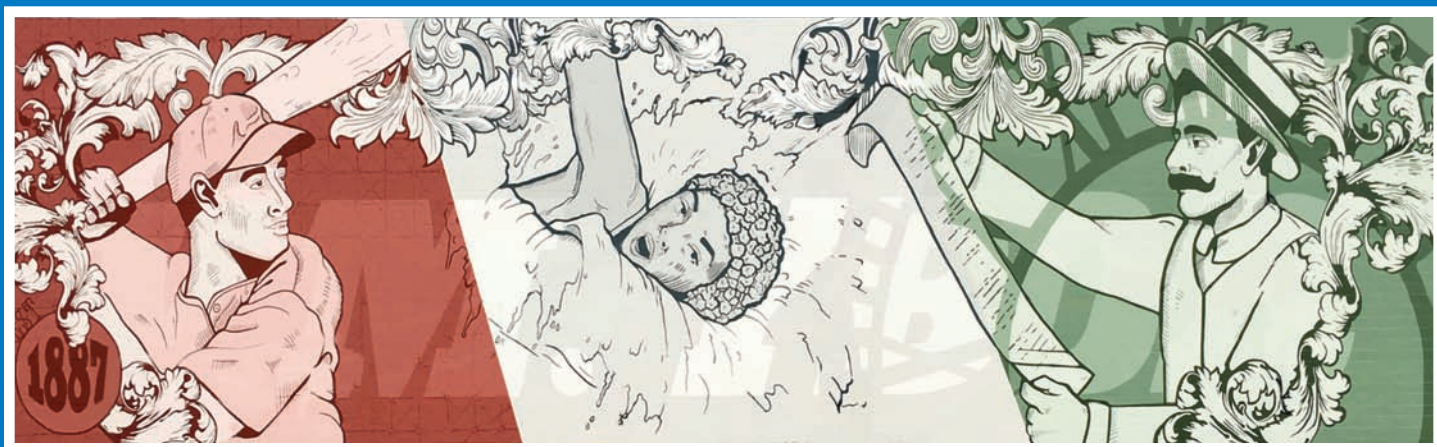


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ABOUT THE COVER

On the cover of this issue of the *Lawyer* magazine, we are pleased to feature two great murals celebrating the history of the region. The two murals, called "Dream Pushers" are featured on the south and west walls of The Dream Center located in Ybor City.

Just north of Ybor City sits a campus of city facilities that serves the V.M. Ybor and East Tampa communities and include a city park and football field, a newly-restored above grade pool originally built in 1937, and The Dream Center, a city building leased to a nonprofit, faith-based organization. The Center offers after school programs and youth mentoring. The south and west walls of The Dream Center served as the canvas for the murals.

Commissioned in 2016 by artists Illsol (Tony Krol, Michelle Sawyer), the first mural depicts the history of the Ybor neighborhood and its settlers through imagery and the colors in the Spanish, Cuban and Italian flags. The artists have featured a 1930s era swimmer and the nearby JC Newman cigar factory clock. The colors used on the first mural wrap around to the back, and complement the second mural, that depicts the contemporary use of the space. (Images used with permission by the City of Tampa Public Art Program. For more information, visit www.tampa.gov/art-programs/murals.)

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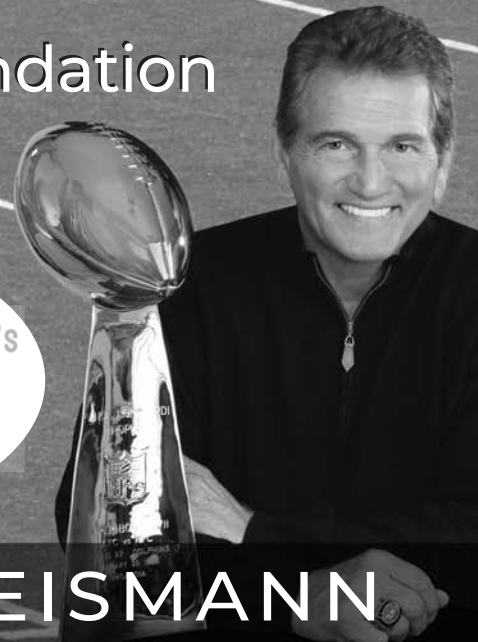
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Law Day Celebrations and History in the Making

The theme for Law Day this year is “Toward a More Perfect Union.”

Every year the American Bar Association promotes Law Day celebrations around the nation. In 1958, President Dwight D. Eisenhower designated May 1st as Law Day, which is meant to celebrate and strengthen the American heritage of liberty, justice, and equality under the law. The theme for Law Day this year is “Toward a More Perfect Union.” The ABA has been kind enough to make many resources available, including creating a logo and providing them for free on its website, providing the theme, and producing a list of suggested activities for students.¹ In celebration of Law Day this year, my nonprofit Journey to Esquire® conducted a Writing and Art Competition to acknowledge the contributions of lawyers in our society and to create interest in school-aged children in pursuing careers in the law.

The Competition is intended to help students and the public understand how the law protects our American freedoms. Many have worked diligently to ensure that the United States of America lives up to its ideals that “all men are created equal” and are entitled to the “pursuit of happiness” and its promises of “liberty and justice for all.” Lawyers stand at the forefront of these efforts.

The Competition was open to all middle school students in grades 6th - 8th in Hillsborough and Pinellas counties, Florida. We received several submissions and the first-place winner was Christian Guettler, a sixth grader at Thurgood Marshall Fundamental Middle

School who submitted artwork (colored pencil on paper). Christian worked on the piece himself, and we are proud to display it. We also received a nonfiction essay and a fictional short story, which both took home prizes as well. To see these submissions, visit www.journeytoesquire.com/lawday.

In other news, we have witnessed history with the appointment and confirmation of Judge (soon to be Justice) Ketanji Brown Jackson. The last five years have involved rapid change in our highest court with the death of two justices, Antonin Scalia and Ruth Bader Ginsburg; and the retirement of two others, Anthony Kennedy and Stephen Breyer. Thus, in a short time we have witnessed five appointments (including Merrick Garland) and four confirmations, Justices Neil Gorsuch, Brett Kavanaugh, Amy Coney Barrett, and Jackson. Given that



the seats in the Supreme Court of the United States are held for life, this has been a rare occasion indeed to see so many new faces joining the highest court in the nation. The Constitutional Law professor in me cannot help but be astounded and curious about what it means for the future cases that come out of the Supreme Court.

Speaking of changes to the courts, make sure to check out the other articles in this issue, including The Worker's Compensation Section's article discussing Florida's First District Court of Appeal's revisitation of the

Continued on page 5

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Longley case and tolling the statute of limitations on page 58; the Appellate Section's article discussing the internal preferences of Florida's Second District Court of Appeal at page 22, the Military & Veterans Affairs Committee article regarding the use of artificial intelligence in automating decisions made by the Veteran's Administration regarding disability benefits at page 50, the Labor & Employment Section's article noting the removal of forced arbitration provisions in sexual harassment claims on page 39 and Ronald Ficarrotta – Chief Judge, Thirteenth Judicial Circuit's article listing all of the



Thurgood Marshall Fundamental Middle School sixth grade student Christian Guettler placed first in the art competition.

new judges appointed to the 13th Judicial Circuit on page 16.

There are some other great articles about events throughout the last two months with the Bar Leadership Institute, the Young Lawyers Division, and the HCBA 5K event. As summer approaches and we all start to slow down on bar activities, this is a good time to reflect on all we have achieved and overcome over the past year as we have navigated the new normal post-COVID. Check out the special videos created to commemorate the occasion on the website www.hillsbar.com. ■

¹ For more information visit https://www.americanbar.org/groups/public_education/law-day.

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More in Store for the HCBA: Let's Continue to Rhyme

Though much has changed within our legal community over the last 25 years, one thing appears to remain constant: the engagement and commitment of our members to constantly work toward building a better and stronger association.

Mark Twain once noted, “history does not repeat itself, but it rhymes.” As Twain points out, our present, and future, is often inextricably tied to our past. On April 13, 2022, the HCBA held its 125th Anniversary Celebration, which included a reception and distinguished panel presentation marking the anniversary. The panel, which included U.S. District Court Judge, the Honorable Mary Scriven, former Chief Judge of the Thirteenth Judicial Circuit, Manuel Menendez, Former Florida Bar President, Gwynne Young, and former HCBA President, Grace Yang, discussed the notable changes the Bar has experienced over the last 25 years. Tampa historian, Rodney Kite-Powell, facilitated the discussion, asking questions centered on diversity, technology, the development of the Chester Ferguson Law Center, and changes in the legal and judicial landscape.

The event drew more than 100 attendees, many of whom learned much about the recent history of our association from the panelists. Though much has changed within our legal community over the last 25 years, and

certainly over the course of our association's entire history, one thing appears to remain constant: the engagement and commitment of our members to constantly work toward building a better and stronger association. The event could not have happened without the tremendous efforts of former HCBA presidents Lanse Scriven and Tom Elligett, who led the #125 Event committee. I would also like to thank historian Rodney Kite-Powell for his time and expertise, and our wonderful HCBA staff for all of their work ensuring the event was a success. *(More photos of the event to come in the July-August issue.)*

As we draw close to the end of our Bar year, it is an appropriate time to reflect on what we have accomplished, particularly coming back together following the COVID-19 pandemic. We have had a number of membership networking events, beginning with our welcome back reception at the Vault, and culminating with our Law Day luncheon, which featured Florida Bar president Mike Tanner as our keynote speaker. We held a successful Bench-Bar Conference, underscoring the dynamic

Continued on page 7

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Our featured speakers discussed HCBA's past, present and future at the 125th Anniversary Reception and Panel Discussion. Speakers included Gwynne Young, Hon. Mary Scriven, Hon. Manuel Menendez, and Grace Yang.

Continued from page 6

relationship between the Bar and our judiciary. The 5k Pro-Bono River Run and Food Festival was once again a big hit, with a record number of attendees and great food & drink. All of this, and more, is a direct reflection of our

members, and the value of membership in our association. So, if you are not a member, please consider becoming one, and see the value for yourself. If you are a member, it is time to renew to make sure you do not miss what is in store in the coming year. It may not be a repeat of this past year, but it will certainly rhyme. ■

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HCBA YLD, HAWL, and Cooley Celebrate Women's History Month with 2nd Annual "Building Bridges Through Books" Book Club

The Book Club celebrated Women's History Month with the book, *Why They Marched: Untold Stories of the Women Who Fought For the Right to Vote* by Susan Ware.

The Hillsborough County Bar Association Young Lawyers Division (YLD), the Hillsborough Association for Women Lawyers (HAWL), and WMU-Cooley Law School (Cooley) joined forces to host a month-long book club. March is the designated Women's History Month by presidential proclamation and is set aside to honor women's contributions to American history. The "Building Bridges Through Books" Book Club celebrated Women's History Month with the book, *Why They Marched: Untold Stories of the Women Who Fought For the Right to Vote* by Susan Ware. *Why They Marched* is a tribute to the countless women who worked tirelessly across the country for their right to full citizenship and the right to vote.



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Book Club Co-Moderators Daniela Mendez and Bernice Dewlow



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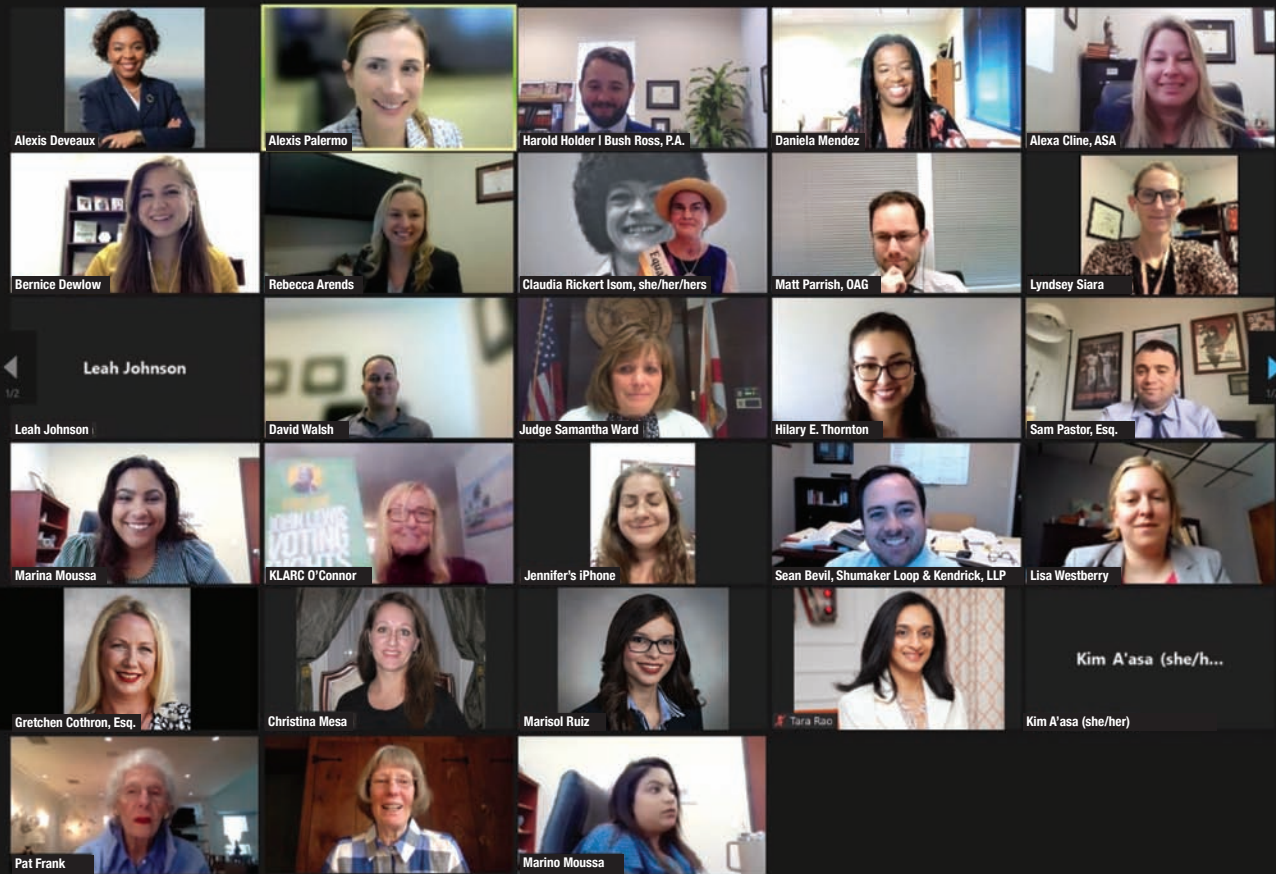
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“BUILDING BRIDGES THROUGH BOOKS” BOOK CLUB



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Continued from page 9

The book club kicked off with a Victory for the Vote luncheon, which took place at the George Edgecomb Courthouse. The event featured an address from Doris Weatherford, a renowned author on women's history and longtime advocate for women's rights. Over 50 attendees enjoyed the luncheon in person while 20 more attended virtually (*photos from this event on page 43*).

During the subsequent three weeks of March, Bernice Dewlow, a co-chair of YLD's Professionalism and Ethics Committee, and Daniela Mendez, the Campus Director at Cooley, co-moderated the weekly book club discussions via Zoom. For the first session, Judge Claudia Isom, clad in her suffragist sash, led an engaging discussion of Part One of the book. For the second session, the author of *Why They Marched*, Susan Ware, joined us to moderate the discussion of Part Two. For the third session, retired Hillsborough County Clerk of Court Pat Frank and Hillsborough County Public Defender Julianne Holt discussed their lives' work and applied it to the lessons from Part Three. And for the

last book club session, we came full circle at the George Edgecomb Courthouse with a discussion of women's rights in a conversation with former Florida Supreme Court Justice Peggy Quince, Doris Weatherford, and League of Women Voters member Stacy Yates.

The month was a celebration of the sacrifices made by women who have come before us and a critical discussion of the work still left to be done. The conversations were informative, engaging, and inspiring. In addition to voting rights, we discussed women's rights and equality, racial justice, and due process in the courts. A special thanks to all of the incredible speakers. Each brought relevant experiences and diverse thoughts and opinions that left us all inspired and excited to continue marching on. Second, we thank the book club planning committee. The committee spent hundreds of hours putting together the incredible program. Special thanks to Cooley, HAWL, and the entire YLD Professionalism

and Ethics Committee, including Bernice's co-chairs Rebecca Arends and Matthew Parrish, committee members Alexa Cline, Lauren Humphries, Marina Moussa, Samuel Pastor, and David Walsh, and Board liaisons Harold Holder and Marisol Ruiz. Thanks also to Judges Claudia Isom and Samantha Ward for their invaluable contributions. And finally, thank you to the Florida Bar whose Diversity Leadership Grant made this book club possible. Here's to marching on! ■

Authors: Bernice Dewlow – Thirteenth Judicial Circuit Court & Daniela Mendez – WMU - Cooley Law School



OTHER SOURCES

FOR MORE INFORMATION ON WOMEN'S VOTING RIGHTS AND THE SUFFRAGE MOVEMENT, PLEASE SEE THE BELOW RESOURCES

- 1 [HTTPS://BLOGS.CHAPMAN.EDU/DODGE/2020/08/26/6-FILMS-TO-WATCH-ON-THE-100TH-ANNIVERSARY-OF-THE-WOMENS-SUFFRAGE-MOVEMENT/](https://blogs.chapman.edu/dodge/2020/08/26/6-films-to-watch-on-the-100th-anniversary-of-the-womens-suffrage-movement/)
- 2 [HTTPS://WWW.ALA.ORG/TOOLS/PROGRAMMING/LTA/SUFFRAGE/GUIDELINES](https://www.ala.org/tools/programming/lta/suffrage/guidelines)
- 3 [HTTPS://WWW.ARCHIVES.GOV/EDUCATION/LESSONS/WOMAN-SUFFRAGE](https://www.archives.gov/education/lessons/woman-suffrage)
- 4 [HTTPS://TAG.RUTGERS.EDU/TEACHING-TOOLBOX/CLASSROOM-RESOURCES/LESSON-MODULE-WOMENS-SUFFRAGE-IN-THE-UNITED-STATES/](https://tag.rutgers.edu/teaching-toolbox/classroom-resources/lesson-module-womens-suffrage-in-the-united-states/)
- 5 [HTTPS://WWW.PBS.ORG/EDUCATION/BLOG/UNLEARNING-HISTORY-THE-WOMENS-SUFFRAGE-MOVEMENT](https://www.pbs.org/education/blog/unlearning-history-the-womens-suffrage-movement)
- 6 [HTTPS://WWW.HISTORY.COM/TOPICS/WOMENS-HISTORY/THE-FIGHT-FOR-WOMENS-SUFFRAGE](https://www.history.com/topics/womens-history/the-fight-for-womens-suffrage)
- 7 [HTTPS://WWW.NYTIMES.COM/2020/09/17/LEARNING/LESSON-OF-THE-DAY-THE-COMPLEX-HISTORY-OF-THE-WOMENS-SUFFRAGE-MOVEMENT.HTML](https://www.nytimes.com/2020/09/17/learning/lesson-of-the-day-the-complex-history-of-the-womens-suffrage-movement.html)
- 8 [HTTPS://FLORIDASUFFRAGE100.ORG/READ-MORE](https://floridasuffrage100.org/read-more)
- 9 [HTTPS://WWW.NPS.GOV/SUBJECTS/WOMENSHISTORY/19TH-AMENDMENT-BY-STATE.HTM](https://www.nps.gov/subjects/womenshistory/19th-amendment-by-state.htm)



SAVE *the* DATE

Please save the date for the following YLD event and sign up on the HCBA website:

- YLD State Court Trial Seminar on June 3, 2022, at the George Edgecomb Courthouse with a YLD Networking Happy Hour to follow

IN MEMORIAM: THERESA JEAN-PIERRE COY



The HCBA joined the entire community in mourning the recent passing of a beloved member, local Bar leader, mentor and trailblazer in the legal community, and loving wife, mother and friend. After a long-fought battle with cancer, Theresa Jean-Pierre Coy passed away on April 11, 2022 at the age of 41. She is survived by her husband, Travis Coy; her son Thaddeus, and her family. Her cancer diagnosis never defined her; her unflinching perseverance throughout the years is a testament to her strength and resilience.

Theresa graduated with honors from Florida A&M University with a double major in Political Science and Public Administration. She earned her Juris Doctorate from Stetson University College of Law. As a member of Stetson's Moot Court Board, Theresa earned the First Place Best Oral Advocate award at the E. Earl Zehmer National Moot Court Competition. Theresa would graduate with a certificate from the Concentration in Advocacy program and was bestowed the Victor O'Wehle Award for Excellence in Trial Advocacy by the university.

Theresa began her career as an Assistant Public Defender for the Sixth Judicial Circuit in Clearwater. Her respect and love for everyone was apparent in her professionalism and her practice as she defended indigent citizens in criminal cases. Following an exceptional career of public service, Theresa launched her own law firm in 2009. Her firm handled a variety of criminal matters including some of Tampa Bay's most high-profile trials. She would go on to serve as a guest commentator for Court TV providing valuable insight on some of the most scrutinized criminal trials across America.

Theresa left an indelible mark on our legal profession and the local community. In addition to serving as the president and active member of the George Edgecomb Bar Association, Theresa served in the Florida Bar Solo & Small Firm Section. The attorney, wife and mother also was the recipient of the G. Kirk Haas Humanitarian

Award by the Florida Bar in 2020. Theresa was recognized by the Florida Bar for zealously defending a client during a federal drug trafficking trial while she experienced excruciating pain caused by the return of the cancer. Florida Bar President John Stewart described Theresa as "the epitome of personal and professional courage and of dedicated service to the legal community." That same year, the HCBA Criminal Law Section presented Theresa with the 2020 Bubba Huerta award for her professionalism, dedication to pro bono service, and her diligent work in the pursuit of equal justice. Theresa also returned to Stetson Law serving as an adjunct professor training the next generation of trial advocates.

In addition to her service within her profession, Theresa was also dedicated to service in our local community. She proudly served on the Tampa Mayor's African American Advisory Council advising local leaders on issues impacting the Black community and served as a Hearing Officer for Hillsborough County. Theresa was also named a 2019 Candidate for Woman of the Year award by the Leukemia and Lymphoma Society when she was first diagnosed.

Later in her career, the former public defender returned to public service as a prosecutor. State Attorney Andrew Warren appointed Theresa to serve as the Director of the newly created Conviction Review Unit ("CRU") of the State Attorney's Office for the Thirteenth Judicial Circuit in Tampa. Always eager to serve justice and pursue fairness, she dedicated herself to ensuring that prior criminal convictions were not obtained in violation of constitutional rights. She was quoted in the *Tampa Bay Times*, concerning this role and what it meant for her own professional legacy stating, "[T]he ability to be able to get into [the CRU] and try to correct some of those errors — whether they were intentional or unintentional — is really a dream job for me and a great culmination of my life's work so far."■

Source: George Edgecomb Bar Association



HCBA's Young Lawyers Division Continues to Shine: YLD Wins Florida Bar YLD's 2021 Large Affiliate of the Year Award

"Because of the strong commitment of the YLD's leadership to carry out the HCBA's mission to serve the legal profession and the community, I believe the future of the HCBA looks bright." — HCBA Pres. Cory Person

Over the years, the HCBA's Young Lawyers Division has been a true "workhorse" for everything the HCBA does.

So, it was exciting to hear the news that the Florida Bar YLD recently recognized the HCBA YLD as the 2021 *Large Affiliate of the Year*.

The announcement was made in February at the Florida Bar YLD's annual Affiliate Outreach Conference, which was held this year in Tampa.

HCBA YLD President Alex Palermo told me she was thrilled to accept the award on behalf of the YLD board and the entire YLD team that put together the nomination package.

"We knew that whether we won or not, we were so proud of all we had accomplished over the past year to serve our members and the community," Palermo said.

"We have an incredible group of Board members, committee chairs and committee members."

With its innovative and creative programming, the HCBA's YLD provides a wonderful entrée into the legal profession for newly minted attorneys, as well as practical training and information to help more seasoned attorneys grow their career and thrive in the ever-changing legal profession.

Further, the YLD, which has more than 800 members, has made it a priority to give back to the Tampa Bay community through its numerous pro bono and charitable projects.

And, in recent years, the YLD has increased its focus on mental health and wellness issues.

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The YLD has offered timely and relevant programming to help younger and older attorneys alike manage the unrelenting stresses of a seemingly 24/7, 365 days/year legal work environment.

Focusing on these critical healthcare issues has been especially important during the COVID-19 crisis and also now coming out of the pandemic.

HCBA President Cory Person said the recognition of the HCBA YLD was well-deserved.

"The YLD has a strong leadership team and has provided excellent programming for our members all year long," said Person. "We are all very proud of this outstanding accomplishment."

The award nomination package the YLD submitted highlights the YLD's many innovative programs and events held throughout the year, and it chronicles how the YLD continued to engage young lawyers virtually during the pandemic.

These YLD programs include: the Preemies & Pull-Ups Diaper Drive; the Puppies & Prosecco event benefiting the Humane Society; Law Week; Cornhole for a Cause benefiting Big Brothers Big Sisters; the YLD's annual Pro Bono Luncheon; Coffee for a Cause; the YLD/Student Track at the HCBA's annual Bench Bar Conference; the YLD's virtual State Court Trial Seminar; the YLD's virtual book club in collaboration with other Bar groups; and multiple health and wellness and other networking events.

Tampa Mayor Jane Castor appeared in the HCBA YLD's video as part of its award nomination package.

In her taped video remarks, Castor noted the YLD's efforts to give back to the community, especially during the pandemic.

"I am proud of these extraordinary young lawyers who serve as community leaders," Castor said. "The city of Tampa is lucky to have them as a partner in bettering the lives of families, and leading Tampa into the future."

Talking about the future of the HCBA, President Person said the HCBA will be in good hands when the current YLD leaders take on other leadership roles with the HCBA in the years ahead.

"Because of the strong commitment of the YLD's leadership to carry out the HCBA's mission to serve the legal profession and the community, I believe the future of the HCBA looks bright," he said. ■

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Modern Criminal Justice from Pensacola to Key West

**Bringing our state's justice system into the 21st Century
takes a shared effort by everyone.**

With the passion of advocates who wanted the world to hear, Miami's police and political leaders gathered around a table this spring and delivered a concentrated course on their homegrown strategies to combat gun violence. As one of five guests who had come to South Florida to absorb this knowledge, I leaned in and listened.

While gun violence has risen in Florida and nationwide, Miami has largely kept it in check. The reasons are many: Miami's Group Violence Intervention program that

responds to gun crimes with a suite of community services, bolstering traditional detective work; officers assigned to social media "beats," watching for online "beefs" that may erupt into real-world violence; and volunteer groups embedded in neighborhoods to get tips on suspects and offer healing and support.

The five of us at the head table were scribbling notes, asking questions, and taking in every detail.

I serve as chair of the Safety & Justice Task Force. We're traveling across Florida, holding roundtable discussions with local stakeholders



Safety & Justice Task Force meeting.

Continued on page 15

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and community leaders to find common-sense solutions to make our criminal justice system more effective and fair. We'll then take what we learn in our local visits and share the best examples and ideas with communities statewide, so we can all benefit from the innovative ideas that are working well across Florida.

Our first two Community Conversations — in Miami and here in Tampa Bay — have been eye-opening.

The discussions highlighted projects that are working *right now* in our state to fight gun violence and cope with the impacts of mental health and substance abuse. We heard what's making a meaningful difference and why it's effective. Equipped with this knowledge, our Safety & Justice Task Force can bring these excellent efforts to a larger audience across Florida — increasing their impact and saving more lives.

We also heard about failings and blind spots in the system. Bringing our state's justice system into the 21st Century takes a shared effort by everyone, and we value

all the voices that are committed to the goal we share of building a modern, stronger justice system.

The Task Force was created by the Florida Democratic Party last fall, but our work is nonpartisan. We want the best ideas from everyone, no matter their politics. The five Task Force members come from all over our state and represent a cross-section of the criminal justice system:

- Hillsborough State Attorney Andrew Warren, Chair
- Teen Leaders of America CEO, Marcia Brown
- Miami-Dade Public Defender, Carlos Martinez
- Leon County Sheriff, Walt McNeil
- Agency for Community Treatment Services (“ACTS”) CEO, Asha Pereyra

We intend to keep you posted as we pull together the results of our different discussions across the state later this year.

We are fortunate in Tampa Bay to have a vibrant legal community that continuously strives to improve the system in ways both large and small. I am excited to share our successes with the rest of Florida while bringing back fresh ideas to help our region grow even stronger. ■

Construction Law Section CLE

On March 17, the Construction Law Section hosted a CLE on the Florida Construction Industry Licensing Board. The speaker, Richard Kane of Kane Construction Management, Inc., provided an overview of the board and discussed licensing requirements and governing statutes, actions against contractors and subcontractors, and the Florida Homeowners' Construction Recovery Fund.

The Section thanks Mr. Kane for his presentation and its luncheon sponsor: Huseby Global Litigation.





Historical New Judgeships for the 13th Circuit

In the Thirteenth Circuit, the year 2021 will be remembered as the year our county judicial bench increased by 35%.

In the Thirteenth Circuit, the year 2021 will be remembered as the year our county judicial bench increased by 35%. Each fiscal year, the Florida Supreme Court's judicial certification process assesses the need for additional judgeships based on workload. If a circuit is certified for additional judges, the legislature may appropriate the funding, which then must be approved by the governor. Until 2021, the Thirteenth Judicial Circuit had not received any additional judgeships since four circuit judges were approved back in 2006. Then, fifteen years later, the circuit received six new county judges.

The circuit has grown from 45 circuit judges and 17 county judges, for a total of 62 judges, to 45 circuit judges and 23 county judges, for a total of 68 judges. The ever-increasing county caseload, coupled with the recent changes in jurisdictional limits, more than warranted the added constitutional officers. We are thankful for the support of the legislature and Governor DeSantis.

Around the same time last fall, county judge Joelle Ober retired, leaving us with a judicial vacancy, which left Governor DeSantis with seven county positions to fill. The Governor's Office did a great job in vetting some very qualified candidates and selecting highly qualified new judges. I'd like to introduce our new judges, who are listed in the order of judicial commission date.

- Leslie Schultz-Kin was Chief Assistant Attorney General and Bureau Chief in the Tampa Civil Litigation Bureau of the Florida Office of the Attorney General before joining the bench. She also worked at Akerman, LLP and Carton Fields, P.A, and as a Guardian ad Litem. She is assigned to County Civil Division I.
- Joseph Tompkins served as an Assistant United States Attorney for the Middle District of Florida prior to joining the bench. Previously, he was a Senior Law

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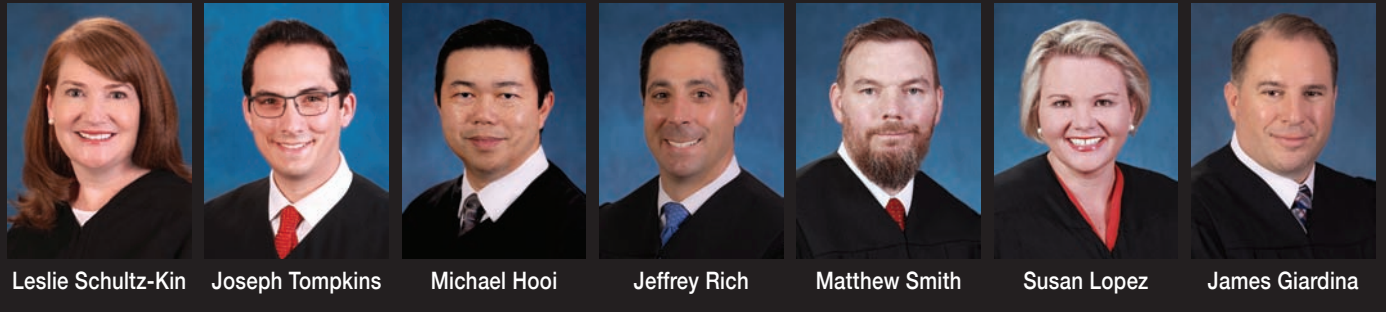
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NEW JUDGES FOR THIRTEENTH JUDICIAL CIRCUIT



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Clerk on the Second District Court of Appeal for the State of Florida. He is assigned to County Civil Division O and Civil Traffic Division R.

- Michael Hooi served as an Associate Attorney at Stichter, Riedel, Blain, & Postler, P.A. before becoming a judge. He was also a Law Clerk and Staff Attorney to Judge Charles R. Wilson of the Eleventh Circuit Court of Appeals. He is assigned to County Civil Division N and Civil Traffic Division F.
- Jeffrey Rich worked as a sole practitioner since 2008. Previously he was an Assistant Public Defender in the Twelfth Judicial Circuit. He is assigned to County Criminal Domestic Violence Division F.
- Matthew Smith served as an Assistant Statewide Prosecutor in the Attorney General's Office of Statewide Prosecution. He previously served as a

Chief Assistant State Attorney in the Thirteenth Circuit. He is assigned to County Civil Non-Criminal, Non-Traffic Division T, and Unified Family Dependency Drug Court Division J.

- Susan Lopez served as an Assistant State Attorney in the Thirteenth Judicial Circuit before her appointment. She is assigned to County Civil Division P.
- James Giardina was the owner and lead attorney at The Consumer Rights Law Group, PLLC prior to his appointment. He is assigned to County Civil Division H.

A great group of new judges has joined our bench! I know that their impact on the circuit will be a lasting one. And we are an amazing circuit! I am proud to serve as the Chief Judge and am thankful for the support of members of the Hillsborough County Bar Association. #WeAre13Strong. ■

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“Operation Green Light” is a Chance to Save Money and Get Back on the Road

Good government means doing what is best for our community, and for those who are eligible, Operation Green Light can be a day that helps them get their life back.

Thousands of Floridians live with the obstacle of a suspended driver’s license because of unpaid traffic tickets, fines, and other court obligations. “Operation Green Light” is an annual event held by the Hillsborough County Clerk of Court and Clerks around the state to help constituents save money and get back on the road.

The driver’s license reinstatement event helps our community get back to work, take their kids to school, and

run errands. This year’s event, which fell on May 5th, 12th, and 19th, took place at the George E. Edgecomb Courthouse in Courtroom 21 in downtown Tampa.

Our event is in high demand, and pre-registration typically fills up as early as mid-March, which speaks to the increasing need for events like Operation Green Light. We provide registration sites in English and Spanish.

Judges review the driver’s case history and determine

Continued on page 19

The Stann Givens Family Law Inn of Court

Tampa’s only Family Law Inn, the Stann Givens Family Law Inn of Tampa, is now accepting applications for the 2022-2023 Inn year, which starts in August 2022.

Are you new to the practice of family law?

Do you want to get more involved in the family law community?

Are you interested in getting to know the judges who will be presiding over your family law cases?

Formed in 1995, The Stann Givens Family Law Inn of Tampa is an organization of family law judges, magistrates, hearing officers, attorneys, and law students, who are dedicated to professionalism, ethics, civility, and excellence in the practice of family law. We were the first Inn in Tampa to be recognized by the American Inn of Court as achieving the highest standards of an Inn — Platinum.

We hope that you will consider becoming a member.

TO APPLY, COMPLETE THE APPLICATION ON OUR WEBSITE at:
www.inns.innsforcourt.org/for-members/inns/the-stann-givens-family-law-american-inn-of-court-of-tampa.aspx or Google “Givens Inn.”

THE DEADLINE TO APPLY IS JUNE 30, 2022.

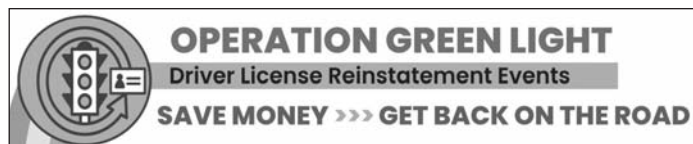
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if any court fines or fees can be reduced. Driving and court records are reviewed in advance. Qualified participants receive a notice of hearing in the mail of their scheduled time.

Last year, my office registered 300 eligible people. This year, we are expanding our program by making an additional 150 spots open for a total of 450 spots available. Pre-registration is mandatory, and some restrictions apply.

Since 2019, the Operation Green Light event has helped customers in Hillsborough County become eligible for reinstatement. We partner with the 13th Judicial Circuit, the State Attorney's Office, the Public Defender, and the Florida Highway Safety and Motor Vehicles. A "Flow Bus" is on-site so constituents can get a driver's license on the spot once court obligations are complete.

Another partner, the Hillsborough County Tax Collector, will also be on-site, providing "fast passes" to registrants who can visit its Tax Collector offices the



same day in downtown Tampa. Payments can also be made at [Hover.hillsclerk.com](https://www.hillsclerk.com) or by calling 813-276-8100.

Hillsborough County Tax Collector Nancy Millan had this to say about the program: "We are honored to join the Hillsborough County Clerk's Office for Operation Green Light to help citizens get their driver's licenses reinstated and get back on the road. Last year was our first time partnering with the Clerk's office on this important program, and we are happy to continue to do our part to make the program a success. This kind of collaboration and partnership between agencies is what good government looks like." Of course, suspension for non-payment of child support, driving under the influence, felony traffic offenses, commercial driver's licenses, and other situations disqualify a constituent.

Good government means doing what is best for our community, and for those who are eligible, Operation Green Light can be a day that helps them get their life back. ■

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BEYOND THE RULES: INTERNAL PREFERENCES OF THE SECOND DCA

Appellate Practice Section

Chairs: Joe Eagleton – Brannock & Humphries & Chance Lyman – Buchanan Ingersoll & Rooney, PC



As excellent and comprehensive as they may be, the Florida Rules of Appellate Procedure don't have all the answers. Fret not! There are other helpful resources specifically for practitioners in the Second District Court of Appeal. Below is a brief overview of those resources for the next time you're faced with a question beyond the Rules.

The most valuable resources are the Court's Internal Operating Procedures and its Practice Preferences, available on the Court's website. Either could be the subject of a separate article, but here are a few highlights. Footnotes are strongly discouraged. The parties' briefs are presented to the panel in a compilation prepared by court staff and organized by issue.



As excellent and comprehensive as they may be, the Florida Rules of Appellate Procedure don't have all the answers.

Hence, the Court prefers that answer briefs track the initial brief's order and categorization of the issues. The Clerk releases opinions each week on Wednesday and Friday, so mark your calendars if you are waiting on a decision. And each Wednesday, a two-judge motions panel convenes to consider pending motions on unassigned cases.

Do you need to know if the Court observes a

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SAVE
the
DATE

hcba
events



June 2, 2022
Installation of Officers & Directors
Ferguson Law Center

June 3, 2022
YLD State Court Trial Seminar
George Edgecomb Courthouse

June 10, 2022
HCBA/ABOTA Professionalism Seminar
Stetson Tampa Campus/
Ferguson Law Center

September 15, 2022
HCBA Membership Welcome Back Reception
The Vault

December 1, 2022
Holiday Open House
Ferguson Law Center

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



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holiday that could affect your deadline? Look no further than the Court's published list of court holidays. Ever find yourself reading a decision and dying to read the briefs? Check out the "Briefs in Other Cases" function on eDCA.

Administrative orders provide guidance too. Like many of Florida's District Courts of Appeal, the Court allows parties to stipulate to briefing extensions in certain appeals instead of filing a motion under Rule 9.300(a). This procedure applies to final criminal, civil, and administrative appeals only (note the exclusion of nonfinal appeals and original proceedings). 90-day extensions are available for

principal briefs and 60-day extensions for replies.

At the start of most appeals, the Court issues a Notice to Attorneys and Parties (also available on its website). Those who read this Notice carefully will "notice" a few important Court-specific requirements that aren't necessarily contained in the Rules. For instance, motions for extension of time should specify the expiration day of the requested extension. And Rule 9.380's Notice of Related Cases, if applicable, should be filed within seven days of receiving the Court's initial acknowledgment letter.

Before oral argument, the Court will issue its Oral Argument Notice. A few items from that Notice to

keep in mind: (1) multiple appellants or appellees must share the allotted 20 minutes per side and should inform the Court at the beginning of oral argument of how they will share time; (2) any counsel wishing to argue who was not listed on the briefs must file a notice of appearance no later than the day before oral argument; and (3) the failure to attend oral argument may be treated as a waiver of oral argument by the acting chief judge.

And, if all else fails and you are still struggling for an answer, you have one last trick in the bag — give the Clerk's office a call! ■

Author: Chance Lyman — Buchanan Ingersoll & Rooney PC



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Congratulations to our newest partner,
Cameron Frye



A Florida native and University of Florida alum, Cameron received his law degree from the University of Florida Levin College of Law. With over nine years of legal experience, his practice areas include complex civil litigation, insurance fraud litigation, insurance defense, and business litigation. Outside of the firm, Cameron is involved with the Hillsborough County Bar Association. He is also a member of the First Tee of Tampa Bay Advisory Board, the University of Florida Alumni Association, and Gator Boosters. In his spare time, Cameron is an avid golfer, enjoys fishing, attending Florida Gators sporting events, and spending time with his wife Maja and his family.

We are honored to have you as a partner, Cameron!

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Bar Leadership Institute

Chairs: Ashley Gallagher – Johnson Jackson, Kendra Lyman – Hill Ward Henderson & Jounice Nealy-Brown – Gunster



The BLI class toured two local businesses, which provided the class with a broad look at Tampa's bright future, as well as the city's rich history.

In January and February, the Bar Leadership Institute (BLI) class toured the offices of Strategic Property Partners, LLC (SPP) in the Water Street District and the J.C. Newman Cigar Company (JCN), the last remaining productive cigar factory in Tampa. Together, these local businesses provided the class with a broad look at Tampa's bright future, as well as the city's rich history.

The BLI class visited the SPP offices on January 25. SPP had initially planned an outside tour of the Water Street properties under development, but on the day of the SPP visit, the weather was not cooperative. Instead, BLI members

were given the opportunity to spend time in SPP's indoor space dedicated to explaining and pitching to investors the work SPP is doing around Amalie Arena.

Donald Bly, SPP's general counsel, and Mary-Kate Michalak, SPP's corporate leasing and strategy manager, began the module by giving a brief history of the project and how the owner of the Tampa Bay Lightning, Jeffrey Vinik, made an intentional choice to develop and improve the community surrounding where the team plays. Bly and Michalak explained that, beginning with the purchase of a dirt parking lot in 2010, the SPP team began creating a zoning,

permitting, and regulatory scheme with the City to serve as a foundation for their vision of downtown Tampa and the Water Street district.

The class was then ushered into a dark room, where a 3D model of downtown Tampa, fitting a roughly 30-foot circle, filled most of the room. At the push of a button, the model came to life as 12 video projectors created the texture of each building, the lines of each road, and the waterways of the Hillsborough River, even down to the traffic patterns. Bly and Michalak explained that SPP

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uses this model to show potential investors and other businesses looking to relocate to Tampa the current development progress and what those investors can expect in the years to come.

After a look into Tampa's future, the BLI's next module provided a look into the early 1900s when Tampa's nickname was "Cigar City." On February 8, the class was given a tour of the working cigar factory started by J.C. Newman when he moved his company from Ohio to Florida. Like many of the cigar factories operating in Tampa prior to Newman's arrival, the JCN factory was built as a large, three-story brick building oriented east to west.

Starting from the bottom floor, the class had the opportunity to see how the tobacco is brought into the factory, processed, and shipped out as cigars. The factory still uses many of the same machines built in the 1930s to automate most of its production output. In contrast, on the top floor, four employees work at antique wooden desks, each rolling 100 cigars per day by hand.

From the newest to the oldest buildings in Tampa, both modules provided the BLI class the opportunity to engage with Tampa's storied commercial real estate landscape and learn about

the visionaries behind the buildings. ■



*Author:
Williams
"Bill" Najmy –
Carlton Fields,
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EMPOWERING DIVERSE TALENT IN THE WORKFORCE

Diversity, Equity & Inclusion Committee

Chairs: Antina Mobley – Public Defender's Office & Christina Potter Bayern – Potter Bayern Law



This year's HCBA Diversity Membership Luncheon took place on January 19, 2022, at the JW Marriott Tampa at Water Street. The topic was "Empowering Diverse Talent." The luncheon began with the presentation of the new **HCBA Statement on Diversity, Equity, and Inclusion**. It can be found on the HCBA website by clicking on the "About the HCBA" tab.

The featured guest speaker was Rania Shehata, Esq., Vice President and Americas General Counsel at Tech Data Corporation (TD SYNEX). TD SYNEX is a leading global distributor and solutions aggregator for the IT ecosystem. They are headquartered in Clearwater, Florida, and Fremont, California.

Shehata is a member of the Florida Bar and holds a Bachelor of Arts degree in Political Science and in English from the University of Florida, as well as a Juris Doctor degree from Nova Southeastern University, Shepard Broad College of Law.

Shehata began her legal career in 2004 as a government attorney, working as an Assistant State Attorney for the Sixth Judicial Circuit in Florida serving Pinellas and Pasco counties. In her current role, Shehata is responsible for all legal affairs of the region, as well as

advising management on corporate governance, complex commercial contracts, mergers and acquisitions, global taxes, financing, and securities. She also advises on matters related to intellectual property, litigation, regulation, and human resources.

Shehata was chosen as this year's guest speaker because she represents attorneys of color who are leading in their respective organizations. She also speaks Arabic as a second language. Shehata is the daughter of immigrants, a first-generation lawyer in her family, a mother, and a woman of color. She advocates for: 1) diversity of thought that fosters creativity and innovation in the workplace, 2) diversity in leadership that allows the ability to relate to employees and clients from all diverse backgrounds, and (3) diversity of the workforce that enhances an organization's ability to attract and engage diverse talent like herself and others.

As Vice President and General Counsel, Shehata knows first-hand the importance of new applicants to her company to be able to see diverse people in positions of power. She states that this "in itself is a

**If we all as a
community stand up
and do our part
for the greater good,
there is hope for
a better tomorrow.**



Diversity Membership Luncheon guest speaker Rania Shehata, Esq., Vice President and Americas General Counsel at Tech Data Corporation.

powerful recruitment tool." But she advises that there is also the need to keep that talent once people are hired. That's why Shehata also advocates the need for parental leave and pay equity for all employees.

Shehata advises that the recruitment process for diverse talent begins at career fairs and law school fairs, by internships and community involvement, and by creating sponsorships and speaking panels in law schools. She also spoke about the need for diverse mentors that can develop diverse professional talent.

Rania Shehata is a trailblazing woman who is working to make this world a better place for all people. If we all as a community stand up and do our part for the greater good, there is hope for a better tomorrow. ■



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Judicial Circuit*

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Diversity Symposium

On March 4, the HCBA Standing Committee on Diversity, Equity & Inclusion was pleased to join with the National Black Prosecutors Association Tampa Bay Chapter to host a Diversity Symposium: Leading the Way to a More Diverse Legal Environment. The CLE gave minority attorneys a space to share experiences and be energized with new ideas on how to thrive in legal environments. The symposium also sought to create a new lens for all attorneys and legal professionals to better understand diversity and inclusion issues and offers tools and strategies attendees can take back to their respective law firm, corporation, or organization.

The featured speakers and moderators for the event were Cecil Howard, Principal, EEO Training Company; Judge Claudia Isom (Ret.), 13th Judicial Circuit; Judge Barbara Twine Thomas, 13th Judicial Circuit; Grace Yang, Partner, GrayRobinson; Lanse Scriven, Principal, Lance Scriven Law; Lori Baggett, VP, Associate General Counsel, PODS; Bob Fulton, Partner, Hill Ward Henderson; Jamie Klapholz, Partner, Johnson Pope; LaKisha Kinsey-Sallis, Partner, Fisher Phillips; Alec F. Hall, Federal Defender; Zarra Elias, Partner, Akerman LLP; and Vivian Cortes-Hodz, Founding Partner, Cortes Hodz Family Law and Mediation, P.A.



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LEADING THE WAY TO A MORE DIVERSE LEGAL ENVIRONMENT

Join us for an open conversation and breakout sessions about issues impacting attorneys traditionally underrepresented in the law.

CECIL HOWARD, ESQ.
Principal, EEO Training Company
Keynote

HON. CLAUDIA ISOM (RET.)
13th Judicial Circuit Court of Florida

HON. BARBARA TWINE THOMAS
13th Judicial Circuit Court of Florida

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The event was sponsored by Ulman Bursa Law and funded through a diversity grant by The Florida Bar.



A DAY IN THE LIFE OF A CHILD SUPPORT ENFORCEMENT HEARING OFFICER

Government Lawyers Section

Chairs: Christian Katchuk – 13th Judicial Circuit & Lyndsey Siara – 13th Judicial Circuit



Each day provides the rewarding opportunity to assist the families of our community with child support matters.



Child Support Enforcement Hearing Officers (CSEHOs) are quasi-judicial officers appointed by the chief judge of a circuit to perform judicial tasks involving the establishment, modification, and enforcement of child support orders, foreign child support orders, and determination of arrears, as well as the establishment of uncontested paternity. In the Thirteenth Circuit, these cases are limited to those involving a parent or person entitled to child support who is receiving services pursuant to Title IV-D of the Social Security Act.¹

CSEHOs are empowered to issue process, administer oaths, require the production of documents, conduct hearings, take testimony, accept voluntary acknowledgments of paternity and support, evaluate evidence, and make recommended orders. The parties to these proceedings typically include the Department of Revenue,² the parent or person entitled to receive child support, and the parent obligated to pay such support (the “Obligor”).

Instant hearings (return hearings involving Obligor arrested after a finding of contempt for failing to pay child support) are held shortly after arrest and are rotated on a weekly basis between the four CSEHOs in our circuit. The

Obligor appears by video conference from jail and a determination is made of the Obligor’s current ability to pay a purge of the prior finding of contempt.

My standard dockets occur weekly on Tuesdays and Thursdays and typically involve petitions to establish child support; supplemental petitions for modification; motions for contempt, payment credit, and enforcement of child support and administrative orders; and petitions contesting a delinquency or bank levy; suspension of motor vehicle registration; or suspension of driver’s, business, professional, or recreational licenses. Most Obligor’s proceed pro se, so an explanation of what the hearing will entail and what is expected is usually needed.

CSEHOs do not have clerks or court reporters, so it is my responsibility to manage the hearings, which are currently held via Zoom. This means monitoring the Zoom waiting room, ensuring all parties are joined for the correct hearing, and assisting parties with technical issues. It is also my responsibility to manage the mandatory electronic recording of each proceeding, to ensure a clear and accurate record is made and to accept and mark all exhibits. All of these tasks occur in a very short period of time, as most hearings are scheduled for just 15-30 minutes.

When not conducting hearings, I prepare for upcoming dockets by, for example, determining if any unusual legal issues warrant additional research or if an interpreter is needed. I also write recommended orders from prior hearings, including findings of fact, conclusions of law, and recommendations. These recommended orders are then uploaded to the Title IV-D Child Support Enforcement Division judge for review and disposition.

Each day presents new challenges and issues (and sometimes frustrations). But each day also provides the rewarding opportunity to assist the families of our community with child support matters. ■

¹ Thirteenth Judicial Circuit AO S-2021-036, June 10, 2021.

² The Department of Revenue is the Title IV-D agency in Florida. In Hillsborough County, the Department of Revenue is represented by the Office of the Attorney General.



*Author:
Cheryl Mason,
Child Support
Enforcement
Hearing Officer
– Thirteenth
Judicial Circuit*



Government Gatherings Series and Government Lawyers Section Luncheon

On February 11, the Government Lawyers Section held an educational luncheon/CLE with the Tampa Noonshiners Toastmasters Club, entitled “Small Talk, Big Results! How Lawyers Can Become More Confident Conversationalists.” The Section thanks the members of the Noonshiners Club which participated in the luncheon – Toby Martin, Jonathan Butler, Julia Schilling, and Ali Hollenbeck.

Thank you also to the luncheon’s sponsor:



The Government Lawyers Section also is hosting a “Government Gatherings” series for government lawyers, held at the Edgecomb Courthouse. The series provides a casual opportunity to connect and offers programming focused on government lawyer leadership and involvement.

On March 11, the luncheon hosted a panel discussing Florida Bar involvement. The final luncheon of the series will be held on June 17. All government lawyers are invited to attend, registration is on the HCBA website. This series possible thanks in part to a diversity and inclusion grant from The Florida Bar.



18TH ANNUAL JUDICIAL FOOD FESTIVAL & 13TH ANNUAL 5K PRO BONO RIVER RUN

Thanks to all the sponsors, attendees and participants that helped make the 18th Annual Judicial Food Festival & 13th Annual 5K Race on March 26 such a success! Also, thank you to our 5K Committee and all our volunteers, especially Committee co-chairs Judge Darren Farfante and Judge Alissa Ellison. Close to 500 HCBA members and their friends and family gathered for the event on the grounds of Stetson's Tampa Campus, where participants competed for best food, drinks and décor. We had over 30 food and drink booths this year. Approximately 300 runners participated in the 5K this year, and more than 2,700 pro bono hours were pledged as a result.

What a great event for a great cause!

CONGRATULATIONS TO OUR FOOD FESTIVAL AWARD WINNERS:

Best Sweets and Treats

Winner: Quarles & Brady

Runner up: Hillsborough Association for
Women Lawyers (HAWL)

Best Libation Station

Winner: Shutts & Bowen

Runner up: HCBA Military and
Veterans Affairs Committee (MVAC)

Best Hub (Booth)

Winner: Anthony & Partners

Runner up: 13th Judicial Circuit Judges

Best Grub

Winner: Asian Pacific American Bar Association
of Tampa Bay (APABA)

Runner up: Quarles & Brady

CONGRATULATIONS TO OUR PRO BONO SERVICE AWARD WINNERS:

2022 Challenge Cup Winner

(Most pro bono hours pledged - team)

Winner: Crossroads for Florida Kids

2022 Rosemary Proven Producer Award Winner

(Most pro bono hours performed - individual)

Winner: Katherine Yanes

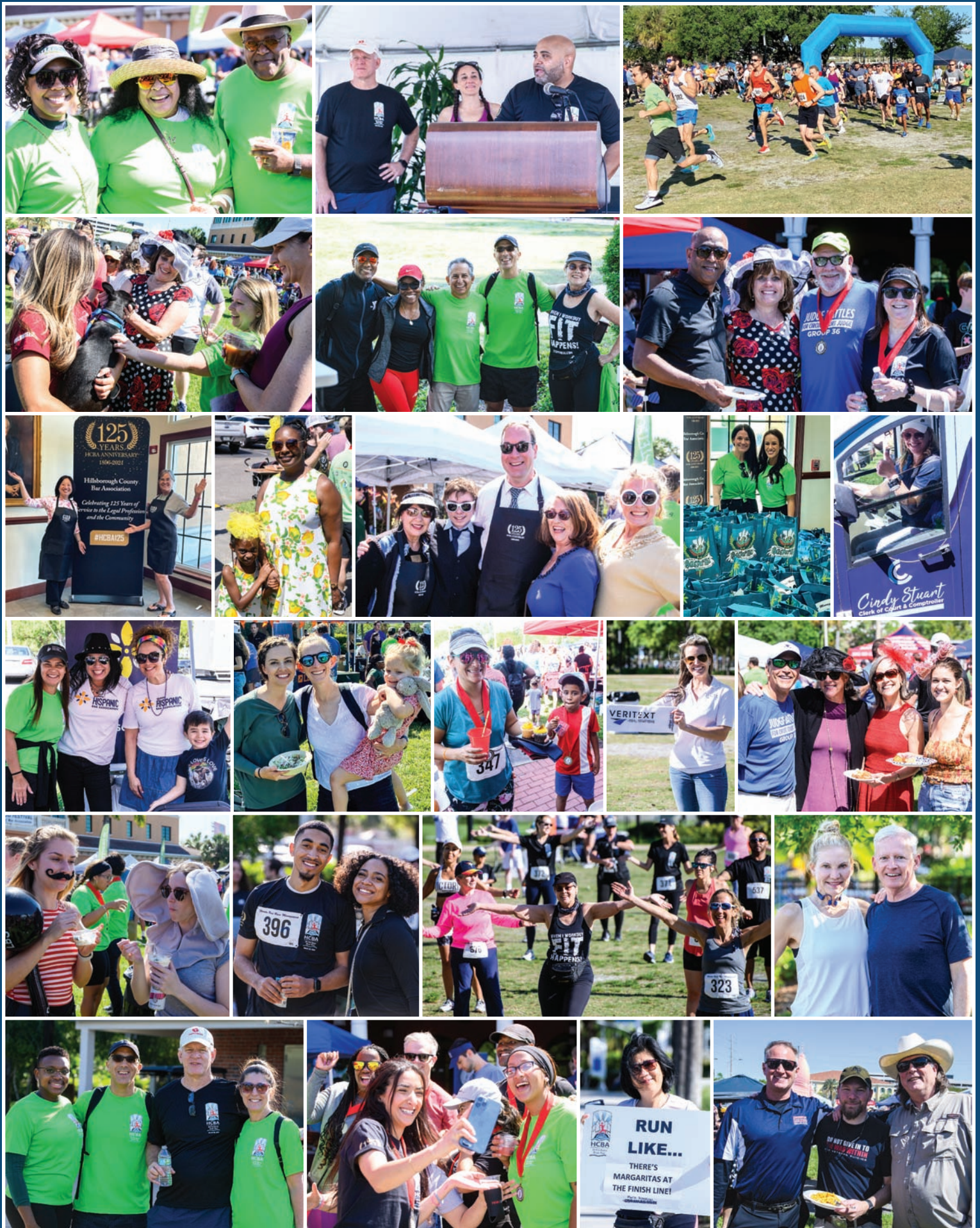
2022 Award for Individual Who Raised the Most Pledges

Winner: Alayna Francis

2022 Proven Producers (Met or exceeded hours pledged)

Jarod Brazel, Steven Cline, Giovanni Giarratana,
Matt Hall, Ron Hanes, Jesse Hoyer, Woody Isom,
Samuel Joppachan, Soma Nwokolo, Alexandra Palermo,
Melanie Senosiain, Ella Shenhav, Tori Simmons,
Stephen Todd, Sterling Lovelady, Katherine Yanes





Continued on page 36

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- Special recognition in each issue of *Lawyer* magazine and on the HCBA website

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18th Annual Judicial Food Festival & 13th Annual 5K Pro Bono River Run





A Great Event for a Great Cause – Thanks for Joining Us!



Continued on page 38

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NO MORE FORCED ARBITRATION OF SEXUAL HARASSMENT CLAIMS

Labor & Employment Law Section

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



Employees can now decide to arbitrate their sexual harassment or assault claims or file their claims in court.



As a condition of employment, employers frequently require employees to sign agreements waiving their rights to file any potential legal claims in court or bringing joint, class, or collection actions. Generally, these “pre-dispute” arbitration agreements and joint-action waivers are enforceable under the Federal Arbitration Act and Florida law.¹ Proponents of these agreements view arbitration as an inexpensive and efficient process to address employment claims, and emphasize that the confidential nature of the process is beneficial to both the employer and employee.

Despite the possible benefit to employees’ interests, such as less likelihood to be publicly labeled as litigious or public disclosure of embarrassing personal facts, many times employees oppose arbitration once a dispute arises, arguing arbitration denies them due process and appeal rights. Employees often find the limited discovery permitted in arbitration, typically much less than allowed by the federal or state rules of civil procedure, a substantial disadvantage to proving their case. Typically, the employer

possesses most evidence supporting their claims. Opponents of arbitration believe it fails to address systemic discrimination, wage, and whistleblower violations. And, for employees facing an adverse arbitral award, opponents often assert that the grounds for appealing or vacating an arbitration award under state and federal law are quite narrow.²

On March 3, 2022, President Biden signed the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act (“Act”) of 2021 with wide bipartisan support.³ Under the Act, pre-dispute arbitration agreements or joint, class, or collective actions waivers are invalid and unenforceable for sexual assault or sexual harassment disputes under federal, state, or tribal law. The Act is limited to only claims of sexual harassment or sexual assault. The law went into effect on March 3, 2022. It applies to agreements signed before March 3, 2022, so long as the dispute or claims to be litigated arise or accrue on or after March 3, 2022. Employees can now decide to arbitrate their sexual harassment or assault claims or disregard the pre-dispute arbitration and joint-

action waiver agreement and file their claims in court. The court, not the arbitrator, determines the applicability of the Act.

Whether the Act will serve as a precursor to similar laws excluding claims such as racial or other forms of discrimination from forced arbitration remains to be seen. As of the writing of this article, proposed legislation that would ban mandatory pre-dispute arbitration agreements in all employment matters is set for a vote before the U.S. House of Representatives.⁴ ■

¹ *Epic Sys. Corp. v. Lewis*, 138 S. Ct. 1612 (2018); *Gilman ± Ciocia, Inc. v. Wetherald*, 885 So. 2d 900 (Fla. 4th DCA 2004).

² Fla. Stat. § 682.13 and 9 U.S.C. §10.

³ See Ending Forced Arbitration Of Sexual Assault And Sexual Harassment Act of 2021, PL 117-90, March 3, 2022, 136 Stat. 26.

⁴ The Forced Arbitration Injustice Repeal Act (H.R. 963)



Author:
Cynthia Sass –
Sass Law Firm

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HCBA CELEBRATES LAW WEEK 2022

Law Week Committee (Young Lawyers Division Law Week Committee)

Chairs: Mercy Almaguer – Florida Second District Court of Appeal & Briana Zupko – Thirteenth Circuit State Attorney's Office



“I found him guilty because I just didn’t like him as a witness.”

In explaining his sole reason for finding the defendant guilty in a mock trial, a third-grade student prompted a lot of laughs from his classmates in Riverview Elementary School. And he also provided HCBA volunteer attorneys an opportunity to explain the role of the jury and the reasonable doubt standard.

This year, many HCBA members visited local schools during Law Week to educate the youth on our legal system. Law Week took place from March 8 to March 11, and our HCBA members celebrated with more than 800 local students.

Law Week is an extended celebration of Law Day. In 1961, Congress designated May 1 as the official date for Law Day.¹ Since then, Law Day has been observed every year to commemorate the rule of law. To celebrate Law Day, various bar associations across the country plan activities to help the public better understand our legal system.

In Hillsborough County, HCBA’s Young Lawyers Division organized various Law Week activities in local schools. Some HCBA members visited high schools to speak to the



This year’s Law Week theme was: “Toward a More Perfect Union: The Constitution in Times of Change.”

students, and others participated in mock trials in elementary schools.

More than 550 students participated in the mock trials. The mock trial was based on the story of Jack and the Beanstalk. Fifth-grade students wrote the mock trial script, which is both funny and informative. The students had to decide whether Jack was guilty of murdering the giant when he chopped down the beanstalk.

In every mock trial, the students played the role of the witnesses and the bailiff, and in some of the mock trials, the students acted as the prosecuting and defense attorneys. Our HCBA members volunteered as judges or attorneys, and following the end of the mock trials, they answered questions from the students about their lives as attorneys. Many students expressed a desire to become attorneys, and we are excited for them to one day join our amazing profession.

HCBA members also visited local high schools to speak about careers in the legal profession or on the Law Week theme. This year’s Law Week theme was: “Toward a More Perfect Union: The Constitution in Times of Change.”

The theme encouraged discussion on moments of constitutional change and how we can all work together to form a more perfect union. Our HCBA members spoke to more than 250 students.

In prior years, Hillsborough County students have also visited the Thirteenth Judicial Circuit’s George Edgecomb Courthouse, where many volunteers have led courthouse tours. In light of COVID-19, however, the tours took place virtually this year. Students watched an exciting and informative video of the courthouse, including its history and a tour.

Law Week was a tremendous success this year, and the HCBA YLD’s Law Week Committee extends a huge thank you to all the members who volunteered this year to make that possible. ■

¹ After President Eisenhower declared Law Day as May 1 in 1958, Congress passed a joint resolution adopting the same in 1961.

Author: Mercy Almaguer – Florida Second District Court of Appeal



Classroom Speaker - Alonso High



Classroom Speaker - Alonso High

YOUNG LAWYERS DIVISION - LAW WEEK ACTIVITIES



Classroom Speaker - Bloomingdale High



Mock Trial - Riverview Elementary



Mock Trial - Seffner Elementary



Mock Trial - Temple Terrace Elementary

DECISIONS, DECISIONS, DECISIONS....

Marital & Family Law Section

Chair: Shirin Rustomji – Shirin Rustomji, P.A.



In the family law arena, intense hostility between parties is no surprise, particularly when children are involved. This animosity often breeds beliefs that the other parent cannot make responsible decisions for the child.

As part of shared parental responsibility, “the court may consider the expressed desires of the parents and may grant to one party the ultimate responsibility for *specific* aspects of the child’s welfare or may divide those responsibilities between the parties based on the best interests of the child. Areas of responsibility may include education, health care, and any other responsibilities that the court finds unique to a particular family.”¹

While the statutory language refers to “any other responsibilities,” in ordering ultimate decision-making authority, the court must be specific, refraining from using terms such as “including, but not limited to” and “other responsibilities unique to this family.”² Awarding a parent such authority on all child-related issues essentially nullifies shared parental responsibility.³

In addition to ensuring specificity, there must be a strong justification for such an award. In *A.V. v. T.L.L.*, a mother sought ultimate decision-making authority

over educational and medical issues.⁴ The trial court found that the child’s school should be near the mother. However, geographical location differs from educational decisions. While there was evidence supporting ultimate decision making over the child’s medical care, “there was no evidence regarding educational decision making.”⁵

In *Fazzaro v. Fazzaro*, a Final Judgment ordered shared parental responsibility, but gave the mother “final decision-making authority should the parties be unable to reach an agreement on matters pertaining to the minor child” and ultimate authority on “areas of education/academic and non-emergency healthcare.”⁶ On appeal, the Court found “no logic or justification for the provisions ... over the child’s education and nonemergency health care.”⁷ Both parents were involved with school, there was minimal evidence regarding education, and none on non-emergency healthcare. The Court acknowledged hostility between the parties, but disagreed that ultimate responsibility was supported because nothing showed a pattern of an inability to co-parent.

A court must order shared parental responsibility unless found to be detrimental to the child.⁸ Shared parental responsibility with



In addition to ensuring specificity, there must be a strong justification for such an award.

ultimate decision-making authority over a specific aspect of the child’s welfare is permitted, but even then, it must be designated to a *specific* aspect of a child’s welfare and supported by evidence that it is in the child’s best interest. ■

¹ Fla. Stat. §61.13(2)(c)(3) (emphasis added).

² See *McClure v. Beck*, 212 So. 3d 396 (Fla. 4th DCA 2017); *Louis v. Louis*, 324 So. 3d 11 (Fla. 4th DCA 2021); *Clark v. Stofft*, 263 So. 3d 84 (Fla. 4th DCA 2019); *Cranney v. Cranney*, 206 So. 3d 162 (Fla. 2d DCA 2016).

³ See *Id.* at 164.

⁴ 321 So. 3d 940 (Fla. 2d DCA 2021).

⁵ *Id.* at 942. See also *Frye v. Cuomo*, 296 So. 2d 939 (Fla. 4th DCA 2020) (reversing award of educational decision-making authority because even though Father was an alcoholic, he was actively involved in school).

⁶ 110 So.3d 49 (Fla. 2d DCA 2013).

⁷ *Id.* at 51.

⁸ Fla. Stat. §61.13(2)(c)(2).

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



Victory for the Vote Luncheon

March is the designated Women's History Month by presidential proclamation and is set aside to honor women's contributions to American history. As part of the month's celebration, the YLD hosted a special Victory for the Vote luncheon on March 1, which took place at the George Edgecomb Courthouse. The event featured an address from Doris Weatherford, a renowned author on women's history and longtime advocate for women's rights. Over 50 attendees enjoyed the luncheon in person, while 20 more attended virtually.



Pictured above: left to right: Alexandra Palermo, Honorable Claudia Isom, Doris Weatherford, Honorable Samantha Ward and Lyndsey Siara



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HILLSBOROUGH COUNTY LEADS THE STATE IN MEDIATION INNOVATION

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Chair: Harold Oehler – Oehler Mediation



Hillsborough County has led the state in mediation innovation since the late 1980s.

In 1988, the 13th Judicial Circuit hosted Florida's first mandatory mediation pilot program. This program was led by future Hillsborough County Court Administrator, Mike Bridenback, and Florida Supreme Court Chief Justice Ben Overton. The pilot program was so successful that every Florida circuit court soon adopted it. Bridenback says that the Florida Supreme Court chose mediation as its primary ADR tool because mediation is the only type of alternative dispute resolution capable of resolving all the issues in a case because it empowers the parties to use their right of self-determination.

Florida's first *Mediation Best Practices Handbook* was recently created by the Hillsborough County Bar Association (HCBA). Harold Oehler, Chair of the HCBA's Mediation and Arbitration Section, conceived the Handbook as a way to start an ongoing dialogue

**With so many leaders
dedicated to improving the
process for litigants to decide
the outcome of their disputes
using self-determination,
the future is very bright for
mediation in Hillsborough
County and the State of Florida.**



between trial lawyers and mediators about how to improve mediation. Thanks go out to HCBA Executive Director John Kynes and his staff, HCBA Presidents Paige Greenlee and Cory Person, and the editors of the Handbook, Judges Martha Cook, Greg Holder, AnnMarie Davis, Erin Jackson, Kim Joiner-Diaz, Chad Moore, Harold Oehler, Anthony Palermo, Tom Scarritt, and Dale Sisco for bringing this vision to reality. The Dispute Resolution Center in Tallahassee distributed the Handbook to each of its Mediation offices to expand this dialogue throughout the State.

The HCBA also created the first *Litigator Mediator Forum* to provide trial lawyers and mediators a venue to debate and discuss controversial mediation topics and collaboratively improve mediation. The collaboration between Hillsborough County trial lawyers and mediators inspired the Florida Bar to host its own statewide event. This June, the

Florida Bar's Alternative Dispute Resolution and Trial Lawyers Sections will present the first statewide *Litigator Mediator Forum* during the *President's Showcase* at the Annual Florida Bar Convention. Significantly, the next President of the Florida Bar's ADR Section is Tampa's own Kathy McLeroy of Carlton Fields.

Cristina Maldonado, Executive Secretary for The Florida Bar's ADR Section, recently commented that "Hillsborough County has long been recognized as a thought leader in the State of Florida for advancing mediation." With so many leaders dedicated to improving the process for litigants to decide the outcome of their disputes using self-determination, the future is very bright for mediation in Hillsborough County and the State of Florida. ■

Author: Harold Oehler – Oehler Mediation

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AUTOMATED DECISIONS AT THE VA: CALCULATED OR CONCERNING?

Military & Veterans Affairs Committee

Chairs: Matt Hall – Hill Ward Henderson & Alex Srsic – Bay Area Legal Services



Secretary McDonough recently announced that the Department of Veterans Affairs (VA) is testing a pilot program where artificial intelligence is used to help decide claims regarding certain disability benefits. Currently, the algorithm is only being used to decide claims for increased compensation for hypertension. The system scans through a veteran's file, extracts relevant information, and makes note of any information that is still needed. A report is then provided to a VA employee, who reviews the information and either decides the claim or requests more information, like a compensation and pension physical exam.

A human, not a computer, makes the final call — presumably after considering the applicable statutes and regulations.

To grant an increase in compensation for hypertension, the VA merely must determine that a veteran's blood pressure is higher than it was before. Evaluating a hypertension increase claim is as simple as searching recent medical records for a blood pressure reading. This is something a computer algorithm can surely do. However, the VA plans to create additional algorithms to work on claims for other conditions, including asthma. Under the current rating schedule, asthma is rated based on the frequency of care, use of certain medications, and severity of attacks. This information is far more complicated



Simplified processes and shorter wait times are no good if it just means decisions are denied faster.

for a computer to accurately capture.

Simplified processes and shorter wait times are no good if it just means decisions are *denied* faster. If the algorithm cannot identify critical information, though, that is exactly what this automated process will lead to. The hope is that VA will perfect these systems prior

to fully relying on them so that additional veterans do not become stuck in the seemingly endless cycle of appeals. ■



*Author:
Morgan
MacIssac-
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and creative challenges and
make you a better lawyer and
small firm practitioner.**



Back in the November/December 2019 issue of *The Lawyer* Magazine, my co-chair, Matt Crist, shared a list of books that were his go-to resources whenever he needed a refresher on what he should be doing to keep his firm productive and successful. This article will build upon Matt's previous list with some

additional tools and resources in hopes that it will help us be better lawyers and business owners.

Thinking of starting your own firm? Matt previously highlighted two very well-known books which have since been updated, *How to Start & Build a Law Practice*, by Jay G. Foonberg (6th Ed. 2016) and *Solo by Choice: How to Be the Lawyer You Always Wanted to Be*,

by Carolyn Elefant (3d Ed. 2022). Another great resource is www.myshingle.com, the longest-running blog on solo and small firm practice, also by Carolyn Elefant, the author of *Solo by Choice*.

Do you have a grip on your business, or does your business have a grip on you? Do not let common

Continued on page 53

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Continued from page 52

problems and frustrations run you and your business. Read *Traction: Get a Grip on Your Business*, by Gino Wickman (2007) to discover simple yet powerful ways to run your law firm that will give you and your team more focus, growth, and enjoyment.

Want to level the playing field by implementing marketing techniques targeted specifically for solo and small-firm lawyers? Read *Renegade Lawyer Marketing: How Today's Solo and Small-Firm Lawyers Survive and Thrive in a World of Marketing Vultures, 800-Pound Gorillas, and LegalZoom*, by Benjamin W. Glass, III (2015).

Are you running a successful law practice but notice that your

year-to-year revenue is flat? Does it feel like your practice has hit a wall and are left wondering how you can level up? Read *What Got You Here Won't Get You There: How Successful People Become Even More Successful*, by Marshall Goldsmith (2007). This is a must-read for anyone who has already established a successful law practice and is looking to take things to the next level.

Lastly, what kind of book list would this be if we did not include a few titles on negotiation? We are lawyers, after all. The following are some of my favorite titles that are equally relevant for litigators, as well as transactional attorneys: *Negotiation Genius: How to Overcome Obstacles and Achieve Brilliant Results at the Bargaining Table and Beyond*,

by Deepak Malhotra (2008); *Never Split the Difference: Negotiating As If Your Life Depended On It*, by Chris Voss (2016); and *Negotiating the Impossible: How to Break Deadlocks and Resolve Ugly Conflicts (without Money or Muscle)*, by Deepak Malhotra (2016). These titles are guaranteed to be effective whether you are at a mediation, working out terms on a complex merger, or trying to edge out the fiercest of negotiators — your kids.

We hope these materials help you break through your productive and creative challenges and make you a better lawyer and small firm practitioner. ■

Author: Rick Duarte – The Duarte Law Firm

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Trial & Litigation Section Awards Ceremony

On February 2, the Trial & Litigation Section presented its annual awards from 2020-21. Congratulations to the local legal leaders that were recognized with these awards:

- Herbert G. Goldberg Award – John McLaughlin, Wagner McLaughlin
- James “Jimbo” Kynes Memorial “In the Trenches” Award for Criminal Trial Practice – Public Defender Julianne Holt, Thirteenth Judicial Circuit Court
- Michael A. Fogarty Memorial “In the Trenches” Award for Civil Trial Practice – Kevin McLaughlin, Wagner McLaughlin
- Court Family Award – Linda Williamson, Thirteenth Judicial Circuit Court



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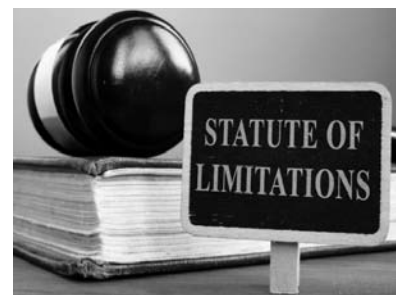
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Workers Compensation Section

Chairs: Anthony Cortese – Anthony V. Cortese-Attorney at Law & Ya'Sheaka Williams – Quintairos, Prieto, Wood & Boyer, P.A.



The First District Court of Appeal revisited the *Longley* decision ... and clarified the tolling of the statute of limitations in Workers' Compensation cases.



The Workers' Compensation world was stunned in 2012 with the decision in *Longley v. Miami-Dade Cnty. Sch. Bd.*, as it addressed the statute of limitations.¹ Since then, Employer/Carriers (E/Cs) have been racing to file “*Longley*” motions to compel the filing of a Verified Petition for Attorney's Fees and Costs to avoid the tolling of the statute of limitations (SOL) based on a reservation on attorney's fees and costs entitlement and amount. The First District Court of Appeal revisited the *Longley* decision in *Hospitals East, LLC d/b/a Kindred Hospital Dash North Florida/Sedgwick Claims Services Inc. vs. Gloria Hampton*² and clarified the tolling of the SOL in Workers' Compensation cases.

In a per curiam decision, the First District Court of Appeal reversed the Judge of Compensation Claims' (JCC) holding that rejected the E/C's statute of limitations defense. In *Hampton*, the injured worker sustained compensable work accidents in 2011 and 2013. In 2015, a Petition was litigated and the JCC ruled in favor of the injured worker and ruled that an Employer/Carrier paid fee was due,

reserving ruling on the amount of the fee. Subsequently a Petition for Benefits was filed in 2020 seeking medical benefits, attorney's fees and costs. The E/C denied entitlement to benefits and raised the statute of limitations defense asserting that the statute of limitations barred the claims that were raised pursuant to Florida Statute § 40.19. The injured worker disagreed and argued that there was a reservation of jurisdiction on the amount of the attorney's fees and costs to be paid by the E/C, thereby tolling the statute of limitations. The injured worker cited *Black v. Tomoka State Park*³ and *Longley* in support of its position that the SOL was tolled. The JCC agreed and granted benefits. The E/C appealed.

The First District Court of Appeal agreed with the E/C and found that the SOL had run. The court further explained that a reservation on the *amount* of attorney's fees and costs does not toll the statute of limitations. It noted that entitlement and amount are distinct as it relates to fees and costs. As the First District Court of Appeal outlined in 2015 in *Sanchez v. American Airlines*, the payment of

attorney's fees does not extend the statute of limitation because the payment of an attorney's fees is neither a payment of compensation nor the furnishing of medical benefits, two events in a case that will extend the SOL pursuant to the statute.⁴

The First District Court of Appeal also addressed the jurisdiction of the JCC. Pursuant to Fla. R. W.C.P. 60Q-6.124(3)(c)(5) where both the entitlement and amount are contested, a hearing may be bifurcated on request and the JCC *shall* require a party seeking fees to file a verified motion. However, a JCC *may* require a party to do so if the entitlement has already been determined. The court further distinguished *Longley* and *Black* from this case because neither the amount nor entitlement were determined in those cases. However, in *Hampton*, the amount of fees or costs was reserved, but entitlement was clear. Therefore, the SOL did not toll, and entitlement to benefits was denied. ■

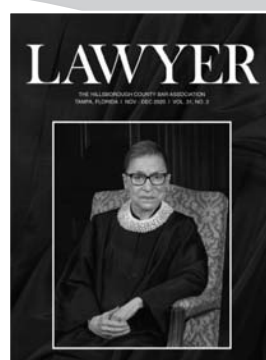
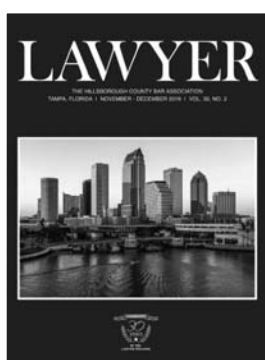
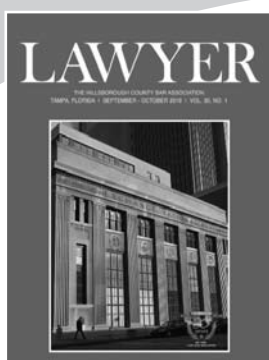
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On February 10, HCBA hosted a judicial virtual webinar with the Thirteenth Judicial Circuit Court on its problem solving courts. The panelists included: Chief Judge Ronald Ficarrotta, Mental Health Court; Judge Elizabeth G. Rice, Adult Drug “Recovery” Court, Juvenile Drug Court; Judge Daryl M. Manning, Juvenile Dependency Drug Court; Judge Michael J. Scionti, Adult Drug Court, Marchman Act, Veterans Treatment Court; Judge Matthew A. Smith, Family Dependency Treatment Court; and Julia Schilling, the Director of Problem Solving Courts at the Thirteenth Judicial Circuit Court.

The panelists discussed the history of the courts; their goals and objectives; eligibility criteria and types of cases referred (diversion, post-adjudicatory, civil); transfer/referral process; expectations/time commitment; and best practice standards. HCBA thanks the judges for speaking with the attendees on this important subject.



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Cynthia Sass and **Yvette Everhart** are pleased to welcome **Amanda L. Biondolino** as a shareholder in **Sass Law Firm**, a Tampa firm practicing labor and employment law representing employees.

Bradley Arant Boult Cummings LLP is pleased to announce the addition of partners **Ben Dachepalli** and **Timothy Ford** to the firm's Construction Practice Group.

Congratulations to **Judge Virginia Covington**, who received Georgetown University Law Center's prestigious 2020 Paul R. Dean Alumni Award. This award is given to alumni at their decade reunion for leadership in the legal profession and

to their alma mater. The awards ceremony had been delayed for two years due to COVID.

Yvette Everhart of **Sass Law Firm** spoke at the 22nd Labor and Employment Law Annual Update and Certification Review, sponsored by The Florida Bar CLE Committee and the Labor and Employment Law Section which was held virtually. She presented on EEO – Procedural, which discussed the procedural law for federal and Florida equal employment opportunity laws.

Freeborn Peters welcomes **Stanton A. Fears** as an associate in the firm's Tampa office. As a member of the firm's litigation practice group, insurance/

reinsurance industry team, and emerging industries team, Fears focuses his practice on civil defense litigation in the areas of insurance, securities, and employment law.

Jennis Morse Etlinger is pleased to welcome **Katie Hinton** to the firm's team. Hinton is a litigation attorney focusing on bankruptcy adversaries, complex state and federal matters.

David Jennis of **Jennis Morse Etlinger** was a panelist at the 2022 Alexander L. Paskay Memorial Bankruptcy Conference, presenting on "Florida: The Ultimate Subchapter V Experiment" which dove into Subchapter V eligibility, privilege matters, contested confirmation issues and more.

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For the month of Oct. 2021**Judge:** Hon. James Barton**Parties:** Melody Chambers v. Summer Vinson and Joseph Vinson**Attorneys for defendant:** Troy McRitchie and Lee Tobin**Attorneys for plaintiff:** Stacy Yates, Bryce Spano, Christopher Borzell**Nature of case:** Injury claim for damages following rear-end collision. Claims of thoracic and lumbar injuries. Treatment included injection therapies and RFAs.**Verdict:** Award of \$675,000.00 (Pending Post-Trial Motions)*(Note: Reprinted from March/April 2022 issue with correction)***For the month of Feb. 2022****Judge:** Hon. Keith Meyer**Parties:** Carole Cannon and

YMCA of Greater St. Petersburg, Inc.

Attorneys for plaintiff:

L. Javan Grant and Scott Slater

Attorneys for defendant:

James Brown and Timothy Gilbert

Nature of case: Premises liability; trip and fall**Verdict:** \$742,744.54 (\$42,744.54 in past meds, \$300,000 in past non-economics, and \$400,000 in future non-economics)**SOUTH TAMPA LAW****OFFICE SPACE - ONE (1) or TWO (2)** vacant offices, convenient to downtown, Hyde Park, Bayshore, etc. Negotiable to rent 1 or 2 offices minimum \$800 - additional for second larger office. Quiet, cozy, conference table, small kitchen. For more information, contact Angela Wright at abwrightlaw@gmail.com or 813.277.0068.

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