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Continuing with our theme of featuring historic legal images in Hillsborough County, the image on this issue’s cover is a postcard from the early 1900’s showing an aerial view of downtown Tampa and the Old Federal Courthouse. Completed in 1905, the Old Federal Courthouse building was designed by James Knox Taylor, the supervising architect of the United States Treasury in Washington, D.C. who designed hundreds of public buildings. A Beaux Arts-style building reflecting the classic roots of early twentieth century architecture, the building was originally designed for the United States Post Office, but also served as a courthouse and customhouse. From 1984 to 1998, this building was used exclusively to house the Tampa Division of the Middle District. Today, the building is featured in the National Register of Historic Places, and now houses Le Meridien Tampa boutique hotel. Thank you to HCBA member Tom Elligett for providing us this beautiful postcard.
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Law Week 2021

During the week of March 9-12, the HCBA Young Lawyers Division brought Law Week to the students of Hillsborough County Public Schools in a virtual format. The 2021 Law Week Theme, “Advancing the Rule of Law Now,” illustrated that everyone shares the responsibility to promote the rule of law, defend liberty, and pursue justice. HCBA members celebrated Law Week virtually by leading mock trials and providing classroom presenters who spoke to students about the Law Week theme or other law-related topics. A pre-recorded courthouse tour video was filmed by James Giardina and included interviews with Judge Tesche Arkin and Judge Bagghé-Hernández. Thank you to all our members who volunteered and helped make this year’s Law Week a success by reaching approximately 2,840 local students!
Prepare for Reentry

If you are finding the thought of returning to pre-COVID activities to be difficult, you are not alone. Doctors are calling it “reentry anxiety.”

We are now a little over a year into the COVID-19 pandemic crisis. With the end of the school year on the horizon and about half of Hillsborough County adults vaccinated as of the end of April and more to come, many of us are feeling like we just got used to the “new normal” — will we be going back to the old normal? Will things ever be “normal” again? If you are finding the thought of returning to pre-COVID activities to be difficult, you are not alone. Doctors are calling it “reentry anxiety.”

As one psychologist has explained, anxiety comes from having difficulty tolerating uncertainty and fear of the unknown. The process of letting one’s guard down to “re-enter” post-pandemic life is an “iterative process that leaves a lot of people in a state of uncertainty, and then they’re trying to make an informed decision based on their level of risk.” Couple that with the fact that lawyers tend to be risk averse people to begin with, and the wide range of risk tolerance among varying populations and even within friend and family groups, and of course reentry is a source of deep anxiety for many. What are some ways to tackle that anxiety, both personally and professionally? Here’s some tips, compiled from various mental health professionals, that I hope will be helpful.

Make a post pandemic “bucket list.” Experts recommend building hope by coming up with a list of things you will do as you start getting out and about more. It can be as simple as getting a manicure or haircut, taking care of “deferred maintenance” by re-scheduling missed doctor’s appointments, or as elaborate as traveling once you feel safe doing so. Start making plans to follow through on the list: having the plan will both give you time to get used to the idea, and give you something to which you can look forward.

Reintroduce activities slowly. Now that you have your list of what you want to do, do it! But not all at once. Ease into activities by visiting with one friend rather than having a full-on party, or taking a small, drivable weekend jaunt before trying to get on an airplane again. Don’t overcommit right away, but rather work yourself up to your pre-pandemic activity level — if you even want to be quite as busy as you were before. Remember, too, that it is OK to decide you don’t want to bring back all of those activities. Instead, pick and choose what is most important to you, and try each new priority on before adding a new one.

Get outside. One benefit of living in Florida is that until the dead heat of summer, it is a lot easier to spend time outdoors than in other parts of the country. And even in summer, access to beaches and pools and fresh air is more available to us than elsewhere. If you have not left your house much, try getting out for walks (particularly in the early morning or late evening) to just get used to being out and about. Consider meeting friends at a restaurant with outdoor seating for a start, if you have not already. Working on movement will also help release the physical stress from being hunched over a computer all day.

Focus on things you can control. Since uncertainty is a driving factor for anxiety, figuring out the things you can control can help you alleviate anxiety.
as you are moving forward. You can control where you go, whether or not you want to still wear a mask, whether or not you are vaccinated, and how often you wash your hands, for starters.

Communicate expectations clearly with clients and colleagues. A big source of stress in this transition period is varying expectations of clients and opposing counsel and judges. Should the deposition be in person? Should we have our meeting in person? What about that hearing? Communication is going to be key on such matters. Be honest with yourself about what you feel comfortable with, and in turn, with those you are working with. And try to be understanding of others' risk tolerance, even when it is lower than yours. As eager as you may be to have that deposition in person, consider doing it further out or by Zoom if the other side requests it. These courtesies will reduce friction. And when you can't control where the meeting is, see the previous tip: focus on what you can control.

Quit Doomscrolling. Yes, it is important to stay informed about what is going on in the world. But be observational about your process for doing so. Are you wandering to news sites or social media in a never ending circle? Turn off the TV and step away from the phone when you find your time-consuming media to be counterproductive. This applies equally to escapist patterns, too: If you wander onto TikTok and find an hour has passed as you've mindlessly scrolled, it may be that you are looking to escape. Set timers or use limiting technology if you need a little assist to break the habit. Set timers for better habits, too — I set a 15-minute timer for reading an actual book most days, for example. It helps break the doomsscroll cycle (and I often end up reading for more than 15 minutes!).

Meditate. There are many ways to meditate, but they all have one thing in common: meditation is exercise for your brain that helps you focus your thoughts and control anxiety. If you are religious, your religious tradition almost certainly has some form of meditation through prayer, even if it is not called “meditation.” It may bring you comfort to use those tools. If you are not religious, you can still benefit from meditation, in any of its many forms. You can find guided meditation programs for free on YouTube, for example. There are many phone-based apps for meditation, such as Headspace and Calm, that offer a variety of meditation scripts and techniques. If you would prefer self-guided meditation, there are plenty of simple techniques for mindful breathing and focus that you can read up on and incorporate into your life. And your meditation practice need not be time consuming: As my friend and lawyer meditation coach Jeena Cho says, “just take .1 for yourself.” You will find that even a minute of meditation feels long at first, and you may need to work up to six full minutes. That’s fine. Take the time to find that .1 for yourself. You will be glad you did.

Journal. The notion of journaling may bring up images of tween girls with locked diaries and purple pens. But there is a reason journaling helps teens work through their angst, and journaling can be a wonderful tool for coping with stress for adults, too. Like meditation, it is a way to focus your thoughts, and has been shown to reduce anxiety and stress significantly. And there are so many ways to do it successfully. You can set a timer, and just write whatever comes to mind for a period of time. You could follow a system, such as Bullet Journaling, to help you plan your days. Or use a prompt-based journal, which may offer the same or different prompts from day to day. I personally like the Five Minute Journal, which has the same prompt daily: In the morning, list 3 things you are grateful for, 3 things that would make your day great, and an affirmation for the day. At night, jot down 3 good things that happened today, and one idea of how you could have improved your day. That’s it. That focus on gratitude has been shown to significantly improve mood and coping. And five minutes — that’s even less than .1. So you have nothing to lose by giving it a try.

Be kind to yourself. Reentry anxiety is accompanied by an influx of powerful and sometimes conflicting emotions. From moment to moment, you may careen from excited to be social, to nervous about the consequences, to guilty for taking a perceived risk, to upset about a COVID-related loss. Be observational about these feelings and allow yourself to be accepting of the roller coaster. Self-compassion will go a long way toward healing.

Ask for help. If you feel like reentry anxiety is keeping you from functioning, don’t be afraid to reach out for help. This can be from a colleague or friend, or from a professional: remember, the Florida Bar has a mental health helpline, (833) 351-9355, and a host of CLE and related resources on coping at www.floridabar.org/member/healthandwellnesscenter/. You are not alone.

2 Id.
Supporting the Next Generation of Lawyers through Mentoring

The delicate balance of mentoring someone is not creating them in your own image, but giving them the opportunity to create themselves. — Steven Spielberg

From a very young age, mostly unknowingly, we start looking for people to look up to; people who will teach us what we want to learn; people we respect, whose values resemble ours. As children, these were often parents, adult relatives, or other grown-ups in our lives, such as teachers, coaches, and summer camp counselors. While we did not necessarily have a name for this, what we were really looking for is frequently described in professional settings as “mentors.” For many of us, that quest never ends; I know that I personally have people, both inside and outside of the legal profession, to whom I consistently look for guidance or who I work hard to emulate in different ways. You are never too old to learn a valuable skill, lesson, or value from someone else.

Getting comfortable in the practice of law is difficult; law school teaches you how to think. It does not prepare you for the practical things we encounter in the workplace — balancing work and life, maintaining professional relationships with co-workers when personalities do not always mesh, or learning how to juggle billable work with bar and community service. Most of us have a story or two about someone who either formally or informally mentored us at some point during our careers. Mentoring can mean many different things — from answering one phone call from someone who was referred to you by a friend or colleague on a particular subject to participating in a formal mentoring program. A mentor can be someone with whom you have a lot in common, or someone who could not be any more different than you. Mentoring relationships can last a few minutes, or a lifetime. And getting sage advice from a mentor, even a few words of wisdom rendered in passing, can positively impact the course of your career. While that may seem like an overstatement, I have been fortunate enough to personally experience this.

Over the course of this bar year, the HCBA has worked very hard to reboot the joint HCBA and Thirteenth Judicial Circuit Mentoring Program. Judge Frances Perrone, who had been involved in the mentoring program for a number of years, spearheaded these efforts, along with the HCBA YLD and bar leaders from many of our local voluntary bar associations. The group revamped the criteria to allow the program to be more flexible, and, of course, virtual, and successfully marketed the reinvigorated program through a video featuring judges and local attorney leaders discussing the importance of mentoring. I encourage you to review the updated mentoring program materials, including the video, at www.hillsbar.com/page/Mentoring, and to share the information with anyone you know who would like to participate. We had a very positive response, from both mentors and proteges, and on March 10th, we hosted a virtual kick-off of the rebooted mentoring program, in an effort to “speed match” our pairings. By the time this article is published, proteges and mentors

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Continued from page 6

should be matched and learning from one another. Thank you to Judge Perrone and to all of the local bar leaders and volunteers who made this reboot a success.

In addition to the HCBA and Thirteenth Judicial Circuit Mentoring Program, which is designed for practicing attorneys, our Diversity and Inclusion Committee, chaired by Christina Potter Bayern and Antina Mobley, has implemented a formal mentoring program for law students. The Committee hosted its Twelfth Annual Diversity Networking Social virtually on Saturday, March 27th. The event was extremely well-attended by local lawyers, judges, and law students from across the state, with the goal of connecting the law students with those local attorneys and judges, as well as with local bar associations, public service organizations, and government institutions in a casual, virtual environment. Participants in the event had the opportunity to sign up to be a mentor or a protégé (additional details and photos on page 30). This is another great example of how the HCBA is working hard to provide mentoring opportunities to those who are seeking them.

If this past year has taught us anything, it is that we need each other. We rely on each other for advice, support, and friendship — both in our professional careers and in our personal lives. That is mentoring. For over twelve months, we have had to do those things virtually, which is better than nothing, but it is not the same. It has certainly made me appreciate the things I took for granted, the things that make my life — both personal and professional — so much fuller. Seeing a colleague at the courthouse and running a legal theory past them; going to bar lunch meetings with 450 of my fellow HCBA members; meeting friends after work to debrief and catch up. These mentoring experiences truly enrich me and make me who I am.

While I of course encourage you to sign up for the HCBA/Thirteenth Judicial Circuit Mentoring Program, if you decide not to do that, consider ways in which you can informally mentor someone. It is incumbent on us, and it betters our profession, to provide assistance to those who are just getting started on their journey through the legal profession. Please reach a hand back to those behind you, help to pull them forward, and give them the opportunity to create themselves.
Across Our Bridge: 10 Steps We Can Take for a Better Tomorrow

Like Congressman Lewis, may all of us look confidently towards the future and recognize the power that lay within our purposeful acts.

Since its inception in 1970, Black History Month has served as a time of reflection and commemoration for all Americans. It is only fitting that during this year’s 41st annual Black History Month in February, amidst a time of great change and uncertainty, local lawyers and law students gathered for a weekly virtual book club inspiring thoughtful dialogue and acting as sounding board for continued progress.\(^1\)

With an Inclusion and Equality Grant from the Young Lawyers Division of The Florida Bar, the HCBA YLD Professionalism & Ethics Committee, in partnership with GEBA, HAWL, and WMU Cooley Law School, distributed 80 complimentary copies of civil rights leader and bipartisanly-respected Congressman John Lewis’s book: *Across That Bridge: A Vision for Change and the Future of America.*\(^2\)

Congressman Lewis, dubbed the “Conscience of Congress,” outlined in his book a “collection of truths” that he believed were fundamental to inner transformation and supportive of enduring social change: faith, patience, study, truth, act, peace, love, and reconciliation. Each week, our book club discussed these truths with open and contemplative dialogue. What emerged was an empathetic understanding of commonalities that unite, differences that could divide, and struggles we must join forces to extinguish.

Congressman Lewis’s culminating call to continued civic action was “Across That Bridge” in Selma, Alabama. Accordingly, Congressman Lewis counseled that “[f]reedom is the continuous action we all must take, and each generation must do its part to create an even more fair, more just society” and that such action may involve “good and necessary trouble.” So, what is our culminating call to action “Across Our Bridge” here in Tampa Bay?\(^3\)

With this question in mind, our book club formulated 10 meaningful steps, each with a guiding passage from Congressman Lewis’s book, that we can take across our bridge towards a more just society:

1. **Recognize commonalities & embrace differences.** “Let us appeal to our similarities…. What is the purpose of a nation if not to empower human beings to live better together…?”
2. **Develop & maintain faith.** “Faith will be the lifeblood of all your activism …”
3. **Read, listen & learn.** “It is only through [studying] … you become aware of where you stand within the continuum of change.”
4. **Recognize & rectify your bias.** “We [can] not waste time harboring bitterness or resentment.”
5. **Seek to understand, ask questions.** “You must search for truth, seek it out.”
6. **Join others to speak up.** “Build alliances … do not just jump out there on your own.”
7. **Commit to creating change.** “Take action that demonstrates the dignity and humanity of your cause …”
8. **Diversify your acquaintances.** “[I]t is only by recognizing our unity that we can prevail.”
9. **Be a friend, reach out.** “The love we are able to feel toward one another … across communities and cultures…cannot be easily shaken.”
10. **Hold others accountable.** “We can be way-showers [and] light-bearers … who encourage others to … glow.”

With these steps as our guide, and the positive momentum gained from group discussions fueling our efforts, we can create a better tomorrow right here in Tampa Bay. Therefore, like Congressman Lewis, may all of us look confidently towards the future and recognize the power that lay within our purposeful acts.

---

\(^1\) We offer special thanks to the members of our Good Trouble planning committee, our judicial hosts, and our special guests for their time and dedication to this event; as

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well as, all the attendees who thoughtfully participated in meaningful conversation.

Authors: Alexis Deveaux - Gunster, Yoakley & Stewart; Daniela Mendez - WMU Cooley Law School & Lyndsey Siara – 13th Judicial Circuit

Note: An infographic further detailing the 10 steps is on page 7.

YLD PRESIDENT’S MESSAGE
Traci Koster – Nelson Koster

Good Trouble Book Club


Authors: Alexis Deveaux - Gunster, Yoakley & Stewart; Daniela Mendez - WMU Cooley Law School & Lyndsey Siara – 13th Judicial Circuit

Note: An infographic further detailing the 10 steps is on page 7.
Karen Buesing Named 2020 HCBA Outstanding Lawyer

2020 Liberty Bell Award, YLD Outstanding Jurist, and Young Lawyer Awards Also Presented at Special Awards Event

Karen Buesing has been described as a “force of nature” by those who know her best.

Buesing’s friends and colleagues praise her considerable legal abilities; they highlight her longtime dedication to Bar service; and they talk about her tireless efforts to help the most vulnerable citizens in our community.

So, it was not surprising when the HCBA honored Buesing by naming her the 2020 HCBA Outstanding Lawyer at a special virtual awards event in March.

The criteria for this prestigious HCBA award says it should go to someone, who, over the years, has exhibited superior legal ability; has demonstrated a high degree of professionalism and ethics; is widely recognized as a “mentor” to other lawyers; and someone who has been actively involved in HCBA activities.

No doubt, Buesing, who is a partner at Akerman, was an excellent choice.

Attorney Harold Oehler nominated Buesing for the award, and he introduced her at the virtual event.

“Karen personifies each of the values recognized by the Outstanding Lawyer Award,” Oehler said.

In his remarks, Oehler said Buesing is one of only 200 Florida lawyers certified by the Florida Bar in labor & employment law.

He said in 2014 Buesing became the first woman to receive the HCBA Trial & Litigation Section’s Michael A. Fogarty “In the Trenches” Award for civil trial practice, which is presented to a trial lawyer who demonstrates excellence and integrity in civil trial advocacy.

And Oehler highlighted Buesing’s many years of voluntary Bar service and her dedication to mentoring young lawyers.

He said Buesing has chaired an HCBA selection committee for the Board of Bay Area Legal Services for the past 35 years, and that she served as director of the HCBA’s Law Follies musical revue for 15 years.

Talking about the dozens of young attorneys Buesing has mentored over the past three decades, Oehler said an attorney who Buesing mentored for six years recently told him, “Mentoring young attorneys is one of the things that ignites Karen’s soul as a seasoned attorney.”

Buesing earned both her undergraduate and law degrees from the University of Florida.

Additionally, Oehler talked about Buesing’s extraordinary efforts to help the most vulnerable members in our community through her extensive pro bono service, noting Buesing was honored by the Florida Supreme Court as the recipient of the statewide Tobias Simon Pro Bono Service Award in 2014.

Oehler also talked about Buesing’s extraordinary efforts to help homeless youth and children in need.

Oehler said, in the past 14 years, Buesing welcomed seven foster children into her home who were facing desperate personal circumstances and provided them with all the comforts of a loving home.

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Continued from page 10

Also at the special awards event, the following HCBA and YLD award winners were recognized:

- **HCBA 2020 Liberty Bell Award:** Col. Jim Fletcher (Ret.)
- **YLD 2020 Robert W. Patton Outstanding Jurist Award:** Hon. Thomas Palermo, 13th Judicial Circuit
- **YLD 2020 Outstanding Young Lawyer Award:** Traci Koster, Nelson Koster Law Firm
- **YLD 2020 Outstanding Government/Nonprofit Lawyer Award:** Janae Thomas, Hillsborough County State Attorney’s Office

Accepting the award, Buesing expressed thanks to her family, friends, and colleagues for supporting her over the years.

Buesing concluded her remarks by offering words of advice for attorneys starting out in their careers and considering opportunities to help others. Just “say yes,” Buesing said emphatically.

“I would encourage you to see the world through someone else’s eyes and heart,” Buesing said. “If you have an opportunity to use your voice for someone who needs you, do it.”

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**Attorneys – Your client can sell all or part of their life insurance policy.**

*A Life Settlement Transaction is the sale of an existing life insurance policy that gives the owner a cash settlement in excess of the cash surrender value.*

Example: Mr. Smith (age 78) owns a $1,000,000 universal life policy on his life which he no longer wants, needs or can afford. Premiums are $30,000 per year. Cash surrender value is $20,000 (the amount the insurance carrier would give Mr. Smith if he was to surrender the policy). Rather than surrendering the policy, Mr. Smith choose the Life Settlement Transaction option.

**POLICY SOLD – for $290,000.**

Example is for illustration only and is meant to educate about a life settlement option.

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– Charlie Robinson

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Advocating for a Smarter Criminal Justice System

As we seek long-term solutions … we must remember to not follow the ghost of criminal justice past.

The State Attorney’s Office is responsible for prosecuting criminal violations of state law that occur throughout Hillsborough County. But the work we do extends well beyond the courthouse walls. We actively engage with our community, protect victims, and seek solutions that further our office’s mission to build a safer community while promoting justice and fairness for everyone. One way we focus our efforts to improve our criminal justice system is through legislative advocacy. By working to change outdated laws that have disproportionately affected minorities,

Continued on page 13
From the State Attorney
Andrew H. Warren - State Attorney for the Thirteenth Judicial Circuit

Continued from page 12

led to mass incarceration, and have had no significant impact on public safety, we begin to rebuild trust with the citizens we serve.

My office continues to work alongside elected officials and community organizations that advocate for smart reforms that improve public safety. When Amendment 4 — the Voting Rights Restoration for Felons Initiative — was passed in 2018, we quickly worked to develop and implement a process for returning the right to vote to citizens who had completed the terms of their sentence but could not afford to pay their remaining fees. Allowing returning citizens to vote increases public safety because it reintegrates them back into society and reduces the likelihood of reoffending.

In addition to promoting the safety of our community, the State Attorney’s Office is committed to supporting crime victims through every step of the criminal justice process. We staunchly supported Amendment 6, also known as Marsy’s Law, which enshrined the rights of crime victims into the Florida Constitution. Once passed, my office revamped our policies to comply with the new law. We updated our victim notification procedures and resources; developed and trained assistant state attorneys, victim advocates, and staff on the changes in the law; and coordinated with our law enforcement partners on how the requirements of Marsy’s Law would affect their operations. My office advocated for Amendment 6 to uphold our promise to protect victims and ensure their voices are heard from arrest to conviction.

As we seek long-term solutions to the issues that plague the justice system, we must remember to not follow the ghost of criminal justice past. We now see the cost of antiquated laws that disproportionately punish poor and minority communities. We see the “tough on crime” philosophy that has resulted in a ballooning penal system. Now, we must regroup and find evidence-based solutions that address crime at the root. My office will continue to listen to the communities we serve and work tirelessly with legislators to ensure that the criminal justice system is fair, promotes public safety, and listens to the voices of victims.
The following businesses have partnered with the HCBA to provide special discounts or offers to our members.

**IT PAYS TO BE A MEMBER!**

HCBA members receive exclusive discounts and services through our Benefit Providers. To suggest a Benefit Provider, contact Stacy Williams at stacy@hillsbar.com.

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**Florida Lawyers Mutual Insurance Company 10% Premium Reduction**

Florida Lawyers Mutual Insurance Company (FLMIC) was created by The Florida Bar. HCBA members who are board-certified can receive a 10% reduction in insurance premiums from FLMIC. For more information, please call (800) 633-6458 or email mailbox@flmic.com.

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**The Bank of Tampa Free Minaret Diamond Relationship Account**

HCBA members qualify for a free Minaret Diamond account with The Bank of Tampa, with no minimum balance or monthly service fee. Benefits include checking accounts; free checks; no foreign ATM fees; refund of surcharge fees charged by other bank ATMs of up to $25 per month; no surcharge fees at any Publix Presto! ATM; and Personal Online Banking and Mobile Banking with free CheckFree WebPay. Contact Erin Hesbeens at (813) 872-1228, or call (813) 872-1200.

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**HCBA Law Day Virtual Membership Luncheon**

May 11, 2021

**State Court Trial Seminar**

June 4, 2021

**Welcome Back Reception**

September 22, 2021

**Bench Bar Conference**

October 12, 2021

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

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**May 11, 2021**

**June 4, 2021**

**September 22, 2021**

**October 12, 2021**

May-June 2021 HCBA LAWYER Proof 2 Inside_Layout 1 5/3/21 2:42 PM Page 14
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Welcome New HCBA Members

February/March 2021

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Jennifer Winn
Victor Zamora, Jr.
The year 2021 is off to a good start in the world of Florida appellate law. That’s because the Florida Supreme Court has adopted several rule changes to streamline appellate practice. Some of these have received much fanfare (Arial or Bookman Old Style — that is the question); others have flown under the radar (for example, the time to transmit the record has been slimmed from 60 days to 25).

Somewhere closer to the latter category are Rules 9.210(f) and 9.120(f). These rules require parties to include in their jurisdictional briefs to the Florida Supreme Court a “statement of the issues” that flags all other issues — i.e., issues that do not form the basis for the Court’s jurisdiction — that they intend to raise at the merits stage. Failure to comply with these rules has doomed many jurisdictional briefs already. So let’s explore the policy driving the rules and their technical requirements.

The Florida Supreme Court is a court of limited jurisdiction. Fla. Const. art. V, § 3(b). But when the Court exercises jurisdiction, it need not limit itself to the issues that prompted its power of review; it may “address other issues properly raised and argued before the Court.” For that reason, parties often seek to raise other issues alongside the issues that sparked the Court’s jurisdiction.

The problem, though, is that Florida’s prior appellate rules did not require parties to identify these issues when briefing whether the Court should exercise discretionary review. The Court would learn of them only after it accepted jurisdiction. This left the Court in the dark about the true character of the case — information key to whether it should invest its limited resources.

Enter Rules 9.210(f) and 9.120(f). These rules work in tandem to ensure that all issues are presented to the Court at the gate. Rule 9.210(f) compels the petitioner to “identify any issues independent of those on which jurisdiction is invoked” in a “statement of the issues” included in the petitioner’s jurisdictional brief. It also obliges the respondent to identify in its statement any other issues that it intends to raise on cross-review. Rule 9.120(f) then echoes these requirements. And Rule 9.210(a)(2)(E) answers the question all practitioners want to know: The statement of the issues is “excluded from the [10-page] limit.” It is also excluded from the 2,500-word limit.

To sum up, it’s been said that knowledge is power. New appellate rules 9.210(f) and 9.120(f) exemplify this principle. They make the parties show all their cards up front, empowering the Court to make informed decisions on whether to exercise discretionary review. The Court enforces these rules strictly. So practitioners should know their requirements and leave no issue unturned when briefing jurisdiction.

1 See Fla. R. App. P. 9.045(b).
2 See Fla. R. App. P. 9.120(e).
3 See, e.g., Machovec v. Palm Beach Cty., SC21-254 (Fla. 2021) (striking petitioners’ brief for failure to comply).
4 State v. T.G., 800 So. 2d 204, 211 n.4 (Fla. 2001).

Author: David M. Costello - Florida Office of the Attorney General
Virtual Sushi Rolling Event

HCBA members enjoyed a fun free social event on March 11 — a virtual sushi rolling and saki tasting class. The virtual class was taught by Zukku Sushi, located in Armature Works, who provided the sushi rolling kits, and taught the attendees the art of sushi preparation. We hope the members enjoyed the fun event!
We are all interested in new ways to grow our potential client bases. Sales funnel emails and webinars and videos targeting us for marketing-related services flood our inboxes. “Delete…”, “delete…”, “delete…..”

But many of us are solo and small firm practitioners, with no experience in marketing. How many of you out there already practice “door law”? (“I’ll take anything that walks through that door.”) Or “rent law”? (“Anything that pays the rent.”) We spend tons of time struggling to be expert at everything, when we could expand our favorite service line instead, and still stay in our wheelhouse.

How, you ask? I answer … “Augment your collaborative services.”

Most of us spend our careers solving problems after they’ve happened and we’re good at that. But estate planning attorneys don’t do that, do they? (In fact, I know several who refer out anything probate that walks in the door.) So, instead of focusing only on divorce and paternity matters, why don’t we serve families before financial and other stresses shatter their relationships? You can facilitate your clients’ collaborative, constructive creation of written agreements that are designed to anticipate, manage, and thereby avoid the conflicts that life’s traumas might cause between (or among) them. I call it Collaborative Life Planning (“CLP”).

What is CLP? If you’ve practiced family law for more than a short time, you’ve received the call from a previously divorced client who wants a prenup, and doesn’t know how to introduce the subject to his intended spouse. Or another who suggested it and the partner has now threatened to call off the wedding. It was for these clients that I first offered CLP, instead of those dreaded “prenup” services. And it took off from there.

The most common cause of a family breakup is the distress, often financial, caused by some traumatic life event. Consider the typical situations that trigger divorce and other splits. Did Junior boomerang home after college (or during his litigated divorce)? Did Dad become infirm? Did he move in with you? Was your partner diagnosed with a life-changing disorder? Were your six-year-old’s symptoms finally identified as juvenile diabetes? Did your husband finally retire after a lifetime of working 12-hour-days while you cared for the kids? And retired life isn’t what you expected?

CLP fosters an environment in which families can proactively protect their connections with each other when “life happens.”

“Preparation is key.” Apply your collaborative talents to facilitate your clients’ negotiation of agreements designed to manage these stressful events before they shatter relationships and cause angst, illness, and, yes, ultimately, divorce. Add this service to your toolbox and answer the specific and unique needs of your clients’ families as a CLP team member.1

1 For an example of services provided as part of Collaborative Life Planning, visit https://openpalmlaw.com/collaborative-life-planning/.

Author: Joryn Jenkins – Open Palm Law
Tampa American Inns of Court

Information & Membership Application
Deadline: Friday, June 4, 2021

THE AMERICAN INNS OF COURT TAMPA CHAPTERS INVITE YOU TO APPLY FOR MEMBERSHIP.

The American Inns of Court is a national organization designed to improve the skills, professionalism, and ethics of the bench and bar. Tampa’s civil litigation Inns are The J. Clifford Cheatwood Inn, The Ferguson-White Inn, The Tampa Bay Inn, and The Wm. Reece Smith Litigation Inn. Each Inn limits membership to approximately 80 members who are assigned to pupillage groups of eight or nine members. Pupillage groups include at least one judge as well as attorneys of varying experience and areas of practice. The Inns usually meet monthly from September through May for dinner programs, except for The Wm. Reece Smith Litigation Inn which meets monthly for a weekday luncheon. Inn members usually earn one hour of CLE credit for each program attended.

Each year, the Inns invite new members to join for varying membership terms. Members are selected based upon their length and area of practice. Discounted memberships are available for full-time law students who wish to apply. If you are interested, please apply promptly! (Please note: Current Inn members who wish to renew membership in their present Inn need not apply.)

Name: ____________________________________________________________________________
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Email address: _____________________________________________________________________
Years in practice and specialty? ____________________________________________________________________________
Prior experience with any Inn of Court? ______________________________________________________________________
Have you previously applied? _____________________________________________________________________________ When? ________________________________________________________________________
Have you been referred to an Inn? If so, by whom? ______________________________________________________________________
List any weekday evening you cannot attend meetings: ______________________________________________________________________
Do you have a preference for a particular Inn? ______________________________________________________________________
Please attach a current resume limited to one page in length.

Forward Application Package to:
Hillsborough County Bar Association, Attn: John Kynes, Chester H. Ferguson Law Center
1610 N. Tampa St., Tampa FL 33602. Fax (813) 221-7778.
Traditionally, an Assignment of Benefits (AOB) is an agreement that, once signed, transfers the insurance claims rights or benefits of a policy to a third party. In the construction setting, AOB’s have been commonly used in homeowner insurance claims by restoration companies and contractors. Beginning in the mid-2000s, the insurance industry began fighting to curb AOBs, as the one-way fee shifting for claims against carriers was stoking claims by remediation contractors. Significant litigation arose regarding enforceability of AOBs and the insurance industry’s ability to limit assignment rights.

In 2019, the Florida Legislature enacted §§ 627.7152 & 627.7153, Fla. Stat., which dramatically limited the effectiveness and appeal of AOBs. Insurers can now restrict enforceability, and before taking an assignment, you should confirm it is not barred. Assignment agreements must allow the assignor to rescind the agreement within 14 days of...
Continued from page 20

execution, 30 days after the start of work if it is not substantially performed, or 30 days after execution if substantial work has not begun. An assignment agreement must contain an itemized per unit cost estimate of services. This estimate must be provided to the insurer the earlier of (a) three business days after the agreement is executed or (b) when the work begins, and include an express disclaimer acknowledging the right to cancel.

Crucially, under the new statutes, a contractor can no longer sue the property owner for the assigned work. Under § 627.7152(4)(c), an assignee may not seek payment from the assignor for amounts above the deductible, unless the assignor has chosen additional work to be performed at their own expense. Further, the contractor must indemnify the property owner. The assignment must contain a provision whereby the contractor agrees to indemnify and hold harmless the assignee from all losses where the policy prohibits the assignment of benefits.

There are also new conditions precedent to suit. Prior to filing suit, assignees must submit to examinations under oath or provide recorded statements as “reasonably necessary” regarding the services provided, the costs, and the assignment. Assignees must also participate in appraisal or ADR as specified in the policy. Further, under Subsection 627.7152(9), at least 10 business days before filing suit under the policy, the assignee must provide the insurer with detailed invoices, a notice of intent to initiate litigation specifying damages, the amount claimed, and presuit settlement demand. The insurer must respond within 10 business days to make a presuit settlement offer or require appraisal or other alternative dispute resolution.

Assignments are also prohibited under “urgent or emergency circumstances,” defined as “a situation in which a loss to property, if not addressed immediately, will result in additional damage until measures are completed to prevent such damage.”

Finally, the prior central appeal of AOBs, fee shifting, is no longer automatic. If the damages judgment (excluding interest) obtained by the assignee is less than 25 percent of the “disputed amount” (i.e., the difference between the insurer’s pre-suit settlement offer and the assignee’s pre-suit settlement demand), the insurer recovers its reasonable attorneys’ fees. If the damages judgment is between 25 percent and 50 percent of the disputed amount, no party recovers attorneys’ fees. If the damages judgment is 50 percent or more of the disputed amount, the assignee recovers its reasonable attorneys’ fees.

These 2019 statutes greatly diminish the appeal of AOBs and must be considered before undertaking any AOB work.

1 § 627.7152(2)(c), Fla. Stat.

Author:
Mark A. Smith - Carey, O’Malley, Whitaker, Mueller, Roberts & Smith, P.A.
YOUR NETWORK IS YOUR NET WORTH, MAKE SURE YOU DIVERSIFY
Diversity & Inclusion Committee

As the popular saying goes: “Your network is your net worth.” so make sure you have diversity in your network. Here are some tips.

1. Identify the Gaps in Your Network
Your social network should be inclusive of people from outside of the law. Branch out to people from different industries and professions to develop a rich and holistic network base. For example, if you are a litigator at a large law firm, add lawyers in academia, government, and small firms to keep you informed of trends in other aspects of the legal industry. Do not just connect with other lawyers; add other professionals to your social circle. These connections create a huge potential for future collaborations, mutual offers of assistance on important projects, or even future clients.

2: Connect with People from Different Racial and Ethnic Groups
According to the American Bar Association (ABA), in 2020, the racial make-up of lawyers in the United States is approximately 86% White or Caucasian, 5% Black or African-American, 5% Latinx or Hispanic, 2% Asian, and 2% Multiracial.

It’s common to connect and affiliate with others who share your race and ethnicity. So you must be intentional to diversify your network by seeking out colleagues and other professionals of different cultures, races, and ethnicities. This type of diversity ensures you are getting different perspectives, exploring your biases regarding members of those groups, and creating resources when you seek to understand specific national or local issues that relate to the experience of racial and ethnic groups different from your own.

A great way to accomplish this task in Tampa Bay is to join one or all of the many affiliate organizations targeted towards specific racial or ethnic groups, like The George Edgecomb Bar Association, the Asian Pacific American Bar Association, and the Tampa Hispanic Bar Association.

3: The Power of the Opposite Gender:
It’s no secret that the legal industry is one long dominated by men. In the United States, approximately 63% of lawyers are male and 37% female. The amount of women entering the legal field has increased dramatically. But as the ABA Commission on Women Lawyers has continually observed, women lawyers still seek recognition of their voices and contributions in the legal field, particularly at large law firms. Thus, all lawyers should seek meaningful experiences with people of different genders.

4: Focus on Building Relationships:
As Dr. Maya Angelou famously said: “I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.”

Contrary to popular belief, networking isn’t about buying or selling a product. Treat your

Join the Diversity & Inclusion Committee in your Member Profile at hillsbar.com.
networks as relationships and invest in them emotionally and mentally. In *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, the authors noted that “relatedness” provided a strong predictor of happiness and served as an effective intervention to promote well-being in law students and lawyers.

5. **Now Get to Work:**

It is never too late to start working on building a diverse network and building a full life and career through meaningful relationships.


Judge Covington Receives the 2021 Distinguished Federal Judicial Service Award

HCBA congratulates Judge Virginia Hernandez Covington of the U.S. District Court for the Middle District of Florida, who was awarded the 2021 Distinguished Federal Judicial Service Award by Florida Supreme Court Chief Justice Charles T. Canady on January 28. The award honors outstanding and sustained service to the public, especially as it relates to support of pro bono legal services.

Judge Covington has been a public servant her entire legal career. She was appointed to the Second District Court of Appeal in 2001, and to the United States District Court for the Middle District of Florida, Tampa Division, in 2004. Judge Covington took senior status in July 2020, but still maintains a 100 percent caseload.

As the child of a Cuban immigrant mother who did not speak English, Judge Covington was accustomed to helping others in the Cuban American community who needed help with their language. As an adult, she has been a long-time member of the Board of Directors of the Hispanic Needs and Services Council (El Consejo de Necesidades y Servicios para Hispanos), providing hundreds of hours of volunteer work, including providing pro bono legal services to non-English speaking Hispanics.

Judge Covington understands the important role she can play in arranging pro bono services for the needy. Taking to heart two very real challenges in the federal legal system — the practitioner’s challenge to gain meaningful trial experience and the pro se litigant’s challenge to navigate the law and process — Judge Covington has met the needs of both by inviting the legal community to take on pro bono representation in cases where it would promote the administration of justice.

Judge Covington also regularly presides over immigration ceremonies and reminds the audience that the first time she was in the federal courthouse was in 1966 when her mother became an American citizen. Congratulations to Judge Covington on this well-deserved award!

Johnson, Cassidy, Newlon & DeCort is pleased to announce that JAMES JEFFREY BURNS has become a partner with the firm.

Johnson, Cassidy, Newlon & DeCort offers a broad range of legal services that include, but are not limited to: Complex Business, Civil, and Commercial Litigation; Restrictive Covenant and Trade Secret Litigation; Intellectual Property Litigation; Securities Litigation; Professional Liability Litigation; Creditors’ Rights Litigation; Directors and Officers Litigation; Employment Law; Complex Family Law; Appellate Practice; and Alternative Dispute Resolution.

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Beyond the Robe:
Judge Darren Farfante

The eighth segment of this recurring series on Thirteenth Judicial Circuit judges features Judge Darren Farfante. Assisting Judge Farfante in his newly appointed role as the Executive Chair of the Circuit’s Professionalism Committee, I welcomed the opportunity to learn more about the experiences that brought him to this point. Born into a family of mostly University of Florida graduates — though his mother is a proud alumnae of the University of Tampa — Judge Farfante would eventually become a “quadruple Gator” by earning his B.S., J.D., M. Acc. and L.L.M. all from UF. The youngest of three, Judge Farfante recalls frequent family trips to visit his older siblings at UF.

With rich Spanish heritage, the Farfantes have been Tampanians since the early 1900s; Judge Farfante’s parents were born in Ybor City, and his childhood was rooted in West Tampa. He ultimately married his high school sweetheart, Evelyn; their first date was Jesuit High School’s homecoming dance his senior year. They married after Evelyn completed her studies at UF and while Judge Farfante was pursuing his L.L.M. in Taxation; their honeymoon was timed perfectly with his spring break. They just celebrated their 24th anniversary.

Because of his interest in business, Judge Farfante pursued accounting as an undergraduate. He also always knew he wanted to attend law school, and recognized an early interest in tax law. After enjoying a legal position at the State Attorney’s Office during law school, though, he identified an additional (and he thought competing) interest in litigation. With a professor’s guidance, he learned all his

“It doesn’t matter what you do, as long as you invest yourself in what you choose; pour yourself into it.”
— Judge Darren Farfante
interests could be combined in the Justice Department’s Tax Division. Building on his educational cornerstones, he pursued an L.L.M. in Taxation as the next logical step, eliminating the need to interrupt his career by later returning to school. Breaking with the general notion that L.L.M. students focus on transactional positions after graduation, Judge Farfante was one of two persons in his L.L.M. program that pursued litigation.

As a proud government attorney myself, I was thrilled to learn that Judge Farfante wanted to work for the government after graduating law school. Judge Farfante and his roommate interviewed where the action was — Washington, D.C., and his roommate was hired by the FBI and Judge Farfante by the Justice Department. Thus, he began his career as a trial attorney in the DOJ’s Tax Division, the most litigation-intensive division at DOJ. During his five-and-a-half years of government service, he obtained the depth of trial experience he sought by litigating a plethora of tax-related matters on behalf of the U.S. in federal and state courtrooms throughout the country.

In 2003, with two children in tow, Judge Farfante and his pregnant wife returned home to Tampa. There, Judge Farfante joined the Commercial Litigation section at Fowler White Boggs PA, later merging with Buchanan Ingersoll & Rooney, PC. Straddling multiple practice areas, he focused on commercial litigation, creditors’...
rights, tax litigation, bankruptcy, and other government enforcement matters for 15 years. He always hoped to return to government service, but thought his opportunity to fulfill his lifelong dream of becoming a judge had passed. To his surprise, an opportunity materialized in 2017 with two circuit judge vacancies. In a frank moment, he revealed that he feared he had “waited too long,” but at the urging of family and close friends, took a leap of faith and threw his name in the hat. Then-Governor Rick Scott appointed him to the Circuit Bench on June 5, 2017.

Looking back, he was reassured by the investments of time he had made over the years. “It doesn’t matter what you do, as long as you invest yourself in what you choose; pour yourself into it,” he advises. Judge Farfante participates in a men’s group at Christ the King Church and volunteers with Seniors in Service. While his three children were young, he primarily poured himself into activities involving them — such as “coaching” youth sports (comically, he found this term a bit generous) and leading a Cub Scout pack.

Now that his children are almost grown — his youngest a high school junior — he describes his time outside the courthouse as “slow-paced.” Doubting this, I dug deeper to uncover that Judge Farfante has been an avid runner for more than 15 years, though he insists on describing himself as a jogger. On his bucket list is to complete a 100-mile race — an Ultra — during his 50th year. His goal is simply to finish before the orange cone truck sweeps him up. Judge Farfante participates in a long trail race with a friend every year; his most memorable race was in Cloudland Canyon State Park in northern Georgia in nine degree weather at the starting line with three to four inches of snow on the ground. Equally awe-inspiring was his 50-mile race through the Everglades, accessing

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areas the average tourist doesn’t see. Most troubling to his wife was last year’s race through the same Tennessee and Georgia mountains, where he found himself lost in the dark with a frozen cell phone after a wrong turn. After missing a checkpoint and having the Race Director looking for him, Judge Farfante eventually found his way back on track, fortuitously running into the aid station. “Needless to say, my wife will be volunteering at this year’s race,” he chuckled. If he’s not out with his faithful canine running buddy — his eight-year-old Vizsla, Zoe — he’s standing under a basketball hoop rebounding for one of his children.

He treasures his time at his hometown courthouse. Most absorbing to him upon appointment was seeing the intricate orchestra of people that make the place run within the maze of hallways behind the courtrooms and clerk’s office. Following his initial rotation through the Family Law Division, Judge Farfante recently assumed the helm of the Complex Business Litigation Division, where he also administers the specialized Tobacco and Asbestos Litigation Divisions.

Although courthouse operations have continued throughout the pandemic, Judge Farfante eagerly anticipates more in-person interaction and mentoring younger attorneys post-pandemic. Until next time…

Author:
Lyndsey E.
Siara –
Thirteenth
Judicial Circuit
Diversity Virtual Networking Social

The HCBA Virtual Diversity Networking Social on March 27 was a major success thanks to the 29 sponsoring firms and legal organizations, and approximately 100 attendees, including law students from schools around Florida, judges, speakers, and sponsor representatives.

Using the interactive Remo conferencing platform, attendees were able to interact with the sponsors and special guests at individual tables during networking sessions, and listen to experienced attorneys from the public and private sectors, who offered career and mentoring advice. We thank all our sponsors, students and guests for their participation!

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Criminal Law and Health Care Law Sections Hold Joint CLE

The Hillsborough County Bar Association hosted a combined webinar on February 10 for our Criminal and Health Care Law Sections. The webinar focused on criminal background checks in healthcare and discussed topics such as the roles of the Agency for Health Care Administration (AHCA) and The Department of Health (DOH); how a criminal conviction or plea can affect a client’s career in healthcare; and how to get a client through the AHCA/DOH Legal Exemption process. The HCBA would like to thank this webinar's featured speakers: Michael Brown and Rick Strong with Howell, Buchan & Strong.

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The fact that the Clerk’s office serves the public in so many ways means that the matters are often like bar exam fact patterns come to life. Sometimes a quick answer suffices. But the fact that the Clerk’s office serves the public in so many ways means that the matters are often like bar exam fact patterns come to life. The legal work is unrelenting. I make lists. They are constant moving targets as the day progresses. It starts with a concrete plan, but changes rapidly. It is 8:00 a.m.: I look up, and review my whiteboard noting my priorities list from last Friday. Below that, I review my daily checklist in 45-minute increments. I will dedicate the remaining 15 minutes per hour to tasks that crop up or a coffee break. On the shelf to my left is a timer preset to 45 minutes. I press start. Continued on page 35
I start every day answering emails for various matters, like tax deed inquiries, official records requests about documents for recordation, home solicitation permit applications, public records requests, hearings, and bankruptcy pleadings. When the timer goes off, I add emails needing attention to the list and start on item #1: Bond Matters.

I review every surety bond motion filed, then file a response and upload the order for judicial review. I check a report for motions filed that were not served on me and add them to my list. After resetting my timer twice to resolve some of the several dozen motions filed last week (in 2020, I reviewed 685), I move on to item #2: Tax Deeds.

It is 12:00 p.m., so I grab lunch, more coffee, and return to work. I research return mail to see whether or not a property must be removed from sale for lack of notice. I call the tax collector’s attorney and he agrees with my determination. My phone rings again before I put it down. It is my colleague calling for an opinion on an operational matter and wanting me to review a vendor contract. I then review claims, send emails requesting additional documentation or notify claimants about their claim’s status, and finally I approve check requests (in 2020, the Clerk disbursed $3,540,426.42 in surplus).

Around 3:00 p.m., I reassess things to do before the end of the day. Before I know it, I hear my timer beep a little before 6:00 p.m. I scan all four email inboxes, jot down new tasks for tomorrow and rearrange my list to include anything left over from today. Tuesdays are usually quieter, I think, as I shut down my computer for the night. I reset my timer and chuckle, because I know I will be doing a similar dance tomorrow. No two days are ever the same at the Clerk’s Office, and I would not want it any other way.

Author:
Shelby K. Russ - Hillsborough County Clerk’s Office

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Immigration and Nationality Section CLE

On March 10, the Immigration and Nationality Section hosted a CLE on the intersection between immigration and family law. Topics discussed at the webinar included an overview of the I-864 Affidavit of Support and related immigration/family law considerations; the effect of separation, divorce and death on green card applicants and on conditional residents applying to remove the conditions on residence; and the effect of divorce, separation, child support and other unique family issues on the ability of foreign nationals to naturalize through the N-400 process. Speaking at this event were Jamila Little, owner and founder of Little Law, P.A., and Tanya Partee O’Connor of Brandon Law PLLC. Thank you to both speakers for joining us at this event.
The rule includes important changes to how physician group practices may share profits that take effect next year.¹

The Stark Law prohibits a physician from making referrals for certain “designated health services” (DHS) payable by Medicare to an entity with which the physician (or an immediate family member) has a “financial relationship,” unless an exception applies. The definition of “financial relationship” includes compensation arrangements and ownership interests. The term DHS applies to numerous health care services and supplies, including clinical laboratory services and diagnostic imaging services.²

Under the Stark Law exceptions,³ a group practice may pay its physicians a share of “overall...
Continued from page 38

“profits,” provided that the payment is not “directly related to the volume or value of referrals” by the physician and other requirements are met.\(^4\) Effective January 1, 2022, the new rule redefines “overall profits” as “the profits derived from all the [DHS] of any component of the group that consists of at least five physicians . . . .”\(^5\)

CMS intends this change to clarify that “the profits from all the [DHS] of any component of the group . . . must be aggregated before distribution” and “a group practice may not distribute profits from [DHS] on a service-by-service basis.”\(^6\) For example, a group practice “may not distribute the profits from clinical laboratory services to one subset of its physicians and distribute the profits from diagnostic imaging to a different subset of its physicians.”\(^7\)

The rule includes several other important changes related to group practice compensation. For instance, the rule clarifies that group practices may use different profit-sharing methodologies for different components (consisting of at least five physicians each) so long as certain requirements are met. Additionally, profits from participation in a “value-based enterprise” under a new exception created by the rule may be distributed directly to the participating physician in some instances.\(^7\)

Practitioners advising group practices should consider these changes carefully as it could be necessary for group practices to change their compensation models ahead of next year. The rule points out that group practices must establish their compensation models “prospectively” and notes CMS’s concern that group practices that relied on interpretations of the current regulatory text may need to adjust their compensation methodologies before the new rule takes effect.\(^8\)


\(^3\) For instance, the in-office ancillary services exception is applicable to DHS furnished by the referring physician or a physician who is a member of the same group practice if certain requirements are met. 42 U.S.C. § 1395nn(b)(2); 42 C.F.R. § 411.355(b).

\(^4\) 42 C.F.R. § 411.352(i)(1).

\(^5\) Final Rule at 77,561, 77,682 (to be codified at 42 C.F.R. § 411.352(i)(1)(iii)). A component “may include all physicians in the group,” and “[i]f there are fewer than five physicians in the group, overall profits means the profits derived from all the [DHS] of the group.” Id.

\(^6\) Id. at 77,561.

\(^7\) Id. at 77,653, 77,559.

\(^8\) Id. at 77,561 (citing 42 C.F.R. § 411.352(e)).

Author: Jason P. Mehta & John C. Hood - Bradley Arant Boult Cummings LLP

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The Digital Millennium Copyright Act (DMCA) contains a provision that could be a pitfall for the unwary copyright owner. The DMCA allows copyright holders to submit takedown notices to service providers claiming infringement on copyrighted works. To make such a claim, the rights holder (or their agent) must provide

(1) identification of the copyrighted work claimed to have been infringed, (2) identification of the material that is claimed to be infringing, (3) contact information, and (4) a statement that the complaining party has a good faith belief that the use of the material is not authorized by the copyright owner, its agent, or the law and that all information in the notification is accurate. The last requirement is where sloppy parties can get in trouble.

17 U.S.C. § 512(f) states that “Any person who knowingly materially misrepresents under this section that material or activity is infringing … shall be liable for any damages, including costs and

Without doing a proper investigation, you could be opening yourself up to liability and protracted litigation.

DMCA MISREPRESENTATION: WHEN DOES IT APPLY?

Intellectual Property Section


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DMCA MISREPRESENTATION: WHEN DOES IT APPLY?
Intellectual Property Section

Continued from page 40

Due diligence. Before submitting the DMCA notice, consider the deposited work in comparison with the allegedly infringing material. Consider fair use. Consider functionality. Without doing a proper investigation, you could be opening yourself up to liability and protracted litigation.

1 17 U.S.C. § 512(c)(3).
3 Johnson v. New Destiny Christian Center Church, Inc., 826 Fed. App’x 766, 772 (11th Cir. 2020).

Author:
Cole Carlson - GrayRobinson, P.A.

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after 30 years of practicing employment law as a trial lawyer, in-house counsel, and now as a mediator, I thought I had seen it all. Nothing prepared me, however, for the year-long interruption of civil trials caused by COVID-19. Employer and employee litigants have been left in limbo without the means to resolve employment claims in court. Parties have resorted to alternative dispute resolution, especially mediation, in greater numbers. Because employment claims are often more complex than other types of litigation, success at mediation requires counsel to carefully choose the right time, the right mediator and the right approach.

Choosing the Best Settlement Window

Counsel should consider early mediation to avoid discovery and litigation costs. The challenge, particularly for the plaintiff, is negotiating an agreement in the absence of discovery. Parties may mitigate this information deficiency by agreeing to take a key deposition or exchange certain information before early mediation. The emotions of the parties should also be considered. If emotions are running high, which is common in a sexual harassment or hostile work environment case, early mediation may be unproductive.

If early mediation is not advisable, another potential mediation window exists after a dispositive motion has been filed, but before the motion has been decided. Mediation is often effective during this window because both parties face significant, case-changing consequences.

Characteristics of Successful Employment Law Mediators

While experience and knowledge of employment law is important, that alone does not enable a mediator to facilitate settlement any more than knowledge of contract law makes one a great negotiator. Another essential quality is the mediator’s willingness to fully prepare. You should also select a mediator who is a skilled dealmaker. A dealmaker is adept at motivating parties with competing interests to reach agreement by identifying options, often hidden, that create value and satisfy mutual interests. This takes strong interpersonal and listening skills, creative problem-solving ability, and empathy. The mediator must create rapport with the employee so the employee feels heard and understood, while demonstrating to the employer that the mediator understands the challenges of running a business.

Persistence is one of the most valued qualities in a mediator, according to an American Bar Association study.1 The respondents to this ABA survey expressed dissatisfaction with mediators who threw in the towel too easily and sought mediators who exerted “pressure” to keep parties at the table.

Choose Mediation Advocacy Over Trial Advocacy

Many litigators default to trial advocacy during mediation which may alienate the other party. Mediation advocacy is the skill of

Continued on page 43
presentation of an employment claim in a non-adversarial manner to persuade the opposing party to reach a settlement agreement. Both sides gain the respect and cooperation of the other by demonstrating a willingness to work toward settlement while reserving argument for another day.

Rather than recounting a long litany of minor grievances, the plaintiff’s presentation should focus on the employer’s most egregious conduct and how the employee’s life has been affected. If the employee is articulate and sympathetic, the employee should be encouraged to speak.

The employer should act empathetically, not apologetically, so the employee feels heard. Employer’s counsel should respectfully present the legitimate business reasons for its actions and highlight challenges to the plaintiff’s case without engaging in argument.

With trials docket facing an unprecedented backlog, mediation has never been more important. Careful consideration of the best time to mediate, selection of the right mediator and a cooperative and empathetic approach will greatly enhance one’s chances for successfully mediating an employment claim.


Author: Harold Oehler - Oehler Mediation
“KEY” REVERSAL CREATES 3-WAY DCA SPLIT

Marital & Family Law Section
Chair: Rachael L. Rudin – Family First Law Group, PLC

In October 2020, the Second District, sitting en banc in Mallick v. Mallick, receded from Grigsby and its progeny and “steered” the law of this district closer to that of the First and Fifth.”

The holding in Mallick, receded is straightforward: a trial court’s failure to identify steps or benchmarks for a parent to regain time-sharing or eliminate time-sharing restrictions “is not legal error.” Id. This legal about-face impacts countless families, final judgments, and future proceedings.

By coming “closer” to the First and Fifth but not fully adopting those courts’ rules either, the Second created a three-way DCA split. Under the new Second District rule, a court may exercise discretion and include steps or benchmarks in an order. Significantly, the benchmarks are noncompulsory and do not alter or enhance the requirements of section 61.13(3), Florida Statutes. Simply, the “best interests of children must be assessed under the circumstances at the time of the modification proceeding; they cannot be determined prospectively based on either the satisfaction of predetermined benchmarks or the failure to achieve them.” Id.

Summarily, trial courts in Florida’s Second District are no longer required to identify specific benchmarks (i.e., the “key”) for a parent to regain time-sharing or eliminate restrictions, but may exercise discretion and provide non-binding guidance. This differs from the First and Fifth Districts — where trial courts are neither authorized nor required to provide benchmarks to regain time-sharing or alleviate restrictions — and the Third and Fourth Districts — where failure to set forth benchmarks is reversible error.

Family law practitioners and judges must be aware of a major reversal in Florida’s Second District Court of Appeal case law when a trial court restricts or denies a parent time-sharing.

Before October 2020, trial courts in Florida’s Second District were required by Grigsby v. Grigsby to “give the parent the key to reconnecting with his or her children” if time-sharing was denied or restricted. Under Grigsby, a trial court committed reversible error by failing to articulate specific, “concrete steps” a parent must take to remove the time-sharing restriction because the absence of instruction “prevents the parent from knowing what is expected and prevents any successor judge from monitoring the parent’s progress.”

The legal requirement to provide a parent with the “key” to reconnecting with his/her child was repeatedly upheld at the appellate level in Florida’s Second, Third, and Fourth Districts. However, Florida’s First and Fifth Districts reached the opposite conclusion — ruling section 61.13(3), Florida Statutes, establishes the exclusive standard to modify parenting plans; accordingly, trial courts are “neither required nor authorized” to impose additional benchmarks.

Author:
Andrew D. Reder
- Sessums Black Caballero & Ficarrotta, PA.
Marital and Family Law Section Hosts Two Virtual CLEs

On March 4, the Marital and Family Law Section held two CLEs for its members. During the first one-hour CLE, entitled “The Don’ts of Family Law Appeals,” speaker Mark Baseman of Felix, Felix & Baseman, discussed best practices for ensuring your client can win on appeal, preserving legal arguments, and ensuring that evidence is clear on the record.

During the second two-hour CLE, speakers Ryan Hittel of Hittel Law, P.A. and Richard Mockler of Mockler Leiner Law P.A. discussed advanced strategies for collection, enforcement, defense, and bankruptcy protection. The Marital & Family Law Section thanks all three speakers for their time.

Sword and Shield:
Advanced Strategies for Judgment Collection, Enforcement, Defense, and Bankruptcy Protection in Family Law Cases
Hillsborough County Bar Association
Family Law Section
March 4, 2021

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Does a marital settlement agreement adopted by a state court impact a spouse’s entitlement to receive an apportioned share of the compensation benefits a veteran receives from the U.S. Department of Veterans Affairs (VA)? In *Batcher v. Wilkie*, the Federal Circuit offered a surprising answer: “Not at all.”

The case involved a veteran who was legally separated from his spouse and receiving VA disability compensation. As part of a separation stipulation, the veteran paid a lump sum to his wife. The agreement, which was ratified by New York state court indicated: “in consideration therefore, all maintenance … obligations owing from [John] to [Roberta] shall cease.”

Before the final divorce decree was entered, the wife filed a claim with VA to apportion the veteran’s service-connected disability compensation benefits under 38 C.F.R. §3.450. Both the VA and the Board of Veterans Appeals found that she had demonstrated hardship entitling her to apportionment. The Board’s decision explained that a “domestic relations separation agreement … plays no role in VA’s determination of entitlement to special apportionment.”

A “domestic relations separation agreement plays no role in VA’s determination of entitlement to special apportionment.”

Ultimately, the Federal Circuit affirmed the Veteran’s Court’s finding of eligibility for apportionment from the date the wife filed her claim to the date of the ultimate divorce decree in 2010. While the benefit period was only two years, it would not take much imagination to ponder a divorce action that went on for longer and amounted to much more money at stake.

Two Key Takeaways for Practitioners Representing Veterans:

2. Marital settlement agreements should provide for the right to seek redress for a breach in the family court, with attorney fees and costs to be paid by a breaching party.

1 975 F.3d 1333, 1338 (2020).
2 Id.
3 Id.
4 975 F.3d at 1337.
6 975 F.3d 1333.
7 Id. (emphasis in original).
8 Id.
9 Id.
10 Id. at 1340.
11 Id. at 1341.

Author:
*John V. Tucker - Tucker Law Group, P.A.*
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WHAT DO WE DO NOW?
Professionalism & Ethics Committee
Chairs: Joan Boles – Bay Area Legal Services & Shelton Bridges – Bridges Law Group, PLLC

The past year has been unusual and challenging, to put it mildly. We now know Zoom isn’t just an onomatopoeia, we wear masks into businesses and no one fears we’re robbers, and we’ll never again look at toilet paper quite the same. With vaccinations becoming increasingly available, what lessons can we, as lawyers, learn from the pandemic as we move forward to “normal” times, or perhaps a new normal?

Technology offers us great alternatives. Where would any of us be right now if not for technology? It got us through the past year, and then some. Think of the number of court hearings, depositions, and even bench trials that have occurred in the last 12 months thanks to computers, telephones, and the internet. Without technology, it is almost impossible to imagine how any legal business could have been conducted during the pandemic. In the criminal arena alone, consider how much money

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WHAT DO WE DO NOW?
Professionalism & Ethics Committee

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and time have been saved — and how much risk avoided — by not physically transporting incarcerated defendants to and from the courthouse for every hearing, however trivial or cursory. Post-pandemic, let’s continue to use technology whenever possible to make the judicial branch ever more efficient and accessible.

But sometimes there’s no substitute for the real thing. As great as technology is, the pandemic has underscored the importance of interpersonal relationships and in-person trials. By now, even the introverts among us probably want to rub shoulders in the courtrooms, hallways, and elevators again. We are social animals and we need human contact. And is there any trial lawyer anywhere who wants to conduct jury selection — to say nothing of a full trial — via Zoom? In all jury trials, and criminal trials in particular, there’s no substitute for everyone being together in the same room.

What we do really does matter. If we didn’t know the importance of access to the courts before COVID-19, we know now. With the courts closed to the general public, attorneys became even more important. As a solo practitioner, I fielded dozens of calls in the past year asking for assistance, and I am sure I am not alone. Often the caller didn’t need legal advice or representation, just help navigating the legal system. We are privileged to be members of the Florida Bar and officers of the court, and accompanying that privilege is a solemn responsibility to help laypersons with their legal questions and concerns whenever and wherever possible. We must not forget that.

The Golden Rule. In the legal profession, as with everything else in life, we need to treat others the way we want to be treated. It can be difficult, particularly when our system of justice is designed to be adversarial. But I’m not perfect and neither are you. Many have died during the pandemic. Moving forward, let’s strive to keep the main thing the main thing, to not sweat the small stuff, and to show each other some grace.

Author: Shelton Bridges - Bridges Law
The past year has been unprecedented in just about every aspect, and the legal field was certainly not spared. Every area of law was affected by COVID-19. The pandemic certainly affected the “bottom line” of many law firms, but it definitely affected how every law firm had to operate. One of the best ways to learn and improve in any endeavor or business is by powering through and overcoming adversity, and 2020 presented seemingly endless opportunities to learn.

Many attorneys had to learn how to work with clients without being able to meet with them physically. For law firms who commonly deal with big companies or sophisticated clients, their most common forms of communication were likely unaffected, but for those who represent the “little guys,” this was certainly a challenge. Many attorneys had to learn how to work from home. This presented unforeseen challenges like being able to stay focused (especially for those with school-aged children) and loneliness. Many managing partners with staff had to learn how to operate with their associates and other employees working from their own homes for the first time, which definitely required a new level of trust between partners and their employees. Cases faced significant delays, especially those in litigation. A lot of potential clients that may have had viable cases were out of work and had no money to pay their legal fees, which was definitely a problem for many lawyers who practice in areas of law where contingency fees are not utilized.

Most tried new strategies, looked for ways to save money, and found ways to change systems that may have been in place for years, if not decades. Now that we have all been dealing with the pandemic for a full year, it is a good time to review the changes you have made over that year and determine whether any of these changes saved you money, time, effort or grief, actually allowed you or your employees to work more efficiently, or raised your profits.

While profits are obviously important, nobody should neglect their mental and emotional well being. The pandemic was not easy on many people’s mental or emotional health. We all had to find different ways to cope. A year into the pandemic, it is a great time to reflect on the changes you have made that have had positive impacts on your happiness, not just your business. Whether it is spending more time with loved ones, taking more time for yourself or setting different boundaries/expectations with clients, we cannot be as effective as attorneys if we are not well mentally.

Fourteen months ago, the shutdown we all went through was unthinkable, but if it happened once, there is no reason why it could not happen again. It is important to remember the lessons we have learned, not just to be prepared if something like this happens again, but to ensure the success of our law firms.

Author: Gian-Franco Melendez - Law Office of Gian-Franco Melendez, LLC

Interested in writing an article for the Lawyer magazine? Contact Stacy Williams at stacy@hillsbar.com for more information.
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In general, companies have discarded the rows of cabinets with accordion wallets and file folders that safeguarded paper documents. Data and information are now maintained in digital “files” that are stored in binary (1s and 0s) form, using software such as Tagged Image File Format (TIFF), portable display format (PDF), electronic mail, text messages, databases, and other similar storage methods, all of which is electronically-stored information (ESI).

Despite the pervasiveness of digitization, many attorneys still think of discovery as requesting and producing paper documents instead of ESI. For example, attorneys will ask for “all files” or the “complete file” related to a topic, person, or entity. With traditional paper discovery, such a request was understood in the profession as requesting the paper documents in the file folder stored in the cabinet located at a specific building. In the digital age, such a request might encompass program files, operating system files, property files, hidden files, archived files, or copies of “files” stored on several servers in several locations, even overseas. A request for “all files” on a computer may generate an objection as ambiguous, overly broad, and unduly burdensome depending on the case.

The confusion related to the distinction between discovery of paper and ESI may stem from how the rules of procedure distinguish between the two. Under Florida Rules of Civil Procedure Rule 1.350, when producing documents, the producing party shall either produce them as they are kept in the usual course of business or identify them to correspond with the categories in the request. The rule then states that, “If a request for electronically stored information does not specify the form of production, the producing party must produce the information in a form or forms in which it is ordinarily maintained or in a usable form.” But what if the requested documents were all stored as ESI? Should the responding party produce them as they were kept (in native ESI format) or in paper form (which most likely means the ESI will be reduced to TIFF or PDF, thus stripping relevant metadata)? If produced as paper (or a scanned equivalent), the responding party must perform the laborious task of identifying the documents by category.

There has been some debate about whether the requirement to identify documents to correspond with categories is applicable when ESI has been produced as it is ordinarily maintained or in a usable form. For some, the obvious answer is “no” — the obligation to categorize “documents” does not apply to ESI produced in its proper format.

With the widespread adoption of remote work and the need for mobile access to information, we can expect the pace at which data is digitized to accelerate rapidly. Companies, including law firms, are now opting to scan all paper records into bytes on a computer for easier storage and access. Whether parties engage in “paper” or ESI discovery might become a distinction without a difference. Eventually, all information will be stored electronically, thus ending “paper discovery” as we now know it.

Author: Robert Stines - Freeborn & Peters LLP

Join the Technology Section through your Member Profile at hillsbar.com.
HBCA Monthly Membership Speaker Series Webinar

During February’s Monthly Membership Virtual Speaker Series, HCBA focused on the important topic of “Disability Diversity, Bias, and Systemic Barriers within the Legal Profession.” The luncheon’s guest speakers were Marissa Ditkowsky, Tzedek DC’s 2019-2021 Gallooly Family Foundation Fellow, and Victoria M. Rodríguez-Roldán, the Senior Policy Manager for AIDS United.

Ditkowsky’s project focuses on serving low-income DC residents with disabilities facing debt and the distinct issues they experience in the process. As an attorney with muscular dystrophy, she is uniquely positioned to anticipate her client needs and challenges. Rodriguez-Roldán’s particular areas of expertise and focus are issues affecting people living at the intersections of transgender identity, disability and mental illness through a social justice lens. She frequently speaks on discrimination issues impacting the trans and disability communities. We thank both of our speakers for their unique insight.

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 2021-2022 Inn year, which starts in August 2021.

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.


THE DEADLINE TO APPLY IS JUNE 30, 2021.
As we wind down this tumultuous bar year, judges, litigators and mediators, are asking the same question they asked a year ago: “What will the next year look like for civil trials?” Chief Judge Ron Ficarrotta spoke with Chad Moore, chair of the Trial & Litigation Section, and Harold Oehler, chair of the Mediation & Arbitration Section, and provided a preview of what lies ahead.

Judge Ficarrotta began with good news that COVID-19 statistics, including vaccinations, are moving in the right direction. While the pandemic is in a constant state of flux, if the infection rate continues to improve, civil trials may commence as early as April or May of 2021. The plan for resuming civil jury trials is to start with two- to three-day trials. By mid-summer, the hope is that improved COVID-19 statistics, and a greater number of vaccinations, will allow for longer, more complex civil jury trials.

When civil trials resume, smaller jury panels will be assembled at first. Juries will be picked five days a week and divisions will conduct jury selection on different days. The large, ceremonial courtroom will be used which can accommodate 30 socially-distanced jurors at a time. The Circuit is building a large, temporary courtroom on the 5th floor, which will seat 50-60 jurors.

It is even possible that juries could be picked virtually with agreement of the parties. There does not seem to be support among trial lawyers, however, for jury trials to be conducted entirely by Zoom.

Once selected, jurors will be spread out in the courtroom to allow for social distancing, and COVID-19 protocols will be observed to protect the safety of everyone involved. These protocols have been fine-tuned during criminal jury trials. Judge Ficarrotta estimated that the Thirteenth Circuit has tried over 60 criminal jury trials during the pandemic, including four to five first-degree murder trials. The Thirteenth Circuit has likely tried more criminal cases than any other circuit in the state.

Even after live, civil jury trials commence, Judge Ficarrotta predicted that Zoom technology will continue to be used for depositions, mediations, and during trial to present experts and other witnesses who are not comfortable with appearing in person. Virtual hearings will also continue, as judges have embraced the convenience and efficiency of Zoom.

As for alternative dispute resolution, Judge Ficarrotta is excited about the opportunities created by Zoom technology. Virtual mediations allow lawyers, mediators, and decision-makers to participate from remote locations without the cost of travel. Virtual mediations also allow parties to negotiate longer without being interrupted by flight schedules. Both lawyers and mediators have told him that virtual mediations produce comparable results to live mediations and are far less costly.

In order to combat the historic backlog of civil cases caused by the pandemic, judges, and the parties themselves, are sending more cases to non-binding, virtual arbitration. Parties are also increasingly choosing binding arbitration as a way to resolve cases more quickly and less expensively.

We thank Chief Judge Ron Ficarrotta for sharing this update. We also thank Judge Greg Holder for contributing to this article. Finally, we thank all of the judges, courthouse personnel, and attorneys who have worked extremely hard to preserve the administration of justice during these most challenging times.

Authors: Chad Moore – Morgan & Morgan & Harold Oehler – Oehler Mediation
The Increasing Importance of a Proper Daubert Objection
Workers’ Compensation Section
Chair: Anthony Cortese – Anthony V. Cortese, Attorney at Law

In Cristin v. Everglades Correctional Institution,\(^1\) the First District Court of Appeal ruled that a sustained Daubert objection to expert testimony can preclude appointment of an Expert Medical Advisor (EMA) on the issues and testimony in question. Because a successful Daubert\(^2\) objection can preclude an EMA, it has added significance, because an EMA’s opinion on issues and opinions where there is disagreement is considered presumptively correct.

The Daubert rule was adopted and codified by the Florida legislature in 2013 with an amendment to the Florida Evidence Code in Section 90.702. It requires that an expert’s testimony not be pure opinion, that it be based on sufficient facts, and that it be the product of reliable principles properly applied to the facts of the case. Where a Judge of Compensation Claims (JCC) subsequently apportioned benefits based on the opinion of an expert that was pure opinion, the First District Court of Appeal reversed and remanded the decision on the basis that a Daubert objection was properly raised, and that pure opinion violated the standard.\(^3\)

In Booker v. Sumter County’s Sheriff’s Office,\(^4\) the First District noted that a Daubert objection must be timely and sufficiently specific. To be timely, the objection in that case should have been filed on receipt of the opposing expert report, or promptly thereafter, or at least at the time of the expert’s deposition.\(^5\) To be sufficiently specific, the objection should put opposing counsel on notice to have the opportunity to address any perceived defect in the expert’s testimony such as citing conflicting medical literature or expert testimony.\(^6\) Despite the lack of timeliness and specificity, the JCC evaluated and denied the Daubert objection after reviewing the evidence, finding that the experts were well acquainted with the relevant medical history and condition, relied on medical studies generally accepted and applied those studies to the facts of the case in reaching opinions on causation, and the First District affirmed.\(^7\)

In Cristin, the JCC held that the claimant’s Daubert objection had been properly raised but denied it on the grounds that, in a bench trial, the exclusion of the doctor’s testimony is not literally possible and because striking testimony is considered a drastic remedy. Based on the disagreement between the claimant’s Independent Medical Evaluation (IME) and the employer/carrier’s IME (which had been objected to based on Daubert), the JCC then appointed an EMA. When the EMA sided with the employer/carrier’s IME, the JCC denied benefits based on the presumption of correctness of the EMA opinion. The First District held it was reversible error to fail to rule on the Daubert objection, and the case was remanded for proper evaluation of the Daubert objection and proper handling thereafter based on the outcome of the Daubert objection. This ruling increases the importance of a timely and specific Daubert objection in cases where such an objection may be appropriate.

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1 1D19-1245, 2020 WL 7779002 (Fla. 1st DCA, Dec. 31, 2020).
3 Giamo v. Florida Autosport, No. 1D14-0077, 154 So.3d 385 (Fla. 1st DCA, 2014).
4 166 So. 3d 189 (Fla. 1st DCA 2015).
5 Id. at 192.
6 Id. at 193.
7 Id. at 193.
8 Id.

Author: Anthony Cortese – Anthony Cortese At Law

Learn about upcoming HCBA events at hillsbar.com.
AROUND THE ASSOCIATION

Congratulations to the newly elected board of directors for Bay Area Legal Services. Judge Jessica Costello of the Thirteenth Judicial Circuit swore in the following officers for the 2021 year: Yohance A. Pettis, chairperson; Andrew M. O’Malley, chairperson-elect; Tori C. Simmons, treasurer; and Sarah Lahhou-Amine, secretary. Chairperson Pettis is an Assistant U.S. Attorney with the United States Attorney’s Office for the Middle District of Florida.

Congratulations to Christopher Bentley, partner of Johnson Jackson PLLC, on being named board chair of the South Tampa Chamber of Commerce.

Ceci Berman and Joseph T. Eagleton of Brannock Humphries & Berman presented “The Unwritten Rules of Appellate Practice” and “Jurisdictional Traps” for the Appellate Practice Section’s Hidden Essentials of Appellate Law seminar. Berman also presented “Florida Family Law Civil Appeals” for the 2021 Marital and Family Law Review Course.


Welcome to Jennifer W. Corinis, who has joined Greenberg Traurig, P.A.’s Tampa office as Of Counsel in its Labor & Employment Practice.

Guerra King is pleased to announce that Ailen Cruz has been appointed chair of its newly formed Diversity & Inclusion Committee.

David Jennis and Daniel Etlinger of Jennis Morse Etlinger recently spoke at St. Leo University on the topic of “Re-Imagine Your Future Under Subchapter V: A Chapter 11 Survival Tool,” and at Stetson University College of Law on

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“Procedural Issues Including Withdrawal of the Reference, Jurisdiction (Stern and Safety Harbor Issues), Venue, and Abstention.”

Johnson Jackson PLLC is proud to announce the appointments of its attorneys Erin Jackson, Ashley Gallagher, and Beatriz Miranda into leadership roles within several bar associations — the Tampa Bay Chapter of the Federal Bar Association, the National Federal Bar Association’s Younger Lawyers’ Division, and Hillsborough Association of Women Lawyers.

Congratulations to Steven D. Lehner, who has been named the new partner-in-charge of the Tampa office of the national law firm of Hinshaw & Culbertson LLP.

Welcome to Sacha Ross, who has joined Johnson Jackson PLLC, primarily handling bankruptcy and litigation, and will manage the firm’s Sarasota office.


Welcome to Julia Wischmeir, who has joined Quarles & Brady LLP on their Litigation & Dispute Resolution team.

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