is in the balance of these many competing contradictions that the mediator assists the parties in reaching resolution.



Mediating is a job full of contradictions. It sometimes seems that to be a successful mediator, one needs a split personality. The mediator works alone, without an opportunity to see how other people would do the job. Although others rate a mediator's success by the number of cases resolved, the mediator should never be driven by settlement. To do so would perhaps risk the mediator's most important role — neutrality.

We know a mediator must be neutral, impartial, and treat both sides without bias; yet as humans, we all have bias. The neutral must be able to identify bias, including implicit bias, when it arises and not allow it to impact our job. The successful neutral must be able to respect the issues presented by the parties. No matter how unreasonable a position or an individual may appear, the neutral has to be able to hear that perspective and seek to address the issue, no matter how challenging. At the same time, the neutral seeks to bring a dose of reality to the discussion, communicating with each party about the perspective of the other.

To share these perspectives, the mediator must have excellent communication skills, quickly articulate issues, and maintain productive dialogue throughout the negotiation. At the same time, the neutral must know when to listen. The parties need the opportunity to communicate their concerns and feelings. Given the expense of our process, the mediator has to find the delicate balance between helping to focus and move the case forward without the parties feeling overly rushed or unheard.

This brings us to the issue of patience. The mediator cannot rush a case to resolution. Sometimes, patience becomes one of the most important elements of the mediation as the mediator cannot be too quick to declare impasse. However, the mediator must not allow the mediation to move beyond the point of productivity. This can be a challenge when one side is trying desperately to make progress, and the other side is frozen. The mediator must balance these conflicting concerns and try to facilitate forward movement provided the dialogue is productive.

There are many other contradictions a mediator must keep in mind. The mediator needs problem solving skills and the ability to help creatively resolve conflict. Yet, the mediator must accept the limitation of a role that does not control the outcome, as the parties must have self-determination. The successful mediator understands the applicable law but cannot give legal advice. The artful blending of these two conflicting concepts can help the parties evaluate their positions and willingness to compromise.

Recently at a conference, one of the attendees commented that an effective mediator maintains a balance of honey and vinegar. “Vinegar” to say the things in each room that the parties need to hear to understand the other side's perspective, and “honey” to show the parties the respect and compassion they may need to reach resolution. It is in the balance of these many

competing contradictions that the mediator assists the parties in reaching resolution. ■



Author: Tamlyn Sbar – Sbar Mediation

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MILITARY SERVICE AS RESIDENCE

Military & Veterans Affairs Committee

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



If Service Members and their spouses come to Florida on permanent relocation military orders, they can avail themselves of access to the courts without waiting any other requisite period.



Residency in Florida is a multi-faceted concept. The requirement to be a resident is an issue in matters as diverse as homestead exemptions and property taxes, to qualifying for scholarships and other education financial assistance, to filing for divorce or other family law matters. For persons on active duty in the military, the question of their residence can be a particularly important topic due to the frequently transient nature of their service. A Service Member (SM), born and raised in one location, may be relocated by their branch to a ‘permanent’ assignment¹ at second location, and then deployed² from there (often for up to a year or

more) to a third location. What is that SM’s residence?

Florida Statutes provide some guidance on this question. Fla. Stat. §47.081, Military, Naval, or Other Service as Residence, states:

“Any person in any branch of the Armed Forces of the United States, and the husband or the wife of any such person, if he or she is living within the borders of the state, shall be prima facie a resident of the state for the purpose of maintaining any action.”

Originally enacted by the Legislature and passed into law in 1943³ in the midst of World War II, the Florida Supreme Court recognized later that year, in a

ruling reversing a dismissed family law matter, “that it would not be fair to hold that residences of all men in service should be frozen the day of induction to remain so until the day of discharge.”⁴ Later in the war years, while reversing a divorce granted to a party who could not otherwise prove residency, the Court noted that the SM in that matter “may not benefit by the provisions of” the statute, as the SM had not been inducted into the Navy until *after* that case had been filed.⁵

The plain language of the statute applies to both the SM and to the SM’s spouse. In *Bowers v. Bowers*, 287 So.2d 722, 724 (Fla. 1st DCA

Continued on page 55



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Continued from page 54

1973),⁶ the appellate court reversed the dismissal of the spouse's divorce petition finding that the statute applies to "any person in the service and the husband or the wife of any such person."

The courts have also upheld divorce decrees finding that the SMs already had the requisite residency and that the statute would have applied, too,⁷ or that the SM in question never had residency under the usual auspices and had also not been assigned to duty in Florida on a permanent or temporary basis.

So, what is a practical impact or benefit of Fla. Stat. §47.081 to SMs and spouses? Essentially, if they come to Florida on permanent

relocation military orders, they can avail themselves of access to the courts without waiting any other requisite period. An important note: the statute does not afford the Court jurisdiction over the minor children in a family law matter. For a Florida court to exercise jurisdiction over minor children in a family law matter, the requirements of the Uniform Child Custody Jurisdiction and Enforcement Act⁸ must be met. ■

¹ Some services refer to this as a "permanent change of station," or "PCS," move.

² This may be referred to as a "temporary duty" (TDY) or "temporary additional duty" (TAD) assignment, depending on the branch.

³ Originally enacted as Fla. Stat.

§46.12, it was renumbered as Fla. Stat. §47.081 in 1967.

⁴ *Mills v. Mills*, 153 So. 2d 763, 764 (Fla. 1943).

⁵ *Feuer v. Feuer*, 22 So. 2d 641643 (Fla. 1945).

⁶ The subsequent writ of certiorari was discharged and the underlying petition dismissed as moot in *Bowers v. Bowers* 326 So. 2d 172 (1976).

⁷ *Jeffries v. Jeffries*, 133 So. 2d 751, 752 (Fla. 3rd DCA 1961).

⁸ Fla. Stat. §§ 61.501-542



Author:
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SMSgt, USAF
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Lave, P.A.



Military & Veterans Affairs Committee Hosts Veteran's Day Luncheon

On November 7, the HCBA Military & Veterans Affairs Committee hosted a special Veteran's Day luncheon at the Chester Ferguson Law Center. As part of the luncheon, the attendees heard from a special panel of local judiciary with military backgrounds, who discussed what service meant to them. We thank our panel members, who took the time out of their busy schedule to participate: Judge Daryl Manning, 13th Judicial Circuit; Judge J. Andrew Atkinson, 2nd DCA; Judge Jared Smith, 6th DCA; and panel moderator: Judge Matthew Smith, 13th Judicial Circuit.



FINDING WORK-LIFE BALANCE AS A SOLO OR SMALL FIRM ATTORNEY: PRACTICAL TIPS

Solo & Small Firm Section

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



Many solo and small firm attorneys quickly realize that the work-life balance is often not easier in a small law firm.



Many of us dream of being our own boss, of escaping the grind and gaining freedom, which is why we go solo or join a small law firm. Yet, what many solo and small firm attorneys quickly realize is that the work-life balance is often not easier — and it can be just as elusive as in a large law firm setting.

“Work-life balance” is the ability to manage work demands and personal life while finding fulfillment in both. Still, solo practitioners and small firm attorneys often find themselves juggling multiple roles, including business management, client relations, and administrative tasks, along with completing their actual attorney work, with no one else to pick up the slack.

So, what are some things you can do to help you find that work-life balance? Here are some specific tips to help you ease your stress and find fulfillment in both your work life and personal life:

1. Time-Management

Techniques – effective time management is essential for attorneys, especially solo and small firm attorneys. Implement techniques such as:

- Strictly focusing on your work for 25 minutes straight and then taking a 5-minute break (or 50 minutes and then taking a 10-minute

break) can help you stay focused and avoid burnout (known as the Pomodoro Technique);

- Batch similar tasks together and complete them in one session. This will minimize your need to switch from one type of task to another, which will increase your efficiency.
- Schedule your day out in advance. Either plan your day the night before or first thing in the morning. While your plan throughout the day may change a bit, you will at least have a road map to keep you on track to accomplish your goals for that day.
- The “Eat the Frog” method is attributed to Mark Twain’s quote: “If it’s your job to eat a frog, it’s best to do it first thing in the morning. And, if it’s your job to eat two frogs, it’s best to eat the biggest one first.” The general concept here is to complete the one task that requires the most energy and focus and to do it first thing in the morning so that you can then focus on the less important tasks for the remainder of the day.
- Learn to say No. This is tough for many of us as we do not want to miss out on a new client or business

relationship. However, you must say no to tasks or events that are not essential to your practice and are not making you or your law firm money. Setting specific boundaries is critical for maintaining a reasonable work-life balance.

- Technology. Use technology to help you with time management (case management software, Office 365, and artificial intelligence are examples of technology that can help you in your practice).

2. Find a backup attorney

– many solo and small firm attorneys may choose not to enter into a partnership with another attorney for one reason or another. Still, you can form an “alliance” of sorts with other attorneys with whom you have built a relationship and trust. These backup lawyers can have your back and cover for you when you decide to take a “real” vacation, and you can do the same for them.

3. Calendar everything

– whether personal or business, try to maintain one calendar where you list everything, and I do mean everything. If you write everything down on your calendar, you are far more

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likely to not miss something, whether it is a deadline, task, or other. This will, in turn, help reduce your stress and fear and help balance you.

4. Hire a coach – this can be a business coach, life coach, career coach, therapist, etc. Having someone in your corner who understands your goals and challenges and your needs and wants while also being outside your organization can help you see clearly and achieve your goals and ultimate success while maintaining that work-life balance.

5. Part-time staff & Delegation – hiring someone part-time, whether a virtual assistant, a legal intern, or a friend or family member, to step in and assist you when you cannot get to everything, or everyone will be helpful. These individuals can help generally with simple tasks such as returning phone calls and scheduling appointments. Or they can specialize in assisting with bookkeeping/accounting, marketing/social media, or drafting/researching.

This will help you relieve stress and maintain good relationships with your clients and/or business contacts.

6. Systemize your practice— While this can often take a great amount of time and effort in the beginning, it will help your practice flow and flourish. This can be as simple as creating Microsoft Word or other templates for everyday work, or it may involve creating or purchasing a more sophisticated system, especially as you grow your practice. Often, your case management software or your CRM (customer relationship management) will have some ability to help you better “systemize” your practice.

7. Build a support network – join local organizations, such as the Hillsborough County Bar Association’s Solo and Small Firm Section and other attorney organizations where you can connect with like-minded individuals who face similar challenges. Additionally, finding and connecting with mentors and attending networking events are all ways to build a team that can support you.

8. Make YOU a priority & spend time doing what you enjoy – as solo and small firm attorneys, we often have a crushing amount of stress as we have no safety net, which can lead to mistakes. This is why taking time and prioritizing your life outside of work is so important. Your work will consume you if you do not! Take time to connect with family and friends, participate in outdoor activities, workout, travel, and binge-watch television shows. Continue to make an effort to do the things you love and keep your passions and hobbies alive, as it is important in finding overall fulfillment.

Remember why you chose this path in the first place. While the challenges of solo or small firm practice are real, with intentional planning you can find the balance you need to live a fulfilling, successful life — both inside and outside of work. ■



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Kicking the AI can six months down the road may only put an attorney six months behind on critical professional developments.



November's HCBA Bench Bar Conference featured two sessions on artificial intelligence. Professor Bill Hamilton of the University of Florida's Levin College of Law gave the keynote address, "The Impacts of Artificial Intelligence on the Practice of Law." An afternoon panel, "AI for Excellence: Using Artificial Intelligence Tools to Advance Your Practice," focused on AI-enabled capabilities, as well as the legal and ethical issues raised by their use.

As these sessions highlighted, artificial intelligence appears to be on the cusp of reshaping the foundations of the legal profession. To the extent the momentum may

be slowed, it is because most attorneys are not ready to incorporate AI tools in their practices. However, kicking the AI can six months down the road may only serve to put an attorney six months behind on critical professional developments.

AI's risk to the legal profession is not that it will replace lawyers; however, it is possible, perhaps probable, that lawyers who use AI will replace lawyers who do not. In that regard, attorneys should note seven considerations that were shared at the Conference's afternoon AI session:

1. Client Requests. Attorneys should be ready for more clients to ask about fixed-fee

billing because of AI's increased efficiencies. Attorneys should also be able to succinctly explain how their practices use AI.

2. Data Management.

Attorneys should appoint a Chief Information Officer who is responsible for their organization's data. Attorneys should deploy tools to monitor and block unapproved AI, and organizations should continuously monitor their personnel's use of AI.

3. Training. Attorneys and other employees should be trained on how to use AI. For example,

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they should input the minimum amount of data they need for an AI capability to work. Publicly available capabilities can create security issues; employees should be warned about them.

4. Vendor Management.

An organization's vendor management and compliance departments should vet any AI capability a practice uses. Attorneys should require the AI vendor to provide an ISO 42001 certification. Just as a firm would not hire an employee without performing a background check, an AI capability should not be used without verifying it can be trusted.

5. Terms of Use. Attorneys should read and understand the Terms of Use for AI capabilities to see how data shared with the capability is stored, processed, used, shared, sold, etc.

6. Don't Commingle Client

Data. Do not commingle client data within an AI tool.

Attorneys should treat handling a client's data similarly to how ethical requirements treat a client's money. Client funds cannot be commingled with those of other clients or with an organization's operating account. A client's information should be handled similarly.

7. Attorney Client Privilege.

Technology was designed to allow information to flow freely and easily. AI tools will increase

that flow significantly. Some attorneys are afraid of these tools; others are rushing to embrace them. No matter where they fall regarding AI readiness, attorneys should take extra measures to ensure they observe the attorney-client privilege when using AI technology. ■



Author: Ben Allen & Kurt Sanger –
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HUMAN TRAFFICKING AND THE BEAUTY OF RESTORATION

Trial & Litigation Section

Chair: Lauren Humphries – Buchanan Ingersoll & Rooney



“Beautiful” and “human trafficking” are not words we usually find in the same sentence. The ugly truth of human trafficking (defined as using coercion to exploit an adult for commercial sex or labor or the use of a child by any means for commercial sex or exploitative labor) appropriately dominates the human trafficking narrative with service providers, law enforcement, media, and the public. However, the ugly truth is not the only truth that belongs in this narrative. Commonly overlooked is a population of women, men, and children who managed to get away from traffickers, survived the abuse and manipulation, and discovered lives

they thought they could never attain or sometimes never knew existed. As lawyers providing *pro bono* legal services exclusively to more than 700 human trafficking survivors for the last twelve years, we have watched our clients experience the devastating effects of human trafficking.

Traffickers and related abusers are responsible for complex trauma, addiction, the criminalization of their victims, and a host of other

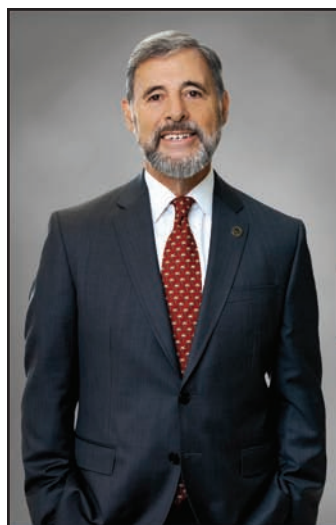


**Commonly overlooked
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unspeakable harms. Yet somewhere in this darkness, there is a deep beauty found in survivors’ courage, resilience, heart, and determination to create lives of independence, meaning, and purpose and to disrupt generational vulnerabilities to exploitation. Out of the ugliness comes an even more beautiful truth — life is possible.

In that context, here is a bit of one of our clients’ amazing journeys. We’ll call her “J.” Trafficked as a minor and an

Continued on page 63



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adult in South Florida by a man who would exploit dozens of victims along the way, J was finally able to get away. In 2022, with J's and other victims' assistance, her trafficker was convicted in federal court, sentenced to sixty years in prison, and ordered to pay restitution to the victims. In a recent phone call with J about another legal matter, we learned that after she got away from her trafficker, she went to college and earned a communications degree. It is certainly not uncommon for survivors to pursue an education; the arc of recovery bends towards achievement. But there was more. Here are her own words:

"I earned my Juris Doctor from Georgetown University Law Center in 2020 and was admitted to the Florida Bar in 2024. Through these experiences, I turned a negative chapter in my life into a powerful catalyst for positive change, and I am committed to using my legal career to make a meaningful difference."

J also shared that without the support of a lawyer who gave her intern opportunities before she went to law school, she couldn't envision herself as an attorney with all she'd been through. Recovering and discovering life after human trafficking takes a village, and lawyers are members of that village, not just in providing critical legal services but also in helping breathe life into the dreams of others.

We welcome J into this profession and celebrate her resilience, courage, and the beautiful truth of the human spirit in the face of adversity.

Attorneys interested in serving trafficking survivors may contact the Justice Restoration Center at 727- 940-2282. ■



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



Trial & Litigation Section and Government Lawyers Section Host Joint CLE

On November 1, the HCBA Trial & Litigation and Government Lawyer Sections hosted an informative joint CLE on the topic "Jury Selection 101: A Look into Criminal, Civil, and Appellate Best Practices."

We thank the panelists and moderators who provided their insight to the attendees: Rex Barbas (Retired Judge), Barbas Mediation; Scott Harmon, State Attorney's Office; Lara Breslow, Florida Office of the Attorney General; and moderators Alexa Cline, Office of the Attorney General, Statewide Prosecution; and Lauren V. Humphries, Buchanan Ingersoll & Rooney PC.

Hill Ward Henderson congratulates attorney **Tara Bild**, who has been appointed to the Tampa Museum of Art Foundation Board.

Hill Ward Henderson is pleased to welcome four new attorneys to the firm, **Allie Brummer**, **Christian Edwards**, **Alexandra Guerra**, and **Daniel Johns**. Brummer is an associate in the firm's Commercial Litigation Group and Intellectual Property Group. Edwards is an associate in the firm's Personal Injury Practice Group. Guerra is an associate in the firm's Litigation Group. Johns joins the firm as Senior Counsel, where he focuses his practice on representing companies, financial sponsors, family offices, and individuals in a variety of corporate and transactional matters.

Joe Eagleton of **Brannock Berman & Seider** participated in a panel discussion on "Preserving the Record for Appeal" at the

Ferguson-White American Inn of Court Mentoring Program.

Shutts & Bowen LLP is pleased to announce that **Melodie Khosrovani**, an associate in the Tampa office, was chosen by the firm's Pro Bono Committee to receive the First Annual Shutts & Bowen Outstanding Pro Bono Service Award.

Scarborough Attorneys at Law welcomes **Amy McConnell** as a new partner of the firm. McConnell brings more than nine years of experience litigating in State and Federal courts in both Third- and First-Party Insurance Defense.

The **Hall Booth Smith** Tampa office welcomes new Associate **Alivia M. Olinger**, who will practice in the areas of health care, insurance coverage, medical malpractice, premises liability, along with arbitration and mediation.

Congratulations to **Cynthia N. Sass** of **Sass Law Firm**, who received *Bloomberg Law's* 2024 Outstanding Contributor Award for her work as Editor-in-Chief of *Bloomberg Law's* Employment at Will: A State-by-State Survey publication.

Congratulations to **Lansing C. Scriven** of **Lanse Scriven Law**, who has been elected to serve as chair of Florida Lawyers Mutual Insurance Company in 2025. Scriven has served on the Board of Directors at Florida Lawyers Mutual since 2020 and has served on its Underwriting Committee, Compensation Committee, and Claims Committee.

Congratulations to **Jacqueline Simms-Petredis** of **Burr & Forman**, who was elected to The Florida Bar Board of Governors, for a two-year term beginning in June 2025.

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