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THE HILLSBOROUGH COUNTY BAR ASSOCIATION
TAMPA, FLORIDA | JUL - AUG 2024 | VOL. 34, NO. 6





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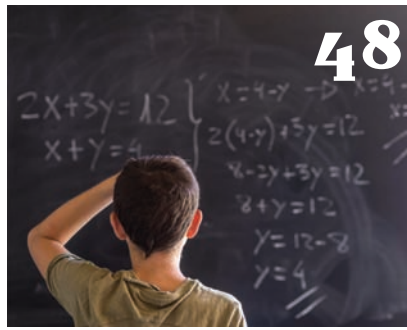
ABOUT THE COVER

For the last issue of this Bar year, we are ending our series featuring courthouses, by highlighting the highest court of our nation, the United States Supreme Court. The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution. The Supreme Court Courthouse was built in 1935 in classical Corinthian architectural style because it best harmonized with nearby congressional buildings. Photo by Sunira Moses - Own work, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=35576748>.

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Summertime: Focus on Resting and Recharging

My mantra this summer has been two words, "Simple. Local."

Summertime brings thoughts of hot days, cool water, travel and family. I hope that everyone has had the opportunity over this summer to take some time for themselves and for their families or loved ones to rest and recharge. Many people also use periods of rest to try to plan for the future and coming months. I read a quote recently from a behavioral scientist, Katy Milkman, that made me pause in my own goal setting. In discussing how, according to studies, when a person is presented with an

unbalanced scale, and told to balance it, the majority of humans will add weight to the lighter side instead of subtracting it from the heavier side, Dr. Milkman stated, "We're adders, not subtractors." Our natural, human instinct when it comes to behavioral change is to add something, rather than see if there is something that we could take away to simplify our lives and allow us to focus on the change we are trying to implement.

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It's no secret to anyone that the state of the world seems unbalanced. Individual anxiety seems to be at an all-time high, and our careers as attorneys certainly do not help in alleviating those pressures. My mantra this summer has been two words, "Simple. Local." This mantra "Simple" has helped me focus on trying to simplify my life — to cut out and subtract those things that are not helping me work toward the goals I have set or the behaviors I want to implement. Helped me to focus on family, co-workers, and friends. "Local" helps me focus on where to



direct my energy — my community, those around me, those I see every day. "Simple" and "Local" complement each other and work in harmony. The constant thrum of news, crises, and conflict coming to us over our phones can make an individual feel powerless — like a person cannot impact these seemingly immutable forces. But if I think "Simple" and "Local," I can find ways to make a positive impact on the individual lives of people in need. So, this summer, while you are resting and recharging for the coming months, I encourage you to think Simple and think Local. Pare down to the immediate and your impact can be felt. ■

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Reflecting on a Year of Progress and Engagement

Let us continue to inspire one another, strive for excellence, and uphold the values that make the HCBA an exemplary organization.

As I reflect on this past year as president of the Hillsborough County Bar Association, I am filled with pride and gratitude for the incredible strides we have made together. The year went by swiftly, a testament to the vibrancy and dynamism of our legal community. It has been a privilege to serve in this role, witnessing firsthand the dedication and enthusiasm of our members.

One of the highlights of this year has been the increase in our membership. It is heartening to see so many new faces joining our ranks, bringing fresh perspectives and renewed energy. This growth is not just a number; it signifies a stronger, more connected legal community, ready to tackle the challenges of today and tomorrow.

Our Continuing Legal Education (CLE) seminars have been a cornerstone of this year's success. We hosted a series of outstanding seminars, providing our members with valuable insights and updates on the latest legal trends and developments. These events are not just

educational; they are opportunities for professional growth and networking, fostering a culture of continuous learning and excellence within our association.

The Bench Bar Conference was another standout moment, underscoring the importance of collaboration and mutual respect between our legal practitioners and the judiciary. I extend my deepest gratitude to the judges and the Bench Bar Committee Chairs: Judge Thomas Palermo and Judge Samantha Ward, who played pivotal roles in making this event a resounding success. Their participation and support are vital to maintaining the high standards of our legal system and ensuring a fair and just process for all. As always, Chief Judge Christopher Sabella's support for the HCBA is deeply appreciated.

My last HCBA event as president was on May 7, 2024, for the HCBA Law Day and Membership Luncheon. Attorney General Ashley Moody spoke about the

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importance of the rule of law and her work as both a judge and attorney general.

Unfortunately, I was out of country on a much-needed family vacation on June 11, 2024, when my friend Anthony “Nino” Martino was sworn in as the new President of the HCBA, along with the newly elected Board members. I am sorry I was unable to attend.

As we look forward to the coming year, I am confident that the HCBA will continue to thrive under the capable leadership of President Anthony “Nino” Martino and the Board, and with the guidance of Executive Director John Kynes, Laurie Rideout, and the many others who make the HCBA great. I encourage all our members to stay active, whether by attending a luncheon, participating in a CLE seminar, or engaging in any of our numerous events. Your



Alex Caballero joining his fellow HCBA members at last fall's Bench Bar Conference.

involvement is what makes the HCBA a valuable resource and a cornerstone of our local legal community.

Best wishes for a prosperous year ahead. Let us continue to inspire one another, strive for excellence, and uphold the values that make the HCBA an exemplary organization, and thank you for allowing me to be president this past year. ■

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YLD 2023-2024: A Year in Review

The state of the HCBA YLD is truly good and befitting of our pride in what we have accomplished together.

The 2023-2024 Bar Year has come to a close, and what an eventful year it has been with the HCBA Young Lawyers Division.

We kicked off the bar year with a rebranding of the HCBA YLD through a new and unique logo. In the fall, we hosted events geared towards philanthropy, service, and socialization. We benefited the Joshua House with a back-to-school drive, donated approximately 800 pounds of Thanksgiving food to Metropolitan Ministries and families in need, and held an adoption event for the Humane Society of Tampa Bay. We also hosted a pro bono luncheon, which garnered a diverse gathering of non-profit and legal aid organizations throughout Hillsborough County. Lastly, we reached new heights in our annual golf tournament with over 120 participants.

In the spring of 2024, the HCBA YLD advanced its focus on legal education, professionalism, community involvement, and strengthening our friendship with the local judiciary. In January, we held a successful Coffee at the Courthouse and Judicial Shadowing Day. We further recognized outstanding lawyers, including Judge Edward LaRose, recipient of our Robert W. Patton Outstanding Jurist Award; and Antina Mobley, recipient of our Outstanding Government/Non-Profit Lawyer Award. In February, we hosted a CLE and panel on a young lawyer's first

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YLD Board



YLD Board Members and Committee Chairs

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mediation, in coalition with the HCBA Mediation & Arbitration Section. In March, we celebrated Law Week and sent dozens of young lawyers out into the community to conduct mock trials, courthouse tours, and to speak to classrooms regarding the importance of law in our society. We then rounded out the year with our annual State Court Trial Seminar, which boasted an impressive array of panelists and speakers for our attendees. The year was busy, no doubt, but it was also fun.

On June 6, 2024, I was proud to pass the torch to Nicole Gehringer, who will lead the HCBA YLD through the 2024-2025 Bar Year. It has truly been an honor leading the HCBA YLD this past year, and I simply cannot end without giving thanks to those who make this YLD so great. First, a special thanks to our Board of Directors, and to our outgoing YLD Board Members:

Past President Lyndsey Siara, Parliamentarian Blake Fromang, Director Daniela Mendez, and Director Harold Holder. Second, I want to recognize our hard-working volunteer committee chairs who made such an impact this year: Kevin Riley, Lauren Maier, Sarah Waters, Ana Lleonart, Sara Jawad, Kayli Smendec, Alison Gomez de la Vega, Brianna Zupko, Tiffani Thornton, Calli Burnett, Courtney Burroughs, and Quinn Cockrell. This past year would not have been so productive, fun, and engaging if not for the efforts of these amazing leaders. Lastly, I would like to thank Laurie Rideout and all of the HCBA staff who tirelessly work around the clock to keep us moving forward.

The state of the HCBA YLD is truly good and befitting of our pride in what we have accomplished together. I have enjoyed serving the HCBA YLD and making it a place where everybody knows your name. ■

YLD and DEI Committee Host Imposter Syndrome Luncheon

On April 15, the Young Lawyers Division and the Diversity, Equity & Inclusion Committee held a popular luncheon on an important issue: imposter syndrome. The event offered an open discussion on the topic from Tampa's top leaders in the legal community, discussing obstacles they faced, and doubts they have overcome.

The event's panelists included Judge Bagge-Hernandez, 13th Judicial Circuit; Travis Coy, State Attorney's Office; Rita Peters, Office of Statewide Prosecution; Alexis Deveaux, Gunster; and was moderated by Grace Yang, GrayRobinson, P.A.





HCBA's 2024 Liberty Bell Award Goes to Community Children's Rights Advocate Mary Lee Farrior

Mary Lee's House Founder Receives 60th Liberty Bell Award at HCBA's Annual Law Day Luncheon Celebration.

Prominent Tampa attorney Amy Farrior says two words are often used to describe longtime community children's rights advocate Mary Lee Farrior, "beautiful angel."

That's the way Amy described Mary Lee as she introduced her as the HCBA's 60th Liberty Bell Award winner at the HCBA's annual Law Day Luncheon at the downtown Hilton this past May.

Mary Lee is the founder and namesake of Mary Lee's House, which opened its doors in 2008 and is Hillsborough County's first and only child advocacy and protection center.

"Mary Lee's House is a vital child advocacy assessment and protection center that serves more than 2,500 abused and neglected Hillsborough County children each year," Amy said.



Left to right: Chief Judge Christopher Sabella, Alex Caballero, Florida Attorney General Ashley Moody and Mary Lee Farrior (seated).

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“It has become an indispensable part of how we deliver justice to these children, and Mary Lee is the reason it exists,” she added.

Before Mary Lee’s House existed, critical investigative, legal, and healthcare service providers for children were spread throughout Hillsborough County.

Now, these vital child service agencies are all housed under one roof, and they can work collaboratively.

In her remarks, Amy said beyond being the founder of Mary Lee’s House, Mary Lee can also regularly be seen delivering needed clothes, toys and other items for the numerous abused and neglected children who are served there.

In 1964, the American Bar Association formally endorsed the Liberty Bell Award for use by Bar associations across the nation to enhance their Law Day celebrations.

And every year since 1964 the HCBA has presented the prestigious Liberty Bell Award, which recognizes a non-lawyer citizen whose outstanding community service has helped strengthen the American justice system.

Past HCBA award winners come from all walks of life and include Gen. Norman Schwarzkopf; Betty Castor; Rev. Leon Lowry; Tony Dungy; George Steinbrenner; and Jeff and Penny Vinik.

“Mary Lee Fariior’s unwavering commitment to protecting the most vulnerable children in our community through the services provided at Mary Lee’s House make her an excellent choice to be the HCBA’s 2024 Liberty Bell Award recipient,” said HCBA President Alex Caballero.

Each year, the ABA selects a different Law Day theme, and the theme this year is “Voices of Democracy,” which encourages Americans to participate in the electoral process.

Established by President Dwight D. Eisenhower in 1958, Law Day, which officially is on May 1st each year, celebrates the rule of law in a free society.

Eisenhower established Law Day after his experiences in World War II when he realized the perils of a free society where the rule of law is broken down.

The HCBA celebrates the Law Day theme through its Law Week activities each spring, which include classroom discussions, courthouse tours and mock trials.

This year, about 50 HCBA members volunteered, and more than 1,000 local students participated in Law Week activities. And under the outstanding leadership of President Alex Caballero and the HCBA Board members, it has been an exciting and eventful year for sure.

From the 26th Annual Bench Bar Conference this past October; the annual Judicial Food Festival and 5K Pro Bono River Run this March; and all the other luncheons and CLEs, there was something for everyone.

And that does not include all the other great events put on by the HCBA’s superb Young Lawyers Division, which was ably led by Sean Bevil.

Looking ahead, I’m confident incoming HCBA President Anthony “Nino” Martino and incoming YLD President Nicole Gehringer will continue the good work that has helped make the HCBA the wonderful organization it is today.

Hoping everyone has a great rest of the summer. ■

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New Law Allows New Mothers to Request an Excusal from Jury Duty in Florida

The Hillsborough County Clerk of Court and Comptroller Office handles nearly 3,000 juror summons every week.

Recently, new legislation signed by Florida's Governor allows new mothers to be excused from jury duty. House Bill 461 introduces an optional exemption for women who have recently given birth. Under this law, any woman who has given birth within six months prior to the reporting date on the jury summons can request to be excused.

In Hillsborough County, there are already provisions for excusals upon request for expectant mothers and parents who are not employed full-time and have custody of children under six. When the new law took effect on July 1st, the jury summons in Hillsborough County now includes updated language reflecting these exemptions.

In March 2023, lawmakers in Florida unanimously approved a measure that requires courthouses across the state to provide free, clean, and private lactation rooms. These lactation rooms are in the George E. Edgecomb Courthouse and the Courthouse Annex in downtown Tampa. Hillsborough County Clerk of Court and Comptroller jury service employees will be available to assist nursing mothers in accessing these rooms.

It is important to note that jury service is a civic responsibility shared by all U.S. citizens and is an essential part of our democratic system. Florida law aims to ensure that juries are composed of a diverse cross-section of the community, including individuals from different backgrounds and social groups, to form a fair representation in civil and criminal courts.

Florida law requires the selection of potential jurors randomly from records of the Department of Highway Safety and Motor Vehicles (DHSMV) containing the



names of individuals with a driver's license or identification card in the county.

If you receive a jury summons in the mail, there are a few things to keep in mind:

- The office has created a video about parking and directions to the courthouse, which can be found on our website, www.hillsclerk.com.
- If you have prior commitments on your calendar, there may be ways to help in some cases. Several other reasons may qualify you for an excusal, such as being a full-time law enforcement officer, being 70 years of age or older and requesting a permanent excusal, or having a mental or physical incapacity.
- Our website provides information on these and other exemptions. Understand that if a postponement is granted, then you will be summoned at a later time as permitted by law.

If you are chosen to serve as a juror, the office assures you that it is committed to keeping you comfortable and well-informed. For more information, visit www.hillsclerk.com. ■



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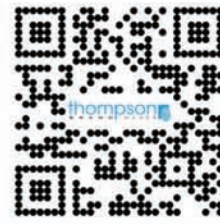
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**For now, trial courts
and practitioners have
their marching orders
— the text is supreme.**



In *State v. Crose*, an en banc majority of the Second District Court of Appeal recently held that the “recent controversy rule” — that is, a court’s ability to consider a legislative amendment enacted soon after a controversy arises regarding the interpretation of a statute as an interpretation of the pre-amendment statute as opposed to a substantive change — “is no longer a viable basis for construing the meaning of a statute.”¹ This article briefly highlights the court’s broader discussion of statutory interpretation underlying that decision.

Central to the majority’s reasoning was its observation that “the Florida Supreme Court fundamentally changed the framework through which Florida courts interpret statutes.”² The majority reasoned that the Supreme Court had since “abandoned the legislative intent approach”³ to statutory interpretation and “instructed [it] to ‘follow the ‘supremacy-of-text principle’ — namely, the principle that “[t]he words of a governing text are of paramount concern, and what they convey, in their context, is what the text means.”⁴ The majority concluded that because the recent controversy rule was “an offshoot of the legislative intent approach to

ascertaining statutory meaning,” the rule was “completely incompatible” with, and “supplanted” by, the supremacy-of-text principle.⁵

Crose follows a series of cases decided by the Florida Supreme Court over the last four years employing the supremacy-of-text principle.⁶ Two aspects of *Crose* are noteworthy. First, whereas the Supreme Court explained the textual principles that “[i] follow[s]”⁷ and “[i]t adhere[s] to,”⁸ the Second District construed those decisions as having “instructed” lower courts with “marching orders” to follow those same interpretive principles too.⁹ In this regard, *Crose* is significant because it can be reasonably read as establishing a specific interpretive methodology in precedential terms for all courts in this district. Second, the Second District expressly noted that its interpretive function was “not to [ascertain] any purported intent underlying the text.”¹⁰ This rationale could have implications broader than the recent controversy rule in that *any* atextual tool of interpretation is no longer viable.¹¹ Practitioners in both civil and criminal cases should carefully consider *Crose* and how the supremacy-of-text principle might govern statutory interpretation

issues in their cases. For now, lower courts and practitioners in this district have their own marching orders — the text is supreme. ■

¹ 378 So. 3d 1217, 1235 (Fla. 2d DCA 2024) (en banc).

² *Id.* at 1232.

³ *Id.* at 1233 (citing *Conage v. United States*, 346 So. 3d 594, 598 (Fla. 2022)).

⁴ *Id.* at 1224 (second alteration in original) (quoting *Ham v. Portfolio Recovery Assocs., LLC*, 308 So. 3d 942, 946 (Fla. 2020)).

⁵ *Id.* at 1234, 1239, 1244–45.

⁶ *See, e.g., Ham*, 308 So. 3d at 946; *Levy v. Levy*, 326 So. 3d 678, 681 (Fla. 2021).

⁷ *Ham*, 308 So. 3d at 946 (emphasis added).

⁸ *Levy*, 326 So. 3d at 681 (emphasis added).

⁹ *Crose*, 378 So. 3d at 1224, 1234.

¹⁰ *Id.* at 1234.

¹¹ *See id.* at 1235 (“A court using an atextual, intent-centric tool in a supremacy-of-text analysis would be

like a homeowner trying to hammer a light bulb into a socket to gain more illumination.”).



Author:
A. Evan Dix –
Second District
Court of Appeal

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BLI CLASS LEARNING ABOUT TAMPA BAY COMMUNITY

Bar Leadership Institute

Chairs: Hillary Thornton – Shumaker, Loop & Kendrick LLP, Paige Tucker – Office of the Attorney General & Idalis Vento – Sammis Law Firm



This year's BLI Class has had a very busy Spring!

On January 23, the Class toured J.C. Newman's Cigar Factory, the last operating family-owned cigar factory in the country. The Class was even taken down into the archives, where J.C. Newman keeps cigar-related artifacts, like the last bag of tobacco that entered the U.S. from Cuba before the embargo was imposed. Additionally, the

Class learned the various ways in which J.C. Newman gives back to the community, including by contributing portions of its proceeds from certain cigars to support arts education in public schools.

On February 23, the Class met with Don Bly, EVP/General Counsel of Strategic Property

Partners, the developers of Water Street. Not only was the Class given insight into the intention behind Water Street, it was also given hints about upcoming openings through a 3-D interactive rendering of the Channelside District that showed both the changes that have occurred in the last 10 years as well as new attractions set to open soon.

On March 6, the Tampa Police Department and Tampa Fire Rescue hosted the Class at its training facility. The Class was able to participate in training simulations to experience making difficult split-second decisions, a front row seat to a (fake) police chase, the ability to test out the thermal cameras used to help locate victims in a fire, and the opportunity to meet a K-9 officer and the police horses!

On April 5, the Class got a behind-the-scenes look at the inner workings of Amalie Arena and the Tampa Bay Lightning, including a meeting with Senior Counsel for Vinik Sports Group, Chris Brandon. The tour occurred the day after Madonna performed at Amalie Arena, so the Class got to see



Continued on page 19

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parts of how the Arena transitions from an event like a concert to a Lightning game. The Class was also able to see center ice from multiple vantage points, including where they store the Zambonis and even the player's bench. Go Lightning!

On April 19, the Class completed its annual Volunteer Project, which is chosen by the members of the Class. This year's Class chose to support Metropolitan Ministries, and had the opportunity to volunteer in either the thrift store, where they helped load and unload donations, the food pantry, or the PromiseLand Early Learning Center, the in-house daycare for young children.

On May 5, the Class was hosted by the Tampa office of the Federal Bureau of Investigation. During this module, the Class got a tour of the Tampa field office, an interactive exercise on various simulations with a firearms instructor, and a presentation on polygraph exams and the assorted uses for which polygraph results can be employed.

Overall, it has been an eventful year full of learning for our 2023-24 BLI Class, who graduated from the program on May 22. While we are sad for the year to come to a close, we are very excited to see what this amazing class of members does with the knowledge they gained this year and how they put that knowledge to good use in the legal community of Tampa Bay. ■

*Author: Hillary Thornton -
Shumaker, Loop & Kendrick LLP*



Page 18 (top): BLI Volunteers at the Metropolitan Ministries “Hope Does More” Volunteer Project, (bottom): BLI group at the Tampa field office of the Federal Bureau of Investigation.
Page 19 (top): BLI group at the Amalie Arena, (bottom): BLI group at the Tampa Police Department and Tampa Fire Rescue training facility.



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GERRYMANDERING AND THE DISENFRANCHISEMENT OF THE VOTE

Diversity, Equity & Inclusion Committee

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



The United States election laws date back to Article I of the U.S. Constitution.¹ This gives the states the responsibility of overseeing political elections. Every ten years each state refigures its electoral districts, either causing them to expand or contract, resulting in the rebalancing of congressional seats. This redistricting affects the voice and health of a community because it has the potential to divide or dilute the vote. This is called gerrymandering.

The Florida Constitution directs the legislature to redraw district boundaries in the second year following each decennial census.² The idea is to fairly draw these lines on a map so the population can elect representatives who reflect their views and address their concerns. When new census data becomes available, many hope that the redistricting boundaries either remain unchanged or are not manipulated unfairly so that an electoral vote may favor one party over another. However, one type of gerrymandering, partisan gerrymandering, focuses on the practice of dividing a geographical area into

electoral districts to give one political party an unfair advantage by diluting the opposing sides' voting power, leaving voters who support opposing parties or viewpoints without meaningful representation or a voice in government.

Because communities change, redistricting is important to our democracy. Maps must be redrawn to ensure that districts are equally populated to comply with the U.S. Constitution and the voting rights laws.³ Gerrymandering affects democracy, particularly in communities of color where the partisan form targets its vote and political power.⁴ Through residential divide and racially motivated patterns, political parties can use map drawing to weaken the voice of these communities.

Federal reform can help prevent gerrymandering. The Freedom to Vote Act, a critical piece of federal reform legislation is a step towards preventing political agendas in map drawing for redistricting. The bill seeks to enhance transparency, strengthen protections for communities of color, and ban partisan gerrymandering in congressional redistricting. It is meant to improve voters' ability to combat and question these maps in court and take back its voice.⁵ According to the Florida Division

Combating racially gerrymandered maps will play an important role in helping to elect members of Congress who represent a particular community's voice and address its needs.

of Elections,⁶ the number of active voters decreased from the years 2020 to 2022 when registration was at its highest. One reason for the decrease in voter turnout may be due to voter restrictions, which is the practice of inhibiting certain groups from voting. For example, in

2021, Florida passed its Senate Bill 90,⁷ which cleared vote-by-mail rolls and required voters to re-enroll for vote-by-mail every election cycle. In 2022, there were approximately 4.2 million people on the vote-by-mail rolls, but in 2023, that number was reset to zero. This is concerning, especially since it is a presidential election year.

The political implications of racially gerrymandered maps are not limited to the communities directly affected by the dilution of their political power. Until this problem is addressed, political separation and racially divided districts will continue to undermine our country's commitment to a free and fair democratic process. Combating racially gerrymandered maps will play an important role in helping to elect members of Congress who represent a particular community's voice and address its needs. ■

Continued on page 23

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Continued from page 22

¹ Senate.Gov, United States Senate, Constitution Day, Senate Historical Office.

² Flsenate.gov, The Florida Senate, Redistricting, Census Data, Maps and Statistics.

³ News.Harvard.Edu, The Harvard Gazette, Biggest Problem with Gerrymandering Author Christy DeSmith.

⁴ Naacpldf.org, Legal Defense Fund, Voting Rights, Protecting Black Power and Preserving Democracy Author Ella Wiley.

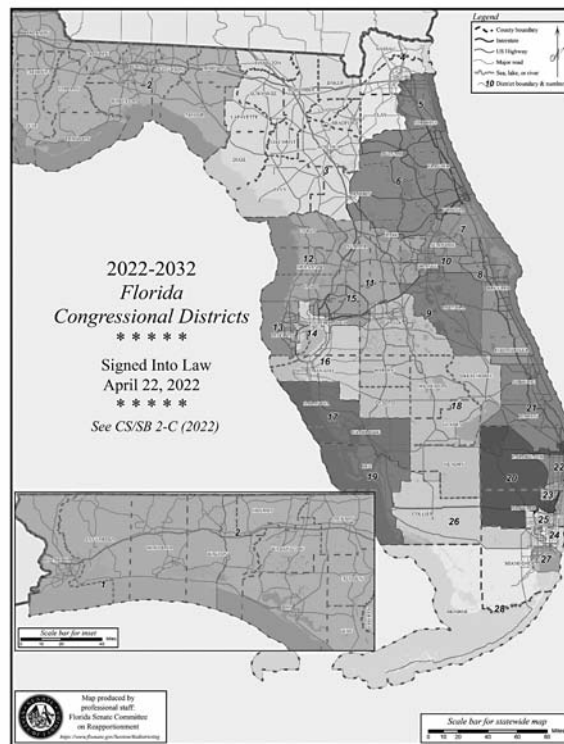
⁵ Brennancenter.org, The Brennan Center for Justice, The Explainer, Gerrymandering Explained, Authors Julia Kirschenbaum and Michael Li.

⁶ Dos.fl.gov, Florida Division of Elections, Data and Statistics, Florida Department of State, Voter Registration-By Party Affiliation.

⁷ Sumterelections.org, William “Bill” Keen Sumter County Supervisor of Elections, Florida Senate Bill 90 Updates.



Author: Tracie Reese – Kubicki Draper



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A DAY IN THE LIFE IN THE OFFICE OF STATEWIDE PROSECUTION

Government Lawyers Section

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



We have 8 offices throughout the state, and although we tend to focus on certain geographical areas, we can prosecute cases in any jurisdiction in the state. I am a Senior Assistant Statewide Prosecutor located in the Tampa Office. The Tampa Office has 4 support staff members and around 16 attorneys.

Because every day can be different, it is easier to provide an overview of my activities. We work closely with law enforcement, including local and statewide agencies, during their investigation. Frequently a law enforcement officer will bring a case to me in the early stages of the investigation. I am then able to work with them to issue subpoenas or search warrants to obtain records to assist the investigation. I then work with them to review



These cases are complex and can last for years, and we are lucky to be able to work closely to effectively prosecute the cases.

the evidence and determine the appropriate charges and let them know if there is additional evidence needed before charges can be filed. Depending on the nature of the investigation, I am also in touch with victims and witnesses to keep them informed about the status of the investigation.

Once the investigation is concluded, I review all of the evidence to ensure there is sworn testimony and evidence to support any charge I want to file. During this review I will draft the information containing the charges, and when I'm satisfied there is sufficient evidence to proceed, I will file the information, which begins the court proceedings.

Continued on page 25

While most people are familiar with an assistant state attorney, not everyone knows about the Office of Statewide Prosecution. Our office is part of the Office of the Attorney General of the State of Florida. While the State Attorney's Office in any district is charged with prosecuting crimes committed within their circuit, our office's jurisdiction comes from Section 16.56 of the Florida Statutes. We can investigate and prosecute any crime enumerated in this section as long as the offense takes place in two or more judicial circuits or if the defendant makes use of the internet in committing the crime.

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The court proceedings are the same as if the case was filed by the State Attorney's Office, but because I can file in any jurisdiction, I have to be familiar with the procedures in every circuit; so, there can be some differences from case to case depending on the location. While the case is proceeding, I will maintain contact with law enforcement, victims, and witnesses so everyone is aware of how the case is progressing. Frequently our office charges complex RICO and fraud cases which can take a long time to reach a conclusion. Maintaining contact with all of the involved parties is critical to ensuring everyone will be available for trial. As cases progress, I will have discussions with the victims and law enforcement if there are going to be any plea negotiations and also to confirm dates for jury trials.

We all work together whether someone needs coverage due to calendar conflicts or talking about cases to get feedback and suggestions. Within the Tampa office, we are lucky to have Nick Cox, the Statewide Prosecutor for the State of Florida, located in our office. He makes himself available for discussions and advice. These cases are complex and can last for years, and we are lucky to be able to work closely to effectively prosecute the cases. ■



*Author:
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The Thirteenth Judicial Circuit 17th Annual Pro Bono Service Awards

“We owe a higher duty than the average citizen, and one of these is the assurance that legal services and justice are available to all.” — William Reece Smith, Jr.

William Reece Smith, Jr., former president of the HCBA, The Florida Bar, the American Bar Association, and the International Bar Association once stated, “As members of the legal profession and as members of a learned profession, we owe a higher duty than the average citizen, and one of these is the assurance that legal services and justice are available to all.”

On April 24, 2024, the Thirteenth Circuit Pro Bono Committee recognized our 2023 pro bono warriors at the 17th Annual Pro Bono Awards, organized by Awards Committee Co-Chairmen Tori Simmons and Antina Mobley, along with Committee Administrator Nery Alonso. Hosted by the Pro Bono Committee and the Voluntary Lawyers Program of Bay Area Legal Services, the ceremony was held at the Chester H. Ferguson Law Center. Platinum Presenting Sponsor Hill Ward Henderson presented the program, which recognized

those who embody Smith’s words by selflessly providing pro bono legal services to some of the most vulnerable members of our community.

Individuals providing anywhere from 20 to 100 or more hours of pro bono service were recognized with pro bono lapel pins. Additionally, the Pro Bono Committee, with Judge Darren Farfante – Chairman, and Judge Wendy DePaul – Vice-Chairman at the helm, bestowed special awards before a distinguished audience including legal professionals, guests, and judges from the Thirteenth Judicial Circuit, Second DCA and the U.S. Middle District of Florida. The winners listed below garnered the awards for outstanding pro bono service in the following categories: paralegal, organization, young lawyer, lawyer, law firm, and the Jimmy Kynes Pro Bono Service Award. This year there was also a special recognition.

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This year’s award winners are:

DONNA SMITH (Paralegal Award)

Donna Smith is a paralegal in the Trusts & Estates Group at Hill Ward Henderson. She has worked tirelessly on a nuanced legal matter to secure social security survivor benefits for the legal guardian of an underprivileged child whose father died while in custody. Due to disputed paternity issues, Ms. Smith has researched issues regarding paternity, survivorship benefits, probate matters, and notice requirements. She has worked with process servers and investigators, spending countless hours working towards a positive result.

THE NORTH TAMPA BAR ASSOCIATION (Organizational Award)

Members of the North Tampa Bar Association collaborated with THBA to support a Free Legal Advice Fair, providing free legal counsel for underserved communities in the area.

Additionally, the members created the Leaders in the Law, a free CLE event for government attorneys and a curated networking experience for college and law school students to meet with legal leaders including the Chief Judge of the Second DCA, Florida Bar President, Federal Defender for the Middle District, First Assistant U.S. Attorney for the Middle District, State Attorney for the 13th Circuit, Dean of Stetson Law School, and members from Tampa Hispanic Bar Association, Asian Pacific Bar Association, the Federal Bar, the Florida Bar Appellate Practice Section, Women Lawyers of Pasco and Hillsborough Association for Women Lawyers.

The North Tampa Bar Association also volunteered at the Community Food Pantry in Carrollwood on four different occasions distributing food to needy families. They hosted four food drives, collecting monetary donations, and over 1,000 pounds of food in collaboration with the Second DCA and University of Tampa FOODS, to benefit the Community Food Pantry.

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Continued from page 27

MELANIE KALMANSON (Young Lawyer Award)

Melanie Kalmanson is an attorney in the Quarles & Brady Litigation & Dispute Resolution Practice Group, vice chair of the group’s Real Estate and Construction subgroup, and a 2016 graduate of Florida State University College of Law. In 2023, her pro bono service reached almost 500 hours. She spread her pro bono service across four endeavors. She is one of the operational team leads litigating a state court claim based on exculpatory DNA evidence for a Texas death row client; the lead Quarles attorney coordinating with federal defense attorneys for a Florida death row client; lead in her firm’s efforts in a federal appellate court to join an amicus brief discussing the importance of pro bono in capital cases; and support on a litigation matter for a nonprofit that supports abused and neglected teens. A prior law clerk on the Florida Supreme Court, Ms. Kalmanson has served in the Legal Aid Foundation of Tallahassee’s Thunderdome program and the ABA Death Penalty Representation Project. Ms. Kalmanson

is an adjunct professor at Florida State University College of Law and the author of several law review articles on capital punishment.

MICHELLE LAMBO (Lawyer Award)

Michelle Lambo began her legal career as an Assistant Public Defender in the Thirteenth Circuit and found her passion for helping the underprivileged. After several years as an Assistant Public Defender, Ms. Lambo entered private practice where she also volunteered as an Attorney ad Litem for children in delinquency court without parents or guardians. In 2020, during protests in the wake of the murder of George Floyd, people exercising their First Amendment rights were charged with criminal offenses. Many criminal defense attorneys volunteered to take one case, but Michelle Lambo volunteered to take many. Since 2020, Ms. Lambo has provided pro bono hours representing thirteen lawful protesters charged with crimes. In two separate cases, Ms. Lambo spent countless hours peering over video footage

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Continued from page 28

of incidents to convince the prosecutor to drop charges against her clients, because they were falsely accused. Moreover, Ms. Lambo assumed the defense of the “Tampa Five,” five students arrested during a protest at the University of South Florida. These students held a sit-in after their efforts to meet with the university president were rebuffed. After campus police intervened, the students were arrested for felony charges. Ms. Lambo represented the students on a pro bono basis, obtaining a favorable result. Currently, Ms. Lambo is an attorney with Morgan & Morgan in the Premise Liability Section.

ZUCKERMAN SPAEDER LLP (Law Firm Award)

Zuckerman Spaeder LLP is a litigation boutique based in Washington D.C. with offices in DC, Baltimore, New York City and Tampa focusing on civil and criminal litigation around the country; however, some of the firm’s most noteworthy achievements stem from pro bono work. The firm’s website proudly boasts that they “hold steadfastly to the idea that everyone

deserves the opportunity for justice, and that they “have a responsibility to advocate on behalf of those without the means to hire an attorney...” Tampa Office founder Sandy Weinberg, his wife Rosemary Armstrong, and Allison Singer founded Crossroads for Florida Kids in 2012. Since then, Zuckerman Spaeder attorneys have represented more than 30 kids through Crossroads and provided over 3,581 pro bono hours, representing children in delinquency, dependency, truancy, and criminal matters in Hillsborough County.

In 2023, four attorneys, Samantha Gerencir, Lisa Kilbride, Jack Fernandez, and Sandy Weinberg, represented 7 Crossroads clients, accumulating 780 pro bono service hours. The firm also provided pro bono services to other clients including a juvenile immigrant case, a voting rights case, an illegal ICE detention, and representing a church in flights of refugees from Afghanistan. In sum, the Zuckerman Spaeder Tampa Office contributed nearly 1,000 pro bono hours in 2023. Furthermore, since 2012, lawyers in the Tampa Office

Continued on page 30



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have provided more than 5,300 pro bono hours, which includes working with the Innocence Project, Clemency Project, migrant workers, and indigent criminal appeals.

GIL SINGER
(Jimmy Kynes Pro Bono Service Award)

Throughout his forty-four years as a member of the Florida Bar, Gilbert “Gil” Singer has exemplified the tenet of our Oath of Admission to “never reject...the cause of the defenseless or oppressed.” Not only has Mr. Singer contributed thousands of pro bono hours representing the indigent, but like the award’s namesake Jimmy Kynes, Singer has also recruited many others to become volunteer attorneys. A partner at Marcadis Singer, PA., Gil Singer was born and raised in New York City, graduated from Emory University in Atlanta, and attended University of Miami Law School. He became a member of the Florida Bar in 1979. He had his first pro bono experience as a third-year law student interning at Legal Services of Greater Miami when he helped defend evictions and debt collection matters. This experience was the start of Singer’s journey to try to improve the quality of people’s lives. After moving to Tampa, Singer began what was to become a long association with Bay Area Legal Services Volunteer Lawyers Program, representing clients who were referred to him and, in his words, “protecting poor folks from debt collectors and settling or otherwise resolving cases for them, including landlord/tenant disputes.”

In 1992, Mr. Singer began pro bono work with the Guardian ad Litem Program handling termination of parental rights cases and representing abused and neglected children. Receiving the Florida Bar President’s Pro Bono Service Award for the 13th Circuit in 1996 and again in 2024, Singer has been described as “unable to say ‘no’ when he feels he can be instrumental in improving the chances of an abused or neglected child.” In addition, he represented prospective adoptive parents who could not afford to hire counsel. In 2016, Mr. Singer began serving as a pro bono attorney for

Crossroads for Florida Kids by attending hearings and staffings, frequently visiting the clients to ensure they have adequate food, shelter, clothing, attend school and therapy — as well as providing legal advice and counsel. He provided over 100 pro bono hours in 2023. Gil Singer sees a hole in our country’s social safety net for the “working poor,” and believes that lawyers have a unique opportunity to help close the gap.

GENEROUS JURORS
(Special Recognition Award)

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 as jurors. Per statute, Hillsborough County jurors have the option to donate their compensation (if not paid by their employer) to a local charitable organization. Since 2022, Hillsborough County jurors charitably donated more than \$45,000 to the Spring of Tampa Bay. As of January 1, 2024, the donations are now directed to Guardian ad Litem’s non-profit called Voices for Children of Tampa Bay, which provides support to children in foster care. The Hillsborough County Clerk’s Office rotates the designated charity each year, pursuant to statute.

* * *

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



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Criminal Law Section Recognizes Lanse Scriven

The HCBA Criminal Law Section awarded Lanse Scriven of Lanse Scriven Law its annual Marcelino “Bubba” Huerta III Award for Professionalism and Pro Bono Service at its luncheon on April 30. Scriven and former Huerta Award winners also gathered for a photo following the luncheon. Congratulations to Scriven on this well-deserved recognition.



Law & Liberty Dinner

The 17th Annual Law & Liberty Dinner featured Ice-T, People's Choice Award Actor of the Year nominee, *Law & Order: SVU* actor, and Grammy Award-winning rapper & veteran. Ice-T's talk entertained and inspired our guests at the Hillsborough County Bar Foundation's annual fundraising event on May 9.

Local news anchor Keith Cate of New Channel 8 hosted the evening's ceremonies.

Money raised at the Law & Liberty Dinner will benefit Are You Safe, Inc.; Crossroads for Florida Kids, Inc.; Gift of Adoption Florida (Tampa); L. David Shear Children's Law Center of Bay Area Legal Services, Inc.; The Spring of Tampa Bay; Voices for Children of Tampa Bay; St. Michael's Legal Center for Women and Children; and the Justice Restoration Center.

The Foundation would like to especially thank the event's Marquee Sponsor – The Yerrid Law Firm and the Premier Sponsors – Carlton Fields, Gunster, and The Bank of Tampa. *(Our complete list of sponsors is on page 41.)* We are grateful to all of our generous sponsors who helped make our event's goal of hoping local legal charities possible.

See additional photos on pages 33 - 34.



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Bay Area Legal Services Celebrates 50 Years of Service

In 2022, LSC’s 132 legal aid grantees, through more than 900 local offices, assisted 1.8 million clients. Even so, in 2022, LSC estimated that 53.6 million Americans were eligible for legal aid services. The challenges remain.

The HBCA and Bay Area Legal Services have a proud history of intentional leadership toward greater justice for those who need but cannot afford legal aid. The nation’s Legal Services Corporation (LSC), founded in 1974, now celebrates the 50th anniversary of its central role.

Legal and legislative leaders, including those from the Tampa Bay area, helped to envision and institutionalize the rights of the poor to access high-quality legal assistance in civil matters — and to stand up when necessary to protect vital funding.

Legal aid has often run into budget jeopardy. Tampa Bay’s legendary Reece Smith (longtime Carlton Fields managing partner) — who served as president of the HCBA, The Florida Bar, the ABA, and the International Bar Association — in 1981 rallied bar presidents from across the country to save the nascent LSC from elimination by a new Congress.

Bay Area Legal has grown to provide services in 8 counties as one of the region’s largest law firms, with nearly 160 employees, responding to more than 105,000 requests for assistance in 2023 alone. 36% of BALS’s 2023 budget of \$14.7 million was supported through diverse LSC grants central to the work. Innovative LSC grants have broadened Bay Area’s capacity to serve low-income clients: the “*No Place Like Home*” title clearance initiatives targeting low-income homeowners; a full-time



Disaster Relief team; the firm’s model “*FosterPower*” program to empower youth in and aging out of foster care to know and assert their legal rights; and grants that enabled crucial website, intake systems, business process improvement, and technology upgrades.

12.5% of each LSC Basic Field Grant must be used to engage volunteer legal services and a formal pro bono program was established in 1982. HCBA has long been a vital part of this history: in 2022, more than 5,500 hours were provided to Bay Area clients by volunteer attorneys, paralegals, translators, law students and faculty, and others.

In April, Bay Area Legal’s Board Chairperson Vivian Cortes-Hodz and CEO Joan Cain Boles were delighted

Continued on page 37

To learn more about Bay Area Legal Services, visit bals.org.

Continued from page 36

and honored to attend LSC's 50th Anniversary Gala, where "Protecting the Promise" to ensure equal access to justice remained as pertinent a theme as ever. The Florida delegation included all of the Florida LSC-funded programs: Bay Area Legal Services, Coast to Coast Legal Aid of South Florida, Legal Services of Greater Miami, Community Legal Services, Three Rivers Legal Services, Legal Services of North Florida, and Florida Rural Legal Services. Attendees were treated to two days of events and speakers, including U.S. Supreme Court Justice John Roberts Jr., U.S. Attorney General Merrick Garland, former Secretary of State (and LSC Board member, 1977) Hillary Clinton, and author-attorney John Grisham.

These leaders celebrate the Legal Services Corporation's 50th anniversary milestone and those who created this vital element of today's legal aid system. Today LSC administers a \$550M budget. In 2022, LSC's 132 legal aid grantees, through more than 900 local offices, assisted 1.8 million clients. Even so, in 2022, LSC estimated that 53.6 million Americans were eligible for legal aid services. The challenges remain. ■



Authors: Vivian Cortes-Hodz – Cortes Hodz Family Law & Mediation, P.A. and Joan Boles – Bay Area Legal Services

A photograph of two men in dark blue suits standing in a modern office hallway. The man on the left is wearing a blue and white striped tie, and the man on the right is wearing a red and blue striped tie. The Phelps logo is in the top right corner of the image.

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Law Day Luncheon

HCBA held its annual Law Day Luncheon on May 7 at the Hilton Downtown Tampa. We were honored to host Florida Attorney General Ashley Moody as our keynote speaker, who gave an update on statewide issues. Also, we were proud to recognize two community leaders, when we awarded our annual Liberty Bell Award to Mary Lee Farrior and our Margaret D. Mathews Mentoring Award to Gwynne Young.

Thank you also our Law Day Luncheon sponsor, **The Bank of Tampa**, for their generous support.



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Thank you also to TCS for providing A/V assistance and signage.

Additional photos from the event are available at www.facebook.com/HCBATampabay.

See additional photos on pages 39-40.







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IS A SHIFT FROM DRUG TESTING TO IMPAIRMENT TESTING COMING IN THE NEAR FUTURE?

Labor & Employment Law Section

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



Employers having trouble recruiting enough employees who can pass a drug test should consider implementing impairment testing.



Thirty-eight states (including Florida) and the District of Columbia now have medical marijuana laws. Twenty-four states and DC have legalized adult recreational use. Florida is not one of those states....yet. There is a strong move afoot to amend the Florida Constitution to legalize the recreational use of marijuana in Florida. Clearly, societal views over marijuana use, medical or otherwise, are changing. In fact, marijuana use is so pervasive that you can frequently smell it in public places.

Typically, marijuana consumed today is much more potent than it used to be. THC levels can be much higher in medical marijuana as well as in vaping products. The effects of marijuana consumption vary by user, but common short-term effects are sleepiness, grogginess, relaxed muscles, loss of coordination, and distortions in the sense of time among others. These effects can put the user — and those in close proximity to them — at risk.

So, how does this shift in societal norms impact employers? Employers

have a duty to provide a safe working environment. Many employers conduct drug testing of both applicants and current employees. Given that marijuana use is more and more prevalent, will employers who drug test applicants be able to recruit enough applicants who can successfully pass a drug test so they can meet their operational needs? Once hired, will their employees be able to comply with the employers' Drug Free Workplace policies? These are legitimate questions given that some employers with large call center operations or who employ large numbers of retail employees are having trouble recruiting and retaining employees because of the high incidental use of marijuana.

As a result, some employers are moving away from drug testing and instead are implementing impairment testing. Impairment testing screens for multiple forms of impairment to determine if an employee is fit for duty. Many people think of impairment testing in the traditional sense of drug or alcohol testing. But, instead of checking an employee's biometrics (such as blood, breath or urine),

employers now can now use computer technology to test how quickly and correctly an employee responds to a series of prompts before commencing work. For instance, employers can use a touchscreen app installed on an employee's phone which calls for an employee to respond to game-like prompts over a short period of time. If the employee cannot meet a job-appropriate level of timely responses, the employee will not be allowed to work.

Because such technology detects impairment, not its source, employers using it still would need to consider non-cannabis related causative factors for the impairment such as fatigue, age, or even disability. Nonetheless, the utility of such impairment testing is that it might help employers who are having trouble recruiting and retaining employees due to the prevalence of marijuana consumption in today's society.

Indeed, employers might even ask whether impairment testing would weed out such problems. ■



*Author:
Gregory A.
Hearing –
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TO PRESUME OR NOT TO PRESUME – RELOCATION WITH A MINOR CHILD

Marital & Family Law Section

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



How can there be no presumption in favor or against relocation if the Court must ... presume equal time-sharing?



They say the only constant in life is change. The recent changes to Florida Statute Chapter 61, effective on July 1, 2023, were seemingly designed to help navigate time-sharing issues. We now have an official starting point — a rebuttable presumption that equal time-sharing is in a child’s best interests.¹ This is great, right? It will make our jobs as family law attorneys so much easier. Well, not necessarily. At least not when we are dealing with relocation with a minor child.

The problem here is a contradiction with language in section 61.13 and that in our relocation statute, Florida Statute section 61.13001(2023). While Section 61.13 has a rebuttable presumption that equal time-sharing is in the child’s best interests, Section 61.13001, on the other hand, provides that there is **no presumption** “in favor or against a request to relocate with the child.” See *Pun v. Pun*, 363 So.3d 1113 (Fla 1st DCA 2023).

Prior to this change to section 61.13, as family law attorneys, when a potential client would

meander into our offices seeking a relocation, we could safely tell him that there is no presumption for or against a relocation, which was a great place to start. But even though the statute still contains this language, does this remain the correct advice? How are we to deal with a presumption of equal time-sharing, but no presumption in favor or against relocation, which clearly also deals with time-sharing?

In determining whether to grant a parent’s request to relocate at least fifty miles away with a child, the Court must consider all eleven factors listed in Section 61.13001(7), including the final one, which states that the Court must consider, “[a]ny other factor affecting the best interest of the child or *as set forth in section 61.13.*” Accordingly, Section 61.13001 dictates that the Court must examine the best-interest factors contained in section 61.13.

This conflict begs the question of how can there be no presumption in favor or against relocation if the Court **must** consider the factors in Section 61.13 and presume that equal time-sharing is in the child’s best interest. If equal time-sharing is where the Court must begin an

analysis, isn’t that a strike against a Petitioner seeking to relocate at least fifty miles away? While it is a rebuttable presumption overcome by a preponderance of the evidence, logic would dictate that the start of a relocation case would be overcoming this presumption that equal time-sharing is in the child’s best interests.

Case law will certainly dictate the answer to this question in the future, but until then, is it safe to tell a client that there is no presumption for or against relocation? This can certainly be argued several ways, but with the **requirement** that the Court consider section 61.13, it seems that it must start with the rebuttable presumption that equal time-sharing is in the child’s best interest. ■



¹ Florida Statute Section 61.13(2)(c)(1) (2023).

Author: Deborah Thomson – The Women’s Law Group, P.L.

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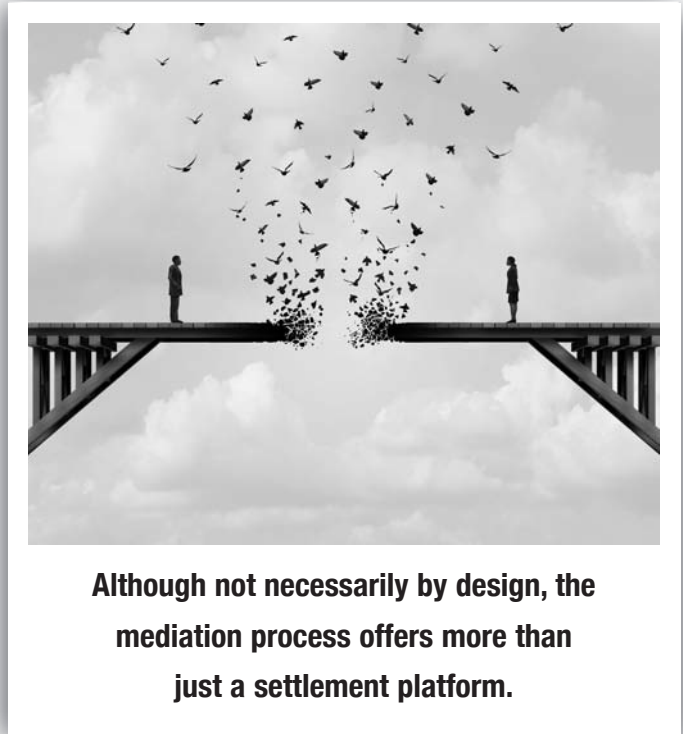


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WHY AN IMPASSE ISN'T A LOSS: THE UNSUNG BENEFITS OF MEDIATION BEYOND SETTLEMENT

Mediation & Arbitration Section

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



Although not necessarily by design, the mediation process offers more than just a settlement platform.

Mediation, as it is commonly understood, is a form of alternative dispute resolution between two parties where a third-party professional assists the parties in attempting to negotiate a partial or global settlement. In fact, most Florida courts require parties involved in litigation to attempt mediation in good faith before they can even gain an audience with a judge on evidentiary issues.

While mediation is generally perceived in the legal community and public as a valuable tool to settle legal matters outside of court, there are other oft-overlooked benefits when a settlement is not reached (commonly referred to as an impasse) that can finetune your case, resulting in future settlement or success at trial. The process of mediation, even without reaching a full settlement, offers substantial benefits that extend beyond the immediate resolution of legal issues, including refining your understanding of the issues, analyzing each side's strengths and weaknesses, illuminating future work that may need to be done, and exploring creative ideas of how the case might be settled in the future.

Enhanced Understanding of Legal and Personal Positions

Mediation allows each party to articulate their concerns and interests in a structured setting. Through this dialogue, parties gain a better understanding of the legal framework governing their case, as mediated by a neutral third party with legal expertise. Further, mediation can also serve to educate an attorney on facts or perspectives not relayed to them by their own client that can change how an attorney might view the case. This educative aspect helps parties assess the strengths and weaknesses of their and the opposition's positions realistically. Understanding these facets can be crucial for making informed decisions in future negotiations or if the case proceeds to trial.

Testing Legal Arguments

Quite often, Mediation serves as the first meaningful opportunity for parties and their counsel to discuss

the details of that particular case with each other and the opposition. Parties can use mediation sessions to present their legal arguments and observe the reactions of the opposing party and mediator. This feedback can be instrumental in refining legal strategies and arguments for trial.

Foundation for Future Negotiations

Even unsuccessful mediations can lay the groundwork for future agreements. Through mediation, parties start to understand each other's priorities and constraints, which can facilitate more effective negotiations in subsequent sessions or in ongoing litigation. This iterative process often helps refine

Continued on page 47

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Continued from page 46

the issues and clarify what is truly at stake, potentially leading to favorable settlement down the line.

Conclusion

Although not necessarily by design, the mediation process offers more than just a settlement platform; it is a comprehensive

process aimed at addressing the multifaceted nature of legal disputes. Even when mediation does not result in a settlement, it provides numerous benefits to enable parties and experienced counsel to put on the best case possible at trial. It is important to consider these concepts when preparing for and during your next mediation, as they are effective

tools not just for resolution but for successful litigation. ■



Author:
Joshua G. Sheridan –
Busciglio Sheridan
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FROZEN BENEFITS RULE FOR DIVIDING MILITARY RETIRED PAY IN FAMILY LAW

Military & Veterans Affairs Committee

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



The 2017 National Defense Authorization Act imposed a single method for dividing military retired pay on all of the states.



The somewhat underappreciated Jimmy Buffett song¹ notwithstanding, sometimes the process of figuring out the math for dividing an active duty servicemember's future military retired pay for a marital settlement agreement or at trial can be, well, divisive. Until recently, dividing military retired pay was a matter of state law. That changed with the 2017 National Defense Authorization Act which imposed a single method for dividing military retired pay on all of the states.

Technically, “[m]ilitary retired pay is not a pension. Rather, it is a statutory entitlement computed at the time the member retires and it is based on the member’s rank and total years of service at the time of retirement, or member’s high-3 and total years of service.”² Depending on its laws, a state court could apply a coverture formula to determine the spouse’s share in the present, or even future, retired pay.

For example, one method divides the length of the marriage during service (M) by the total length of the member’s service (S)

to find the marital share of the service. Then, evenly dividing the resulting quotient reveals the spouse’s portion of the marital share (W). The formula could look like this: $(M \div S) \div 2 = W$.³

Since the member was still serving, their total service would not yet be known. The order could include the formula and direct that, when the missing variable is known, the variable will be inserted into the formula and the spouse’s share determined.

Now, Congress requires the date of the order dividing the retired pay⁴ be the determinant of the spousal share.⁵ That is, the marital portion of what the retired pay would be if the member retired at the time of the order. In particular, this eliminates any benefit to the spouse of the member’s pay increases after the divorce from longevity and promotions.

From a practitioner’s perspective, it increases the complexity in defining the retired pay to be divided, by requiring the parties to agree, or for the Court to determine at trial, what the

member’s retired pay would have been on the date of the order.⁶ Doing this is somewhat complicated, but DFAS⁷ provides detailed guidance in its regulation.⁸ Using the member’s date of promotion to their pay grade on the date of the order, their total years of service to that point, and using pay tables available from DFAS will yield the member’s “hypothetical retired pay base.”

This amount is multiplied by applicable “retired pay multiplier”⁹ to find the hypothetical retired pay. This hypothetical dollar amount is reported to DFAS and (with COLA increases between the date of the order and the date of retirement)¹⁰ is ultimately compared to the member’s actual future retired pay so the spouse’s share of the actual future retirement amount is determined. ■

¹ Jimmy Buffett, *Math Suks*, in *Beach House on the Moon* (Island Rec./Margaritaville Rec. 1999) (CD).

Continued on page 49

The MVAC Veterans Legal Assistance Registry includes attorneys who are licensed to practice in Florida and who may be available to assist veterans and active-duty personnel with various legal matters. Visit the Registry at: hillsbar.com/page/MVACLegalRegistry.

Continued from page 48

² DoD 7000.14-R Vol 7b Ch 29, para 6.14 (February 2023).

³ Or, one alternative, it can be written as: $(M/S)*0.5=W$.

⁴ 10 U.S.C. 1408(a)(2)(C), January 2023. Typically, this is the final judgment.

⁵ Notably, this is not the date of filing for dissolution, which is typically the marital v. non-marital classification

date. “The cut-off date for determining assets ... to be identified ... as marital ... is the earliest of the date the parties enter into a[n] ... agreement ... or the date of the filing of a petition for dissolution of marriage.” Fla. Stat. § 61.075(7).

⁶ 10 U.S.C. 1408(a)(4)(B)(i), January 2023.

⁷ Defense Finance and Accounting Service.

⁸ DoD 7000.14-R Vol 7b Ch 29, et al.

⁹ 10 U.S.C. 1409(b)(1).

¹⁰ DoD 7000.14-R Vol 7b Ch 29, para 6.8.9.



*Author:
David Veenstra –
Hunter Law Group*



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WHAT TO EXPECT WHEN YOU'RE EXPECTING ... TO PRACTICE LAW

Professionalism & Ethics Committee

Chairs: Anthony Garcia – Garcia Mediation & Lindsey Guinand – The Florida Bar



for new attorneys: communication with clients, management of trust accounts, and handling situations where opposing counsel may try and “pull a fast one.”



promptly comply with reasonable requests for information. Transparency creates comfort. Explain legal matters in a non-complex way — keep your client informed of potential outcomes, risks, and alternatives, and receive the appropriate consent needed before making certain decisions on their behalf. Knowledge is power, and a lack of it can create chaos.

You graduate law school, study for months, pass the Bar and are sworn in. Congratulations — you are now an attorney! You're given some initial responsibilities at your place of employment and *expected* to go about these responsibilities in an ethical manner, of course.

What are some of the basic rules of ethics and professional responsibility to understand? Here, I will highlight a few that I find to be very important. Practicing with professionalism is a cornerstone of the legal industry, ensures trust amongst attorneys and clients, and fairness in the justice system. Let's explore three areas of ethics

Communication with Clients

One of the biggest complaints among the public is lack of communication by counsel to their client. Rule 4-1.4 of the FL. Bar says that “a lawyer shall promptly inform the client of any decision or circumstance with respect to which the client's informed consent.”¹

Thus, to stay on your client's good side, keep him or her well informed about the status of their case and

Let's explore three areas of ethics for new attorneys: communication with clients, management of trust accounts, and handling situations where opposing counsel may try and “pull a fast one.”

Trust Account Management

Handling client funds is a critical

Continued on page 51



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area where new attorneys must exercise the utmost diligence. Rule 5-1.2 of the FL. Bar says that “a lawyer must hold in trust, separate from the lawyer’s own property, funds and property of clients or third persons that are in lawyer’s possession in connection with a representation.”² Be sure to keep client funds separate from your personal account. Regularly reconciling these accounts helps to prevent discrepancies and ensures accountability. Lastly, when appropriate to do so, you must promptly disburse funds to the rightful parties.

When Opposing Counsel Tries to Pull a Fast One

Encountering unethical behavior by opposing counsel, such as concealing information, presents a tough task. It happens though. Rule 4-8.3 of the FL. Bar says, “A lawyer

who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects must inform the appropriate professional authority.”³

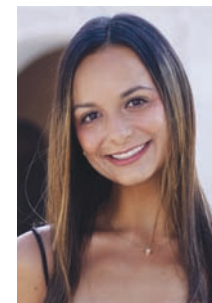
In conclusion, all lawyers, new and “seasoned” are **expected** to understand and adhere to the Florida Bar’s ethical and professionalism rules. This is essential for the justice system and the civility of our chosen profession. Effective communication with clients, careful trust account management, and proactive responses to ethical misconduct by others are just a few basic ways to begin your journey and exceed all expectations. ■

¹ <https://casetext.com/rule/florida-court-rules/rules-regulating-the-florida-bar/chapter-4-rules-of-professional-conduct-preamble-a->

https://www-media.floridabar.org/uploads/2018/10/Ch-5-2019_04-Oct-12-2018-RRTFB.pdf

² https://www-media.floridabar.org/uploads/2018/10/Ch-5-2019_04-Oct-12-2018-RRTFB.pdf

³ [https://casetext.com/rule/florida-court-rules/rules-regulating-the-florida-bar/chapter-4-rules-of-professional-conduct-preamble-a-lawyers-responsibilities/rule-4-8-maintaining-the-integrity-of-the-profession/rule-4-83-reporting-professional-misconduct#:~:text=A%20lawyer%20who%20knows%20that,b\)%20Reporting%20Misconduct%20of%20Judges.](https://casetext.com/rule/florida-court-rules/rules-regulating-the-florida-bar/chapter-4-rules-of-professional-conduct-preamble-a-lawyers-responsibilities/rule-4-8-maintaining-the-integrity-of-the-profession/rule-4-83-reporting-professional-misconduct#:~:text=A%20lawyer%20who%20knows%20that,b)%20Reporting%20Misconduct%20of%20Judges.)



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SMALL LAW FIRM, BIG IMPACT: PROVEN METHODS TO ATTRACT MORE CLIENTS

Solo & Small Firm Section

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



In today's world, small law firms have a wide selection of options to attract business and foster growth. From traditional networking, to leveraging the power of the internet through Google and social media, the opportunities are vast and varied. The purpose of this article is to explore several effective strategies that small firms can employ to enhance their visibility and expand their client base.

Networking

Networking remains a cornerstone strategy for business development, particularly for small firms. It involves building relationships with other business professionals, potential clients, and industry leaders. Attending industry conferences, local business meetings, and seminars can be incredibly beneficial. These events provide a platform to meet potential clients and other professionals who might refer business in the future. Engaging in local community events and joining business groups like the Chamber of Commerce can also increase a firm's visibility within the community, fostering relationships that could translate into business opportunities.

Social Media

Social media is an invaluable tool for small firms aiming to reach a

broader audience at a relatively low cost. Platforms like Facebook, Instagram, LinkedIn, and Twitter enable businesses to engage directly with their target audience.

Regular posting of content that adds value — such as tips, industry insights, and company updates — helps maintain the audience's interest.

Social media also allows for targeted advertising, where firms can refine their audience based on demographics, interests, and behaviors, ensuring that their marketing dollars are spent efficiently reaching potential clients who are most likely to be interested in their services.

Google and SEO

Google offers a powerful avenue for small firms to attract business through search engine optimization (SEO) and Google Ads. SEO involves optimizing a company's online content so that it appears higher in search engine results for specific keywords related to the business. This can significantly



By combining traditional methods like networking and community involvement with digital strategies, small law firms can create a comprehensive approach that maximizes their visibility and appeal to potential clients.

they're looking for related services. As professionals, attorneys are also able to participate in Google's Local Services Ads, which requires a screening process, but allows for more efficient consumer interaction, as the potential client can call the attorney's office directly from the advertisement.

Email and Mail Marketing

Email and mail marketing is another effective way to reach potential clients. By collecting emails and addresses through your website, events, or any direct interactions, small firms can build a list of

increase website traffic and, in turn, client acquisition. Techniques include using relevant keywords, optimizing website speed, and ensuring mobile compatibility. Additionally, Google Ads allows firms to place advertisements on Google's search results pages, which can be customized to appear when specific search terms are used, reaching potential clients precisely when

Continued on page 53

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potential clients to whom they can send newsletters, special offers, and updates about their services. This method helps keep the firm top-of-mind and can drive engagement and conversions.

Partnerships and Collaborations

Forming partnerships with other businesses that complement your services can open up avenues for cross-promotion and referrals. For example, a small law firm might partner with a local real estate agency to offer bundled services to homebuyers. Collaborations can extend your reach and reputation through association and shared customer bases.

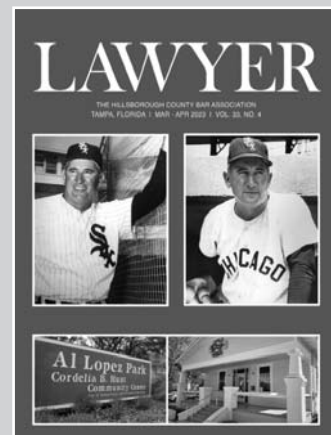
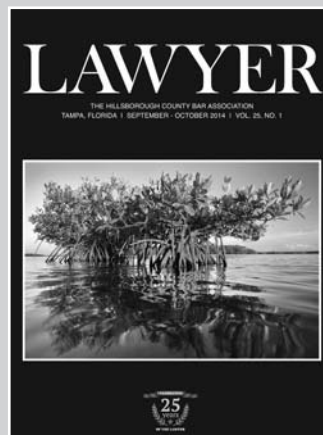
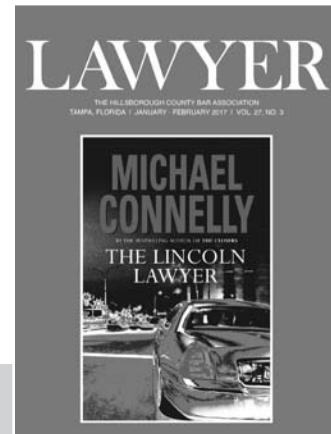
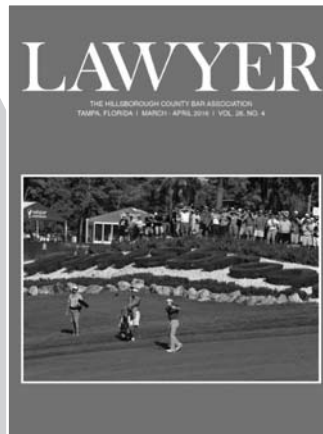
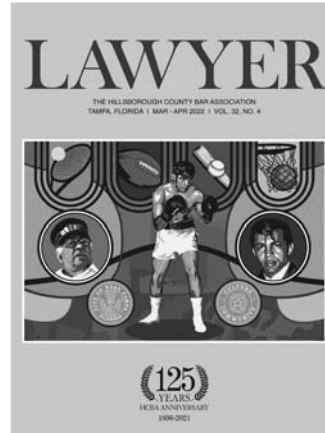
Community Involvement

Getting involved in the community can significantly enhance a firm's reputation and visibility. Sponsoring local sports teams, participating in community service, or hosting educational seminars positions the firm as a community-oriented entity and builds goodwill, which can be a powerful driver of business. Potential clients are more likely to hire those attorneys who they feel are closely connected to their community and social circles.

Small law firms have numerous strategies at their disposal to attract business. Some are free, and some can be quite expensive. However, by combining traditional methods like networking and community involvement with digital strategies such as social media, Google, and email marketing, small law firms can create a comprehensive approach that maximizes their visibility and appeal to potential clients. ■

Author: David J. Carter – Carter Injury Law, PA

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THE POSSIBILITY OF DATA BREACH IMMUNITY IN FLORIDA

Technology Section

Chairs: John Mullen – Phelps Dunbar LLP & Kurt Sanger – Buchanan Ingersoll & Rooney PC



HB 473 is a promising piece of legislation for companies dealing with personal data and operating in Florida.



In the ever-changing landscape of data privacy law, Florida is one step closer to establishing immunity for businesses that suffer data breaches. The Florida Legislature recently passed Florida's Cybersecurity Incident Liability Act, HB 473, which can provide immunity from civil liability to companies that have suffered a data breach if they meet certain conditions. The bill is expected to be signed by Governor Ron DeSantis.

Under HB 473, immunity is provided for both a covered entity and its third-party agent. A covered entity or third-party agent will not be liable in connection with a cybersecurity incident if it meets the following three criteria.

First, it must "substantially comply" with Fla. Stat. § 501.171(3)-(6), the Florida Information Protection Act (FIPA). Under FIPA, a covered entity must provide notice to Florida's Department of Legal Affairs for any breach of security that affects 500 or more individuals in Florida, "as expeditiously as practicable" but no later than 30 days after the breach. FIPA also contains other technical requirements for information that entities must

include in the notice and provide to the department when requested.

Second, the covered entity must adopt a cybersecurity program that "substantially aligns" with the current standards, guidelines, or regulations of various, enumerated frameworks.

If the covered entity is regulated by the state or federal government (or both), it may also take advantage of immunity if it has adopted a cybersecurity program that "substantially aligns" with the current version of certain, delineated laws, such as the Health Insurance Portability and Accountability Act of 1996 security requirements in 45 C.F.R. part 160 and part 164 subparts A and C.

A covered entity may demonstrate substantial alignment with any of these frameworks by providing documentation or other evidence of an assessment, whether conducted internally or by a third party, reflecting that the covered entity's cybersecurity program is substantially aligned.

Third, to maintain immunity, a covered entity must ensure that its cybersecurity program substantially aligns with any revisions of relevant frameworks within one year after revisions are made.

If signed by Governor DeSantis, the law will take effect immediately. Importantly, it will apply to any lawsuit filed on or after the date of signing as well as to any pending class action in which class certification has not yet occurred.

HB 473 is a promising piece of legislation for companies dealing with personal data and operating in Florida. It provides a relatively clear roadmap on how companies should structure and implement their cybersecurity programs to take full advantage of the immunity being offered. The exact scope and reach of that immunity, though, will likely have to come from Florida courts as they consider what constitutes "substantial compliance" or "substantial alignment." It is also worth noting that HB 473 likely only applies in Florida. Companies should be mindful of compliance with other states' data privacy laws. But at least

in Florida, a path to immunity from data breach lawsuits appears to have emerged. ■



Author: Chris Bach – Phelps Dunbar LLP

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DATA BREACH CLASS ACTIONS ARE ON THE RISE

Technology Section

Chairs: John Mullen – Phelps Dunbar LLP & Kurt Sanger – Buchanan Ingersoll & Rooney PC



What can we do to protect our clients and ourselves? First and foremost, prioritize data protection.



Data breaches are nothing new. In fact, we've almost come to accept that they are bound to happen, and our social security numbers are likely already floating around the deep web. But recently, we are seeing more and more data breach class actions being filed. The defendants are oftentimes big, deep-pocketed corporations, but the prevalence of data breaches, combined with the desire to “punish” entities that suffer from such breaches, have brought on some unexpected lawsuits.

For example, in February 2024, a class action was filed against Big Brothers Big Sisters of America, a not-for-profit organization that is much better known for its work supporting mentoring relationships than the depth of its pockets. In April 2024, the Eastern District of New York dismissed, without prejudice, a class action lawsuit against the American Bar Association after it suffered a data breach in March 2023.

In the last two years, class actions and government enforcement lawsuits have generated roughly \$113 billion in settlements.¹ It's no wonder, then, that the class action plaintiffs' bar is eager to translate data breaches into lucrative settlements. This is amplified by generative AI, which is moving quickly to streamline litigation tasks

such as discovery, class member communications, and even drafting pleadings. Indeed, many of the recently filed data breach class actions show little variations, indicating either a copy-and-paste approach, or GenAI's involvement.

While plaintiffs in data breach class actions often face challenges in demonstrating injuries from the alleged data breach, securing class certification, and proving the defendants were at fault for the breach, the threat of a lengthy, expensive, and potentially image-damaging class action continues to spur many defendants to settle — thus encouraging the filing of even more class actions.

And law firms are not immune. Most recently, in May 2024, Gunster, Yoakley & Steward, PA was named as the defendant in a data breach class action. And over the past year, such class actions have been filed against the law firms of Smith, Gambrell & Russell International LLP, Houser LLP, and Orrick, Herrington & Sutcliffe. As lawyers, we are entrusted with a tremendous amount of personal or sensitive information, often including financial information, corporate secrets and proprietary documents, medical records, family records, and other confidential documents. A data breach compromises not only our clients' sensitive documents, but

those of opposing parties produced in discovery.

What can we do to protect our clients and ourselves? First and foremost, prioritize data protection. It can be easy to procrastinate on this sometimes-tedious task, especially when we are busy tending to a client's emergency — which can be virtually every day. But importantly, as a result of many states' — including Florida's — lack of specific statutes on this subject, most data breach lawsuits employ a negligence standard. By prioritizing data protection, engaging appropriate vendors, installing advanced software, running simulated phishing tests, and taking other proactive measures, we can reduce the chances (albeit, complete prevention is improbable) of both a data breach and a lawsuit. ■

¹ Duane Morris Class Action Review – 2024: A Comprehensive Analysis of Class Action Litigation, https://www.duanemorris.com/pressreleases/duane_morris_class_action_review_2024_comprehensive_review_class_action_litigation_0124.html



Author:
Ella Shenhav –
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The Court rejected Swezy’s position that the proposed cell phone forensic review should be permitted as a “quicker and more efficient” means of obtaining evidence.



The Right to Privacy has been kicked around quite a bit lately. Between state and U.S. Supreme Court decisions and data-hungry companies pushing the limits, privacy seems under assault. The state right under Article I, Section 23 of the Florida Constitution is also being tested. One recent decision has bolstered that right to privacy in an area increasingly common to civil discovery, cell phone usage and data. See *Roque v. Swezy*, ---So.3d---, 2024 WL1895141 (Fla. 3rd DCA 2024).

Roque brought a claim against her domestic/business partner, Swezy, for various business claims, including breach of fiduciary duty, and for abuse, assault, and defamation. Swezy, at the beginning of discovery, before even interrogatories had been answered, requested an examination of Roque’s cell phone by a forensic expert. The expert would copy the entire cell phone data — every photo, video, text, email, note, download, deleted item, and all data/metadata. Swezy asserted that Roque had acquired pertinent information on her phone regarding the alleged abuse and assault. The trial court granted the request and Roque filed an interlocutory appeal.

The Third District Court of Appeal reversed, discussing at length Florida’s right to privacy.¹ Most important to the Court was the fact Swezy did not proffer any showing, nor even allege, that Roque had destroyed or deleted, or threatened to destroy or delete, any data or evidence, or that the requested forensic review was the least intrusive means available to obtain the information sought. The Court rejected Swezy’s position that the proposed forensic review should be permitted as a “quicker and more efficient” means of obtaining evidence. It analogized to Fourth Amendment cases rejecting police justifications for invading Fourth Amendment rights to make law enforcement more efficient and effective (citing *Mincey v. Arizona*, 437 U.S. 385, 393 (1978)). The Court concluded the requesting party is required to show: 1) there was evidence of destruction or alteration of cell phone data; 2) the device likely contained the requested information; and 3) no less intrusive means existed to obtain the requested information. (citing *Holland v. Barfield*, 35 So.3d 953, 955 (Fla. 5th DCA 2010)).

Many who litigate in personal injury have cases where cell phone records, such as location data, are

needed in prosecution or defense of the case. Does *Roque* mean you can’t get the data until there is actual evidence of data being destroyed? No, but it does hold that you must start with less intrusive means, despite that it might not be efficient. Then, if there is some “thwarting of discovery,” or perhaps even inability to obtain the information by other means, the inspection can be compelled. ■

¹Interestingly, in noting the discovery order constituted an invasion of Roque’s privacy rights, the Court cited the recent Florida Supreme Court decision *Planned Parenthood of SW and Central Fla. v. State*, Nos. SC2022-1050, SC2022- 1127, 2024 WL1363525 (Fla. April 1, 2024) at *8 n.13, and *9 (noting that historically, the right to privacy was “directed to keeping personal information from being exposed to the public,” and concerns one’s “freedom from official

intrusion into my home, my person, my papers, my telephone”).



Author:
Charles T. Moore – Morgan & Morgan

Trial & Litigation Awards Luncheon

The Trial & Litigation Section recognized its annual awards winners at a special luncheon on May 8. Congratulations to the following award winners:

- Herbert G. Goldberg Award: Tom Elligett, Jr.
- James Kynes "In the Trenches" Award: Elba C. Martin
- Michael Fogarty "In the Trenches" Award: Irene Bassel Frick
- Court Family Award: Sandra Duncan

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SUBSECTION MEETING GROUP TO BE OFFERED ON FEDERAL WORKERS COMPENSATION ACTS

Workers' Compensation Section

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



The benefits available to injured workers under these acts are typically more generous than state workers compensation.



The United States Supreme Court ruled in *Southern Pacific v. Jensen*, 244 U.S. 205 (1917), that a state workers compensation law could not apply on navigable waters, because navigable waters were under the jurisdiction of the federal government. Jensen was a truck driver who drove cargo from the port across a gangway to the ship to load a ship. He was killed in an accident in his truck, but on the ship. The Supreme Court held that the state did not have jurisdiction to pass a workers compensation law to cover Jensen's claim. This gave rise to a number of federal acts to cover different types of work injuries, including the Longshore and Harbor Workers' Act, 33 U.S.C. Section 18.901 et seq. This article is not to provide a textbook of federal workers compensation laws, but to introduce a subsection meeting group of the HCBA Workers' Compensation Section to practitioners interested in practicing in this field.

Before COVID, a group of workers compensation practitioners in the section had periodic meetings to discuss issues and developments under certain federal workers compensation acts. It was a small

group who met at Alessi's bakery in the breakfast room at 8:30 AM for a short meeting, sometimes with written materials. There were no CLE credits, just important information for practitioners in the field. The Port of Tampa and the Port of Mantatee have many employees who are loading and unloading ships and are covered under this act. Most ship building, maintenance and repair is also covered by this Act and is performed around Tampa Bay. Another topic was interplay with the Jones Act, a federal law that which covers the seamen who work primarily on ships. More recently, the Defense Base Act has become a factor, which covers certain civilians working overseas on U.S. Defense Bases in places like Iraq and Afghanistan. The benefits available to injured workers under these acts are typically more generous than state workers compensation, but the cases are either in a separate federal administrative system or in federal court with completely different procedural and substantive laws and systems than the state systems. Not knowing the differences in the rules can prejudice the claim.

There are periodic decisions very relevant to the practice, like the determination of attorney's fees for representatives of claimants, *Harper v. TEMCO and Signal Mutual*, BRB No. 22-0180 (12/14/2023), procedural changes that practitioners must be aware of that trigger fee entitlement. *Fowler v. MTC East/Ports America*, BRB No. 22-0199 (4/04/2024), and rulings on presumptions and surveillance and determinations of permanent total disability that practitioners must be aware of. *Garcia v. National Steel and Shipbuilding*, BRB No. 22-0084 (08/09/2023). The e-filing systems and applicable procedures have also been reshaped by COVID, and that process is continuing. We plan to renew the periodic informal morning events in the fall, to address cases like this, and the new e-filing systems that have become mandatory, and the interplay with the Jones Act and other important federal and state statutes. We invite any interested practitioner to attend, and we plan to send notice to HCBA Workers Compensation Section members. ■

Join the Workers' Compensation Section at [hillsbar.com](https://www.hillsbar.com).

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

Environmental & Land Use Conference

The Environmental and Land Use Section presented its Sixth Annual Environmental and Land Use Law Conference on April 25 at the Ferguson Law Center.

The conference featured a keynote presentation on professionalism and ethics by former Governor Robert “Bob” Martinez, Holland and Knight, LLC and Hon. Christopher C. Sabella, Chief Judge Thirteenth Judicial Circuit, Hillsborough County; an agencies update; a private sector panel; local judiciary panel; local governments panel; and a reception at the end of the day, where the speakers and attendees mingled. Thank you to all of our panelists and speakers for their participation. Also thank you to our event sponsor:



*Corrected Submission from
May-June Issue:*

Judge: Hon. Emily Peacock

Parties: Vance Campbell v. Coke Florida, et. al.

Attorneys for Plaintiff: Allen Petit and Alejandro Garcia from Steinger, Greene & Feiner

Attorneys for Defendant: Robert L. Blank and Madison Miller of Rumberger Kirk & Caldwell

Nature of Case: Trucking accident

Verdict: Defense Verdict

Judge: Hon. Cheryl K. Thomas
Parties: The Board of Trustees of the Florida Annual Conference for The United Methodist Church, Inc. v. Bayshore Christian School, Inc.

Attorneys for Plaintiff: Luis Martinez-Monfort, Amanda M.

Uliano, J. Stephen Gardner, Ceci C. Berman

Attorneys for Defendant: Daniel P. Dalton; Zoe Grenfell, Paige A. Greenlee, Christine R. Davis

Nature of Case: Ejectment, Prescriptive Easement

Verdict: Plaintiff verdict, award of possession and \$1,500,000.00 in damages



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Congratulations to **Clayton Bricklemyer** of **Hill Ward Henderson**, who has been appointed to NAIOP Tampa Bay’s Executive Committee, where he will serve as Vice President of Public Affairs.

Erica Tate Healey and **Jeanne Trudeau Tate** of **Tate Healey Webster** presented at the Academy of Adoption and Assisted Reproduction Conference in Milwaukee on the subject of contested adoptions, reviewing discovery and trial tips and techniques.

Hill Ward Henderson is pleased to announce the addition of two new attorneys, **Amanda Anderson** and **Ryan Maloney**, to the firm. Both are associates in the firm’s Corporate & Tax group.

Salazar Law is honored that the American Bar Association’s

(ABA) Section of Litigation Federal Practice Task Force has reappointed **Luis Salazar** to serve another year. Salazar continues to work with task force members to review and consider possible changes in federal law affecting federal trial practice.

Congratulations to **Alexis Selvy**, who has become a shareholder of **Dogali Selvy Law, P.A.** (formerly Dogali Law Group, P.A.)

RumbergerKirk is pleased to announce the addition of three associates to the firm’s casualty litigation practice in the Tampa office, **Jon Jacob H. Ashenback**, **Joseph M. Connick**, and **Angel Everett**.

Congratulations to Adoption Attorney **Rob Webster** of **Tate Healey Webster**, who was showcased as an unsung hero of the Tampa Bay Lightning and recognized on nhl.com.

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