



The Docket

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BAR ASSOCIATION
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PRACTICE

Building a solo practice

By **SCOTT PETERSEN, Esq.**
Law Office of Scott K. Petersen, PLLC

When I decided to open my own law firm almost two years ago, I smugly thought I knew a lot about the practice of law. After all, I had worn a lot of “hats” as a lawyer, including prosecutor, law professor, civil trial attorney and corporate counsel. One week into my solo practice, however, I considered it a major achievement when I successfully navigated the e-filing system and filed my first motion, even if it did take me three hours to do it. I quickly discovered that, while I knew a lot about how to be a lawyer, I knew very little about how to run a business that happened to be a law practice.

Law school teaches you all you ever wanted to know about *Pennoyer v. Neff* or the fertile octo-
See **SOLO**, Page 15

SCBA NEWS



Local bar association leaders congratulate newly invested County Judge Danielle Brewer. Left to right: H. Alexis Rosenberg, Esq., Florida Association of Women Lawyers, Sarasota Chapter, President; Derek A. Reams, Esq., American Board of Trial Advocates, President-Elect; Trevor Quinlan, Esq., Manatee County Bar Association Young Lawyers Division, Secretary; Anthony Ryan, Esq., Florida Association of Criminal Defense Lawyers, Sarasota Chapter, President; Judge Danielle Brewer; E. Keith DuBose, Sarasota County Bar Association, President; Judge Maryann Boehm; Paul Grondahl, Esq., Manatee County Bar Association, President-Elect; Kerry Mack, Esq., South County Division, Immediate Past President.

SCBA NEWS

Come hear the crack of the bat at YLD baseball outing

The Sarasota County Bar Association Young Lawyers Division is pleased to host its fifth All-Bar outing to Spring Training baseball on Wednesday, March 22, to watch the Baltimore Orioles host the Tampa Bay Rays. Tickets include upscale stadium food, and premium indoor and outdoor seating in the exclusive Third Base Lounge at Ed Smith Stadium. A cash bar will be available. We gratefully acknowledge our sponsors, **Vincent M. Lucente & Associates**, court reporters, and **Ferguson Skipper**, Attorneys at Law.

Only 100 tickets are available, so get yours today! Visit the SCBA website to order your tickets online, or call the SCBA office to reserve your seats today.



E-DISCOVERY • PART 1

Current cutting edge, future norm

By **ILYAS SAYEG, Esq.**
Maglio, Christopher, and Toale P.A.

Editor's note: This article is Part One of a three-part series exploring the present and future of e-discovery.

E-discovery. The final frontier. These are the voyages of the starship Enterlaw. Its mission: to explore strange new discovery tools, to seek out new ways to represent our clients and win cases, to boldly go where no lawyer has gone before!

Despite this bastardization of Trekkie lore, many attorneys still treat e-discovery like science fiction. I'm here to warn you: Do so at your peril. Current e-discovery jurispru-

dence is shaping every aspect of our practice. If you're not paying attention, you're getting left behind. Even if you believe e-discovery is not relevant to your current practice, it will be relevant within just a few short years. There is no way to avoid it. For example, your clients (and you) are walking around with enough computing power in your pockets to rival NASA just a few short years ago. Moving forward, how your clients manage their data (and how you manage yours) will create e-discovery obligations you never imagined.

This three-part series will hopefully familiarize you with the world
See **E-DISCOVERY**, Page 13



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Appreciate black history as American history

February is Black History Month and I would like to take this time to offer some insight regarding the history and importance of what should be our collective celebration of an important aspect of AMERICAN HISTORY.

Black History Month was started in 1926 by Dr. Carter G. Woodson (a descendant of slaves) as Negro History Week to recognize contributions of African-Americans to American culture. In 1986, the U.S. Congress passed Public Law 99-244 calling on President Ronald Reagan to issue a proclamation calling for its official observance. Beginning with President Bill Clinton in 1996, every president has issued annual proclamations for the American people to observe and celebrate Black History Month in February.

However, some might ask, why does one group of people have an officially recognized month, and what is its significance in the evolution of American law? The answer is that the African-American experience in our country's history is unique when compared to migration patterns of all other migrant groups. The original African migrants did not relocate to the Americas of their own volition. Their forced migration was preceded by the kidnapping and forceful transportation of Africans to Europe beginning in the 1400s. This

SCBA PRESIDENT'S COLUMN



**E. Keith
DuBose, Esq.**
*Matthews
Eastmoore*

practice came to the U.S. in 1619 when 20 kidnapped Africans were delivered to Jamestown, Virginia, on a Dutch ship. This evil and systemic importation of humans was legal in the U.S. until 1808. However, kidnapped Africans were still smuggled into the U.S. for another 50 years. This massive and long-lasting passage resulted in the deaths of millions of people and came to be known as the African Diaspora. It remains one of the greatest illustrations of human-against-human savagery in the history of the world.

The legal enslavement of humans in our country's earlier years also created some very interesting conundrums for the Constitutional framers. The southern states, for purposes of taxation and apportionment of seats in Congress and the Electoral College, conveniently wanted to include enslaved African-Americans in the census of the population, even though the enslaved were not paid (no taxes) and could not vote. Because the more industrial northern states were more densely populated than the more agricultural southern states, the southern states would have had an unfair advantage in Congress and presidential elections. At the Philadelphia Convention of 1787, the two sides compromised and agreed to count the captives as

3/5 of a person. This Constitutional provision remained in place until slavery was abolished by the 13th Amendment in 1865. In 1861, the Confederate States of America seceded from the Union, resulting in the Civil War. Although the main reason for secession was slave ownership, at its commencement, the North's objective was not to free the enslaved people. The objective was simply to bring the other states back into the union. In 1863, however, President Abraham Lincoln issued the Emancipation Proclamation, declaring "that all persons held as slaves" in the rebellious areas "are, and henceforward shall be free." Ironically, this proclamation only freed slaves held in the south but not slaves in the north. Newly freed African-Americans played a key role in the country's re-unification. Upon being allowed to enlist in the military, many African-Americans did, and by the end of the war, approximately 200,000 had served.

After the Civil War, Howard University was commissioned by Congress to educate the newly freed African-Americans. Recognizing the immediate need for lawyers to secure and defend the newly acquired rights of African-Americans, Howard University opened the first law school for Blacks in 1869. Howard University would go on to produce

See HISTORY, Page 5

PERSONAL DEVELOPMENT

A question to ask yourself: Am I listening?

By **MARTY HURWITZ**
Transitioneering

A question I often hear one person ask another is: "Are you really listening?" One of the skills that good advocates bring to the table is engaged listening. It is imperative to hear and understand what is truly being asked and said. Not only is it important to be a good listener but your client needs to know you are a skilled listener who "gets what they are saying." As an example, a 60-year-old man walks into his 40-year-old surgeon's office for the first time. He asks his surgeon where

he went to medical school. Does it really matter? No, not really. But what does matter to the patient is if he is confident that the doctor is capable of taking good care of him. How should the doctor answer? Certainly not with his educational credentials. By hearing what is really being asked, he will respond accordingly: "I have successfully performed this surgery 1,000 times, each without a hitch. I am confident that you will have an exceptional experience."

Answer the few questions that follow and assess just how good a listener you are.

1. Are you so excited that you

**One of
the skills
that good
advocates
bring to
the table
is engaged
listening.**

jump right in?

2. Do you demonstrate your knowledge by saying "Oh, yeah, I knew that"?

3. Do you demonstrate listening by using the word "but" before someone has finished a thought?

4. Do you demonstrate listening by using the word "but" when someone has finished a thought?

5. Do you bring choices to light by using the word "however" before someone has finished a thought?

6. Do you bring choices to light by using the word "however" when someone has finished a thought?

See LISTENING, Page 15



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Introduction to securities arbitration and litigation

By **WORTH GRAHAM, Esq.**

Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.

I recently spoke with a colleague who reminded me that there are quite a few attorneys who know very little about Florida securities arbitration and litigation. Thus, the purpose of this article is to provide the reader with a brief overview of this area of the law as well as a quick introduction to the Florida Securities and Investor Protection Act, F.S. 517.011, *et seq.* (FSIPA).

Florida securities laws are designed to provide relief where a broker or advisor has breached a duty and the customer has suffered damages as a result. It is important to note that there are no guarantees in the stock market, and while many people lose money in the market, not everyone has a claim against the broker or financial advisor. With that being said, customers expect their advisors to act within their best interests. The vast majority of brokers and advisors have their clients' best interests in mind, but the unfortunate reality is that our firm encounters clients who lost money in unsuitable investments because of negligent or fraudulent investment advice.

All broker/dealers are required to become a member of the Financial Industry Regulatory Authority (FINRA), a self-regulatory, non-governmental organization. Almost all disputes between customers and brokerage firms are arbitrated through FINRA



Worth Graham, Esq.
Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.

arbitration panels because of agreements customers sign when they first invest with their broker. According to the latest numbers, FINRA oversees approximately 4,250 brokerage firms and 629,525 registered securities representatives.

As a condition to the broker/dealer's membership in FINRA, they must agree to comply with the rules adopted by FINRA. The rules are much too voluminous to summarize in this article, but for present purposes I will focus on the FINRA "suitability" rule, which is relevant to almost every one of our securities cases. The suitability rule requires that a brokerage firm have a reasonable basis to believe a recommended transaction or investment strategy involving a security is suitable for the customer, based on information about the customer obtained through reasonable diligence. A customer's investment profile includes, but is not limited to, the customer's age, other investments, financial situation and needs, tax status, investment objectives, investment experience, investment time horizon, liquidity needs and risk tolerance. The rule also specifies that the broker must have an understanding of both the product and the customer.

A significant portion of our firm's arbitration and litigation cases also rely on the fraudulent transactions provision of FSIPA found in F.S. 517.301. The section states that it is unlawful for a person in connection with rendering any

investment advice or in connection with the offer or sale of security, "[a] 1. To employ any device, scheme, or artifice to defraud; 2. To obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or 3. To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a person." This language is important because a broker may be held liable for any kind of misrepresentation in connection with the purchase or sale of security, whether it is intentional or unintentional.

In addition to F.S. 517.301, there are other important FSIPA provisions that we routinely rely upon such as: F.S. 517.07, which discusses the sale of unregistered securities; F.S. 517.12, which deals with the registration of dealers and associated persons; and, F.S. 517.211, which details the remedies available under FSIPA, which include rescission of the investment and attorneys' fees.

Aside from the foregoing, there are a myriad of common law claims on top of those codified in FSIPA that are regularly applied in securities cases including fraud, negligent misrepresentation, breach of fiduciary duty and breach of contract. If you have any interest in discussing potential investment claims, please do not hesitate to reach out to me.

PRESIDENT'S COLUMN

HISTORY

Continued from Page 3

some of the most influential figures in American legal history, the most famous of which is U.S. Supreme Court Justice Thurgood Marshall.

Prior to his appointment to the high court, Marshall and many other early African-American lawyers traveled the country pursuing justice and defending the civil rights of African-Americans. In 1954, Marshall successfully argued the case of *Brown v. Board of*

Education, which ended segregation and which remains one of the most groundbreaking decisions in American jurisprudence. In 1964, the Congress passed Public Law 82-352, which came to be known as the Civil Rights Act of 1964. This law came about largely as the result of egregious violations of the rights of African-Americans in the south. It should be noted that this law had a much larger effect, and to this day, it secures the rights of women, gay people, disabled citizens and all minority groups.

Let us all join together, celebrate America's collective progress and explore ways to bring unity to our country.

All of the progress made to date would not have been possible without the collaboration, character and resolve of Americans as a whole. Black History Month represents more than just African-American achievement. Black History is AMERICAN HISTORY. So this Black History Month, let us all join together, celebrate America's collective progress and explore ways to bring unity to our country.

*Thanks to fraternity brother John Howe, Esq., for his contribution.

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It's (not such) a small world after all

As young lawyers, the transition into professional practice can be overwhelming. In many instances, they can feel isolated as life becomes focused on career. This is one of the primary benefits of involvement in the Sarasota County YLD. We are a community, and are here to support one another professionally and personally. Getting involved in the Sarasota County YLD provides that sense of community outside the office, allowing young lawyers to feel connected with their local colleagues, who often share the same highs and lows in their journey as practicing attorneys.

However, the community of young lawyers is much larger than simply our small-but-mighty county. The Sarasota County YLD is but one affiliate in the overall statewide Florida Bar Young Lawyers Division, which consists of over 26,000 young attorneys. Each year, the Florida Bar's Young Lawyers Division holds its annual Affiliate Outreach

YLD PRESIDENT'S COLUMN



Jesse R. Butler, Esq.
Dickinson & Gibbons, P.A.

Conference (AOC). The AOC brings together representatives from the almost 60 YLD Affiliates located around the state. Affiliates include local chapters such as Sarasota County YLD and Manatee County YLD, to such diverse affiliates as the Asian Pacific American Bar Association of South Florida and the Florida Association of Women's Lawyers. The AOC presents a unique opportunity for YLD members around the state to come together to network, learn about important resources for young lawyers, and find out what other affiliates have planned for their members in the upcoming year.

This year, the Florida Bar held its annual AOC at Disney's Grand Floridian Resort in Orlando, from January 12 through January 14. The conference included a Leadership Boot Camp, with presentations from the YLD President **Katherine Hurst-Miller** and President-Elect **Zack Zuroweste**, as well Florida Bar

President **Bill Schifino**. Representatives from the various affiliates also presented grant applications for local service projects. This year the YLD awarded over \$40,000 in project grant monies to qualified affiliates. **Robert Young** (Icard Merrill) and **Josh Dell** (Matthews Eastmoore) presented a fun sketch in support of Sarasota County YLD's grant proposal for a CLE that addresses the practical, effective, and ethical ways to develop business as a lawyer in Florida. We will be presenting this CLE later this year, and are working on several other CLEs to be presented in 2017. Always keep an eye on those emails for upcoming events!

As many of you will know, in addition to currently serving as the Sarasota County YLD President, I also serve on the Florida Bar YLD's Board of Governors, where I have the honor of representing the 12th Judicial Circuit, along with my

See YLD, Page 9

SALARY SURVEY

YLD salary survey returns

By **JONATHAN P. WHITNEY, Esq.**
Lutz, Bobo & Telfair, P.A.

The salary survey has been a staple for the Sarasota County Bar Association's Young Lawyers Division for many years. With three years since its last survey, the Sarasota YLD again queried its members about their benefits packages. The YLD received 80 responses from which the following results are derived. To those who answered, thank you for your participation.

The Respondents

Of the 80 respondents, 53 were men and 27 were women (66.25% and 33.75%, respectively). The gender spread was off this year as compared with those responding in 2010 and 2013, which saw a 55% male and 45% female response rate. The respondents, as in years past, are largely private sector attorneys (94%) with government employees amounting to only 5%, then in-house counsel accounting for 1%.



Jonathan P. Whitney, Esq.
Lutz, Bobo & Telfair, P.A.

A significant number of participants work in firms ranging in size from 6 to 15 attorneys (34%), followed by firms between 2 and 5 attorneys (30%), then firms of more than 30 attorneys (21%), followed by sole practitioners (8%), then, lastly, firms between 16 and 30 (6%). Finally, the average of years practiced fell between 3 and 5 years.

Salary

The average salary among respondents equaled approximately \$82,000. When based on gender, the average salary increased for men to \$86,000 and decreased for women to \$71,500. Experience did not account for the disparity in salaries. On average, the female participants had practiced approximately 4.8 years, and the male participants had practiced approximately 4.4 years on average. In addition to gender, the amount of annual billable hours worked plays a role in salary as well.

As one might imagine, more hours billed generally led to greater

compensation. For those billing fewer than 1,400 hours per year, the average salary equaled \$67,000. Those billing between 1,501 and 1,600 hours per year saw no increase in salary compared with those billing 1,400 hours or less. Those billing between 1,701 and 1,800 hours saw a significant increase in salary, which jumped to an average of \$95,500. Finally, those billing more than 1,800 hours earned the highest average salary of \$101,000. Finally, you may have noted that I omitted those billing between 1,401 and 1,500. The two respondents in that category earned an average salary of \$82,500. Given the tiny sample size, it should be viewed skeptically.

Given what appears to be a positive relationship between annual billable hours and salary, I was very surprised to see that the largest group of respondents (40%) billed fewer than 1,400 hours per year. The second largest group (27%) billed 1,801 hours or more each year. The

See SALARY, Page 11

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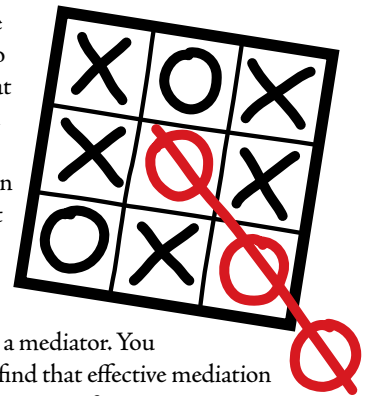
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The legal reality of fantasy sports: It's not clear

By **CHRISTINA UNKEL**

Maglio, Christopher, and Toale P.A.

By the time you read this, you may be recovering from the mental drain of “managing” a winning football franchise and having spent all your championship money on peppermint mochas at Starbucks. While you were managing your team on a week-by-week basis, I’ll bet the thought crossed your mind whether it is currently legal to bet on fantasy sports (pun intended) — but only for a fleeting moment, because you looked around and said, “Hey, everyone else is doing it!” (always a thought that leads to good decision making...).

However, is fantasy sports legal? As anything in the legal world, it depends. About 25 years ago, NFL Commissioner Paul Tagliabue and many other powerful men in American sports gathered to petition a Senate subcommittee to stop the spread of a “growing evil.” As a result, in 1992, the Professional and Amateur Sports Protection Act was enacted (PASPA), which confined legal sports betting to Nevada and three other states (Florida is not one of the three). In 2002, the Federal Wire Act was passed which prohibits electronic transmission of information for sports betting across telecommunications lines and state



Christina Unkel
Maglio, Christopher, and Toale P.A.

lines. And in 2006, the Unlawful Internet Gambling Enforcement Act (UIGEA) was enacted to regulate online gambling by making payment processing illegal as it pertains to online gambling, unless expressly legal under state law. As to UIGEA, there is a carve-out for Fantasy Sports so long as they meet certain requirements: (1) value of the prizes is not determined by the number of participants or the amount of fees paid; (2) all winning outcomes reflect the relative knowledge and skill of the participants; and (3) the fantasy game’s result is not based on the final scores of any real-world games. What you can readily tell from a quick overview of these three laws is that there is more at conflict than in harmony.

Fast-forward to today and America’s sports gambling prohibition has created what many consider the world’s largest black market for sports betting. Although \$4 billion is bet on sports legally in Las Vegas yearly, an estimated \$80 billion to \$380 billion is wagered illegally through offshore online betting houses, office pools and neighborhood bookmakers. The success of law enforcement regulating sports betting has been compared to cutting off a lizard’s tail only to see it grow again. So is

it even worth fighting or is there a better way to simply legalize it so it can be regulated? Take New Jersey, for example; they have been trying for years to attempt to legalize sports betting via new laws at the state level only to have the laws struck down in federal court. With rumblings that legislation is being worked on and questions directed to Jeff Sessions during his confirmation hearing about online gambling and the DOJ Wire Act Memo, be prepared for advocacy on the issue of sports betting to take center stage in 2017. The goal of such advocates, of course, is to eliminate or amend the federal sports betting prohibition in the US so that states can legalize sports betting if their legislatures and governors decide to do so.

In the meantime, in Florida, a 1991 state attorney general opinion called into doubt the legality of fantasy football contests (See AGO 91-03, January 8, 1991) but no conclusion under Florida law or other attorney general action has been taken against fantasy sports. And the answer is worth billions. From the looks of it, fantasy sports are here to stay. It is more of a matter of how and when the law catches up rather than if the law allows it.

YOUNG LAWYERS DIVISION

YLD

Continued from Page 7

fellow Governor, **Margaret Good** (Matthews Eastmoore). As a Governor, I have the privilege of working with amazing young attorneys around the state to further the YLD’s goals of Education, Service, and Advocacy. I also have the honor of bragging about our circuit and the amazing work our young lawyers consistently accomplish. This year, Sarasota County was nominated for the Member Service Project of the Year award for our 2016 Pro Bono Luncheon. Margaret and I both proudly lobbied for Sarasota County before the Board. Although we did not win the award this year, it was a very tight race.

The Sarasota County YLD is but one affiliate in the overall statewide Florida Bar Young Lawyers Division.

Over the next year, I hope to encourage the interest and participation of our YLD members in the programs of The Florida Bar and to facilitate the sense of community which I strongly believe is essential to a healthy life as a young lawyer. I would be thrilled to discuss getting involved with, the programming of, or general questions or concerns regarding either the Sarasota County YLD or the overall Florida Bar YLD, please contact me at jbutter@dglawyers.com. In the meantime, volunteer for a committee, come to our Second Thursdays, and keep an eye out for upcoming programming like the Quick Chat, Beach Volleyball, and Law Week in the months ahead.

Connect with us!



Want to be reminded of upcoming SCBA events while you scroll through

Facebook? How about a glimpse of past events you missed? Maybe even some local legal news and events? Please “like” our Facebook page to receive future updates and photos by clicking here: www.facebook.com/SarasotaBar

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4. Is the attorney Board Certified in Civil Trial Law?
5. Is the attorney AV rated by Martindale Hubbell?
6. Does the attorney have the financial strength to take on significant injury cases?
7. Is the attorney located in the 12th judicial circuit?
8. Will the attorney pay you a referral fee in accordance with the rules regulating the Florida Bar on every case no matter how big or small?*
9. Is the attorney available to speak with you at any point during the referral to give you status updates as you request?
10. Is the attorney willing to take on challenging cases that other law firms or attorneys may not be willing to handle or would turn down due to the amount of work involved?

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*Rules regulating the Florida Bar permit a 25% referral fee without any involvement of the referral attorney other than making the introduction to the client. Any additional fees require court approval and involvement of the referring attorney in the handling of the personal injury matter.

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Wine social, sporting clays are coming soon

Greetings from South County! We are off to a great New Year here in South County — our new (rejuvenated) full Circuit Civil Division is up and running with **Judges Don Hall** and **Kimberly Bonner**, and we continue to make progress on our new Courthouse on the R.L. Anderson site. We appreciate all the support from the Big Bar and would ask for your continued support on both fronts. We hope that you North County litigators who are traveling down to South County find South County to be a very pleasant place to visit. I would invite you to stop on Venice Avenue for lunch or a drink after court if you have not been down here in a while to see all of the changes that have taken place.

Coming up on February 16 we

SOUTH COUNTY PRESIDENT'S COLUMN



Stephen K. Boone, Esq.
*Boone, Boone,
Boone &
Koda, P.A.*

are hosting a wine social at Venice Wine and Coffee and would like to thank our sponsor, Englewood Bank and Trust, for their financial support. Thanks to their generosity, all drinks and food will be free to Bar members. I would invite everyone to attend; as with all of our South County events, a good time will be had by all.

Mark your calendars for our ever-popular sporting clay event, which will be held March 3 at the Sarasota Gun Club off Knight's Trail Road. This has become a very popular event with a barbeque lunch beforehand and then a lively round of sporting clay shooting in the afternoon. For those of you who have not participated in such an event, it is a lot of fun and you do not have to be

an expert marksman or even have any particular shooting skills. There are experts on site who will help you and guide you through the round. Please contact Holly or Hailey in the Bar Office if you are interested in participating.

Sporting Clays event

Our most popular event is coming on Friday, March 3, at the Sarasota Gun Club off Laurel Road. Lunch will be available at 11:30 a.m. with a "shot-gun start" at 1:00 p.m. A detailed reservation form is enclosed. The event is open to all SCBA members, spouses and guests.

YOUNG LAWYERS DIVISION

SALARY

Continued from Page 7

remaining respondents were evenly spread between billing 1,400 and 1,800 hours per year. I was also surprised to see that two-thirds of respondents did not work under a traditional annual billable hour requirement. Of those who did, 50% reported an annual requirement of 1,801 or more hours per year.

Since so few respondents had a billable hour requirement, I assumed that they would be subject to an annual collections goal. Unfortunately, the data did not provide reliable results. Half (50%) of our participants did not know if they were working under an annual collections requirement. For those who did have a collections requirement (only 22%), the results showed an even split between collecting from \$200,001 to \$250,000 per year and \$250,001 to \$300,000.

Additional Benefits

Respondents reported that 80% had the opportunity to receive a bonus. Forty percent indicated that the bonus was discretionary, while 35% indicated that the bonus was based on collections or origination. The average bonus equals approximately \$23,000. The majority of respondents receive profit-sharing,

401(k) or other retirement contributions (69%). Eighty-two percent receive employer-provided health-care. Finally, there was an even split for cell phone reimbursement, with 50% reporting that their firm or employers reimbursed them for that expense, with the other 50% reporting that they did not receive any reimbursement.

Conclusion

Overall, most are satisfied with their compensation packages, the majority having responded with high satisfaction (34%) to moderate satisfaction (34%). With much more focus on wellness over the years, it is not surprising to see that 77% of participants felt that their firm recognized the importance of balance of work and personal time. I read the results to reveal a great degree of flexibility in work-life balance. That is, the results say to me that if one wants to make more money, one can work more to add to the annual billable hours. Alternatively, if one is focused on more personal free time, there is a decrease in earnings. This conclusion is supported by participant satisfaction showing the majority are highly satisfied or moderately satisfied with their compensation packages as compared to the few participants who offered low or very low satisfaction (14% and 5%, respectively).

MEMBERSHIP

Welcome, new members!

The following represents each new member's name, law school, date of admission to The Florida Bar, and law firm association.

■ **Jennifer Bate:** Stetson; 2016; *Attorney at Law.*

■ **Megan R. Krouse:** Barry University; 2016; *Krouse Law Firm.*

■ **W. Scott Van Ness:** University of Florida; 1992; *Michael J. Belle, P.A.*

■ **Jami Worley:** Stetson; Class of 2017, Student member

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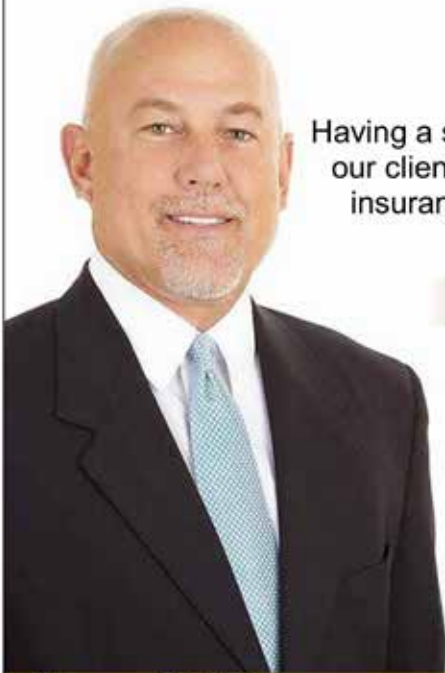
A public symposium featuring Andy Corty, Publisher of Florida Trend Magazine, and William J. Schifino Jr., President of The Florida Bar

- Monday, March 6
- 11:30 a.m. to 2 p.m.
- Michael's on East
- Reception, lunch & program
- Panel discussion and Q & A to follow program

Presented by the SCBA Diversity Committee and the Florida Association of Women Lawyers, Sarasota Chapter

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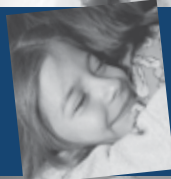


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E-DISCOVERY

Continued from Page 1

of e-discovery. In Part I, below, we will discuss some general definitions and we will briefly go through the evolution of e-discovery jurisprudence. In Part II, we'll build on this history to discuss current topics such as applicable rules and practice tips. Finally, in Part III, we'll discuss the future of e-discovery jurisprudence, emerging trends and technologies, and how you can not only stay informed but also be a part of the evolution.

What is e-discovery?

E-discovery is a term of art. It refers to the procedures and protocols for discovery of Electronically Stored Information (ESI) in litigation. Given that very few documents now exist purely in hard-copy form, nearly all documents and communication exist electronically. Even documents that originally existed or were created as hard-copy can become ESI once they are scanned, e-mailed, or otherwise passed through an electronic process. Furthermore, ESI includes metadata. Metadata is, basically, data about data. It is the invisible information that is recorded behind the scenes. For example, Microsoft Word, like many other applications, automatically tracks and logs each time a file is opened and edited and identifies the user profile associated with the action. Therefore, the ESI associated with any Microsoft Word file is not just the file itself but the metadata for that file, as well. Be mindful that much of the metadata associated with a file may be as discoverable as the file, itself. In Part II, we will discuss practice tips to handle metadata.

Zubalake and the history of e-discovery jurisprudence

In e-discovery, all roads lead to *Zubalake*. Throughout the early 2000s, courts were busy attempting to apply traditional discovery principles to the increasingly electronic universe of discoverable information. With little to no guidance by way of rules or previous case law, most courts had great difficulty in this arena. Judge Shira Scheindlin's wise rulings in *Zubalake*, however, paved the way for e-discovery jurisprudence, nationwide. *Zubalake* is actually a series of decisions out of the Southern District of New York in



Ilyas Sayeg, Esq.
Maglio, Christopher, and Toale P.A.

2003 and 2004. These cases are typically referred as *Zubalake I - V*. The *Zubalake* decisions are seminal cases in e-discovery jurisprudence and are cited often in e-discovery rulings even today.

Zubalake stemmed from an employment discrimination suit in which the plaintiff sought e-mails to be produced in the litigation. The large corporate defendant produced a very small number of employee e-mails, especially when compared with the number of e-mails in just the plaintiff's possession. The defendant objected to production of additional e-mails on account of undue burden and requested that the costs of producing such ESI should be shifted to the plaintiff. In *Zubalake I*, the court crafted what at that time was a novel seven-factor test for such discovery. *Zubalake v. UBS Warburg LLC*, 217 F.R.D. 309 (S.D.N.Y. 2003). *Zubalake II* dealt with a tertiary issue and is not usually discussed as part of e-discovery jurisprudence. In *Zubalake III*, the court applied the test from *Zubalake I*, compelling the production of the requested e-mails but finding that the plaintiff should be responsible for 25 percent of the costs associated with the production. *Zubalake v. UBS Warburg LLC*, 216 F.R.D. 280, 289 (S.D.N.Y. 2003). In *Zubalake IV*, the plaintiff presented information showing that the corporate defendant was culpable in spoliating ESI. The court agreed. The court granted costs against the defendant but ruled against the plaintiff's requested adverse inference. *Zubalake v. UBS Warburg LLC*, 220 F.R.D. 212 (S.D.N.Y. 2003). In *Zubalake V*, the plaintiff presented new evidence of willful destruction of ESI. The court chastised the defendant for its behavior and the defendant's counsel for its failure to properly manage the preservation of ESI. The court sanctioned the defendant again with costs and this time was convinced that the spoliated ESI supported the plaintiff's claims and thus awarded a negative inference in the case. *Zubalake v. UBS Warburg LLC*, 229 F.R.D. 422, 440 (S.D.N.Y. 2004). When the case finally went to trial, Ms. *Zubalake* prevailed.

Under the leadership of Judge Scheindlin's rulings in *Zubalake*, e-discovery jurisprudence took off. As courts nationwide did what they could to keep up with

the growing number of e-discovery issues, however, it became clear that the Federal Rules of Civil Procedure, themselves, needed to be updated. The first major change occurred in 2006 when Federal Rules 16, 26, 33, 34, 37, and 45 were amended in order to explicitly address the discoverability of ESI. More recently, in December 2015, the Federal Rules went through a substantial overhaul: Rules 1, 4, 16, 26, 30, 31, 33, 34, and 37 all saw substantial changes due to impact of e-discovery issues. This time, the growing prevalence of e-discovery and the diminishing use of paper discovery resulted in more foundational — and controversial — changes that went to the very core of discovery. For example, gone is the scope of discovery as we all learned in law school. Under Rule 26, the scope of discovery in federal court is no longer whether information is relevant or “reasonably calculated to lead to the discovery of admissible evidence.” Instead, it is whether the information “is relevant to any party's claims or defense and proportional to the needs of the case...” Fed. R. Civ. P. 26(b)(1).

What is proportional and where does discovery go from here, you ask? Well, stay tuned. In Part II, we'll discuss current issues, such as proportionality, and tips for e-discovery in your practice.

Ilyas Sayeg practices complex civil litigation at Maglio Christopher & Toale and is a member of Working Group 1 of the Sedona Conference.

Are you missing Bar events?

The Bar is sending notices of all its functions and important events via email. Please be sure to read the SCBA Weekly News & Events email that is sent out every Wednesday. You can also print the event flyers directly from The Docket (following page 18), or under the Events tab on the SCBA website at www.sarasotabar.com.



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The Docket



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The Docket encourages submissions of interest to SCBA members. Contact the SCBA office via e-mail (scba@sarasotabar.com) or phone (861-8180) for further information. The Docket is published 10 months a year. Deadline is the first Friday of the month preceding the month of publication.

SOLO

Continued from Page 1

genarian. There are not, however, any classes that answer questions I had right out of the gate in my solo practice, like: What corporate form is best for me? What kind of office space do I need? Where should my office be located? Do I need to hire an assistant or paralegal? And, perhaps most importantly, just how many different sizes of yellow sticky notes does one office need?

Learning how to run an office is very different from running a practice. In my case, I am fortunate to have the able assistance of my firm administrator (i.e. my wife) (she made me type that), who does my bookkeeping, IT and marketing. But for many lawyers, tackling these “business” aspects of a solo practice can seem daunting. This lawyer has been daunted many a time over the past two years. But, despite myself, I’ve managed to muddle through.

And, as much as I would like to paint myself as some heroic Horatio Alger figure, pulling myself up by my own bootstraps, I must confess right here that I have had a lot of help with my bootstraps, thank you very much. There are a wealth of resources available for solo practitioners, and I thought I would use this opportunity to share some of my favorites with all of you solos or potential solos out there. I am a big believer in not reinventing the wheel, and I happily beg, borrow and steal suggestions, ideas and forms from the following:

- **The Florida Bar.** Yes, strange as it may sound, the folks to whom we send our outrageously high bar dues every year have quietly constructed one of the most helpful and informative resources for solos available on the web, i.e. the Florida Bar Practice Resource Institute (www.pri.floridabar.org). It is fortunate for me that the PRI does not charge rent, as I practically live on its website. It’s my first stop when I have questions on practice management, technology, marketing, forms, or vendors, or when I just cannot face revising and editing that opinion letter one more time.

- **The ABA Solo and Small Practice Resource Center.** And, for anything that you can’t find on the PRI website, go to www.americanbar.org/portals/solo_home/solo_home.html, and you will find it there. And if you



Scott Petersen, Esq.
Law Office of Scott K. Petersen, PLLC

can’t find it there, the ABA’s SoloSez (www.americanbar.org/groups/gpsolo/resources/solosez.html) is a listserv made up of solo and small practice lawyers who will tell you exactly what you need and where to find it (and usually how to get a deal on it).

- **Solo Practice Blogs.** There are so many blogs devoted to solo practice that it’s hard to list even a representative sample, but I frequently read MyShingle (www.myshingle.com), Attorney at Work (www.attorneyatwork.com) and Lawyerist (www.lawyerist.com). The blogs cover all sorts of issues that you run into on a daily basis in solo practice as well as dozens more that you probably will never encounter. But, to me, their main value is that the respective authors are consistently telling their readers that no, you are not crazy for doing this, and yes, you can do it. And you need that sort of reinforcement when it’s 10 p.m. on a Friday night and you’re still in your office trying to get your scanner to work.

- **Books.** Back in my day, we had these things called “books” that sat on “bookshelves.” You actually had to physically turn the pages yourself. I know to you millennials that must sound exhausting. When I opened my firm, a lawyer in town sent me a copy of Jay Foonberg’s *How to Start and Build a Law Practice*. I soon realized that, rather than the kind and generous gesture that it seemed to be, it really was a dastardly plot to show me exactly how unprepared I was to open my own practice. Foonberg delves into great detail about every aspect of going solo. I just want the lawyer who sent me that book to know that I know what he tried to do to me and that I will have my revenge. I would also recommend *Solo by Choice: How to Be the Lawyer You Always Wanted to Be* and *Solo by Choice, the Companion Guide*, both written by Carolyn Elefant; *Solo Contendere: How to Go Directly from Law School into the Practice of Law Without Getting a Job*, by Marc Garfinkle; and *The E-Myth Attorney: Why Most Legal Practices Don’t Work and What to Do About It*, by Michael E. Gerber.

- **The Sarasota Bar Solo and Small Practice Section.** Yes, shameless plug: your very own Sarasota Bar Solo and Small Practice Section is here, ready and willing to help. I

have found through my participation in this group an invaluable source of wisdom, help and, yes, comfort while going through the trials and tribulations of solo practice. Our monthly brown bag get-togethers are a great place to get and share advice on a whole host of issues that face solo and small practice lawyers. Or join us at one of our networking events, especially if you want to take the plunge and enter the wild world of the solo practitioner.

Scott Petersen, Esq., is the Chief Cook and Bottle-Washer at the stylishly named Law Office of Scott K. Petersen, PLLC. He practices in the area of condominium and homeowners’ associations law, and is Board Certified in Business Litigation.

LISTENING

Continued from Page 3

7. Are you clear in your communication by responding “no” before someone has finished a thought?

8. Are you clear in your communication by starting your reply with “no” when someone has finished a thought?

9. Do you remain aware of your surroundings by allowing your eyes to wander during conversation?

10. Do avoid questions that simply reflect the flow of the conversation?

11. Do you demonstrate engagement with the other person by “showing how funny you are”?

12. Do you demonstrate comprehension to the other person by “showing how smart you are”?

13. Are you preparing and thinking ahead rather than just being present?

Add up your “No” answers, then see where you are on the scale below.

If you fall within 1 to 4, you need to pay more attention to your listening skills.

If you fall within 5 to 9, congratulate yourself, you are on the right track.

If you fall within 10 to 12, congratulations, not only do you have good listening skills but also people know you are a good listener.

ELDER LAW

CHAIR: **Jeanne M. Bennett, Esq., O'Brien & Bennett, P.A.**

The ABCs of Public Benefits

Supplemental Security Income (SSI) is one of the primary financial benefits available to elders and persons with disabilities. SSI is a federal program and run under federal rules, but Florida's Medicaid program can have no rules stricter than the SSI rules. Join us on Tuesday, February 7, when attorney **David Lillesand** will provide an overview of SSI's elder and disability eligibility rules, including financial requirements and SSI's unusual income definitions and other program peculiarities.

The luncheon will be held at the Hyatt Regency, Tropics Room, from noon to 1:30 p.m. CLE credits have been approved. We gratefully acknowledge our sponsor, **Toale Brothers Funeral Homes & Crematory**. Toale Brothers Funeral Homes & Crematory has been celebrating life for over 100 years, serving in both Sarasota and Manatee counties. They will share with you the key reasons why all families should prearrange and especially those receiving Social Security Benefits or Social Security Disability Insurance.

REAL PROPERTY SECTION

CHAIR: **Cynthia A. Riddell, Riddell Law Group**

Title Insurance Claims: Identification, Resolution and Prevention

The Real Property Section will hold a lunch program on "Title Insurance Claims: Identification, Resolution and Prevention" on Thursday, February 23, at noon at Sarasota Yacht Club. Speaker **Marcelana "Marcie" Anthony**, Assistant Manager of the Southwest Claims Division, and Claims Counsel for Old Republic National Title Insurance Company, will discuss and study the various types of title insurance claims in Florida; how claims arise and are identified; methods of claims resolution (such as the Mutual Indemnification Agreement, among others); a case study of real claims tendered to Old Republic; and tips on claims prevention. The goal is to educate the attorney on title insurance claims and claims avoidance practices, and to inform of the recent agent fraud schemes and spreading cyber/technology related fraud claims. CLE has been applied for.

Thank you to **Old Republic Title** for sponsoring the event.

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In an effort to provide continued improvements to one of our convenient services, our ePay system allows customers to pay traffic and civil infractions and criminal fines and fees online, 24/7. Payments are made through SarasotaClerk.com using any internet-enabled device. This online option gives the flexibility of making a payment after hours, from home or office, on the road — and from another state, or country, a plus for long-distance customers.

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Last month, ePay expanded to include customers enrolled in a Clerk payment plan due to a criminal or traffic citation case. After initiating an agreement and making an initial payment in person, customers then pay their monthly installment online rather than in person, or by phone. The system accepts Visa, MasterCard, American Express, Discover, Apple Pay and electronic checks. After payment, transaction receipts can be printed or received by email or text.

We are pleased to offer this alternative to your clients. Besides the conveniences listed above, ePay allows customers to pay on time, consistently, and helps keep them in compliance with the payment plan they agreed upon. The system also allows payments greater than the scheduled installment if customers choose a quicker payoff. At a rate of 250 new Clerk payment plans per month, ranging in length from 9 to 15 months, this office typically manages approximately 2,000 active accounts — making ePay an efficient tool for both your clients, and our account management payment processes.

NEWS OF NOTE

■ **Amy L. Sergent** has been admitted to the American Arbitration Association (AAA) National Roster of Arbitrators for her extensive experience in handling employment law matters. She will be arbitrating and mediating employment law cases for the AAA. The roster includes highly accomplished and respected individuals from the legal and business communities who offer diverse experiences across a wide range of fields.

■ **Berlin Patten Ebling, PLLC** is pleased to announce that **Elizabeth A. Wexler, Esq.**, a Real Estate attorney, has joined Berlin Patten Ebling's team of experienced lawyers in our Sarasota office. Ms. Wexler practices primarily in the areas of residential and commercial real estate transactions.

■ The **Judge John M. Scheb American Inn of Court** is accepting membership applications for the 2016-2017 year. The Inn is

composed of a limited number of judges, attorneys, law students and law professors, and works to promote legal excellence, civility, professionalism and ethics within the local bar. Each member who joins the Inn is assigned to one of six pupillage groups where he or she will participate in one group presentation based on a legal topic chosen by the group leader. Inn meetings generally take place on the second Tuesday of each month, from September through May (there is no meeting during December, and May is a social gathering). Each meeting begins at 5:30 p.m., the presentations last for approximately one hour and are followed by dinner. The annual cost of membership includes membership in the Inn, six CLE credits, and dinner following each presentation. Membership applications can be obtained by contacting **Andrea McHugh** at 861-4457 or amchugh@scgov.net. Applications are due by April 15.

CLASSIFIED ADS

EMPLOYMENT

Lyons, Beaudry & Harrison, P.A., an AV-rated Sarasota firm with an emphasis on estate planning, trust and estate administration and litigation, seeks an attorney experienced in elder law and guardianship matters. Litigation experience preferred. Please reply in confidence to: craig@lyonsbeaudryharrison.com.

The Edwards Law Firm, PL is seeking an associate with 1-3 years of experience in litigation and/or real estate. Must be an active member of The Florida Bar. Submit resume, cover letter outlining legal experience and writing sample in PDF to sedwards@edwards-lawfirm.com.

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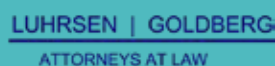
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12:00: LUNCH & PROGRAM

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Deadline for reservations is Wednesday, February 27, 2017 • Mail with payment to: SCBA, PO Box 507, Sarasota FL 34230

"No Shows" and reservations canceled within 48 hours of event will be invoiced.

____ Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.



**SARASOTA COUNTY BAR ASSOCIATION
DIVERSITY COMMITTEE**

Promoting diversity and inclusiveness
in our legal community, our schools,
and throughout Sarasota.



TRENDING TOWARD DIVERSITY THROUGH ECONOMICS MARCH 6, 2017 • SPONSORSHIP OPPORTUNITIES

PRESENTING

\$1000

4 VIP tickets with priority seating

- ☐ Speech from stage
- ☐ Listing as a Presenting Sponsor on the following, if commitment by print dates:
 - Name/Logo on all event signage, WEBSITE, flyer, ad, event program
 - Photo in post event PR

GOLD

\$500

2 VIP tickets with priority seating

- ☐ Verbal Recognition at event
- ☐ Listing as a Gold Sponsor on the following, if commitment by print dates:
 - Name/Logo on all event signage, Website, flyer, ad, event program

SILVER

\$250

1 VIP ticket with priority seating

- ☐ Listing as a Silver sponsor on the following, if commitment by print dates:
 - Name/Logo on event signage Table Signage
 - Name listed in event program

PATRON

\$100

1 ticket

- ☐ Name listed in event program

GENERAL ADMISSION - SCBA MEMBER : \$60.00

GENERAL ADMISSION - Non-SCBA MEMBER: \$75.00

Sarasota County Bar Association
P.O. Box 507
Sarasota, FL 34230
Phone: (941) 861-8180
Email: scba@sarasotabar.com

The Elder Law Section

Presents

"The ABC's of Public Benefits"

Presented By:



David Lillesand, Esq.
Lillesand & Associates, P.A.

Tuesday, February 7, 2017

12 noon to 1:30 p.m.

Michael's on East

We gratefully
acknowledge our sponsor



Overview

Supplemental Security Income (SSI) is one of the primary financial benefits available to elders and persons with disabilities. SSI is a federal program and run under federal rules, but Florida's Medicaid program can have no rules stricter than the SSI rules. This seminar will provide an overview of SSI's elder and disability eligibility rules, financial requirements, unusual Income definitions and other program peculiarities.

CLE has been applied for

Elder Law Section

Tuesday, February 7, 2017

\$30.00 for SCBA Members

\$40.00 for Non-Members

Name: _____ Email: _____

Check Amount: _____ Check No: _____

Please indicate if you require a vegetarian selection _____

If paying by credit card, please go to our secure website to register: www.sarasotabar.com

Deadline for reservations is Tuesday, January 31, 2016

Mail with payment to: SCBA, PO Box 507, Sarasota FL 34230

"No Shows" and reservations canceled within 48 hours of event will be invoiced.

____ Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

The Real Property Section Presents

Title Insurance Claims: Identification, Resolution and Prevention

**Thursday, February 23, 2017
Sarasota Yacht Club
12 Noon to 1:00 p.m.**

Featuring:

Marcelana “Marcie” Anthony

*Assistant Manager of the Southwest Claims Division
and Claims Counsel for Old Republic National Title Insurance Company*

Topics will Include:

- **The various types of title insurance claims in Florida;**
- **How claims arise and are identified;**
- **Methods of claims resolution;**
- **A case study of real claims tendered to Old Republic;**
- **Tips on claims prevention**

CLE has been applied for.

We gratefully acknowledge our sponsor



**Real Property Section
Thursday, February 23, 2017
Sarasota Yacht Club
\$30.00 p/person**

Name: _____ Email: _____

Check Amount: _____ Check No: _____

_____ Please indicate whether you require a vegetarian option

To pay by credit card visit www.sarasotabar.com

Deadline for reservations is Friday, February 16, 2017

Mail with payment to: SCBA, PO Box 507, Sarasota FL 34230

“No Shows” and reservations canceled within 48 hours of event will be invoiced.

Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.



7th Annual Sporting Clays Event

Hosted by the South County Division

Friday, March 3, 2017

**Rain date Friday, March 10, 2017*

Sarasota Gun Club

3445 Rustic Road, Nokomis

**Lunch and registration at 11:30 a.m.
Instruction and shooting starts at 1:00 p.m.**

Registration includes:

BBQ lunch, shotgun rental, 50 clay targets, (2) boxes of ammunition (25 shells each of 12 or 20 gauge), safety orientation

Who can attend:

Spouses and guests are welcome. The more the merrier!

What you should bring:

1. If you have a shotgun that you feel comfortable shooting please feel free to bring it (no assault shotguns or pistol grips please).
2. Eye protection (sun glasses will work), ear protection (disposable ear plugs will be provided). **All shooters are required to have eye and ear protection while on the range.**
3. If you have your own ammunition feel free to bring it, but only target ammo, 2 3/4" rounds with lead shot sizes 7 to 9 are permissible. **2 boxes of ammunition of 25 shells each (12 ga or 20 ga) are included** and will be given to you when you register.
4. After sporting clays, if you would like to continue shooting you will be able to purchase more clay targets from the Club for \$6.00 per round of 25 for trap, skeet and 5 stand fields.
5. For sporting clays there will be four shooters to a golf cart and carts and beginning shooting stations will be assigned. If you would like to shoot with certain folks, please list their names and include their payment with yours, if convenient.

For additional information, please contact event Chair Skip Berg at (941) 493-0871 or skip@bergandkessler.com

SPONSORED BY:



SPACE IS LIMITED TO 96 SHOOTERS, SO REGISTER TODAY!

_____ Lunch only \$10.00

_____ Lunch and sporting clays \$55.00

Primary Contact Name: _____

Phone: _____

First Shooter Name: _____

Email: _____

Second Shooter Name: _____

Email: _____

Third Shooter Name: _____

Email: _____

Fourth Shooter Name: _____

Email: _____

☐ **If you are a beginner and would like to shoot with an instructor, please check the box.**

To pay by credit card, please visit sarasotabar.com or call the SCBA office at 941-861-8180

Please make checks payable to the SCBA and mail to:
P.O. Box 507, Sarasota, FL, 34230

The SCBA Young Lawyers Division is pleased to host its

Fifth Annual All-Bar Spring Training Outing

Tampa Bay Rays vs. Baltimore Orioles

Wednesday, March 22, 2017

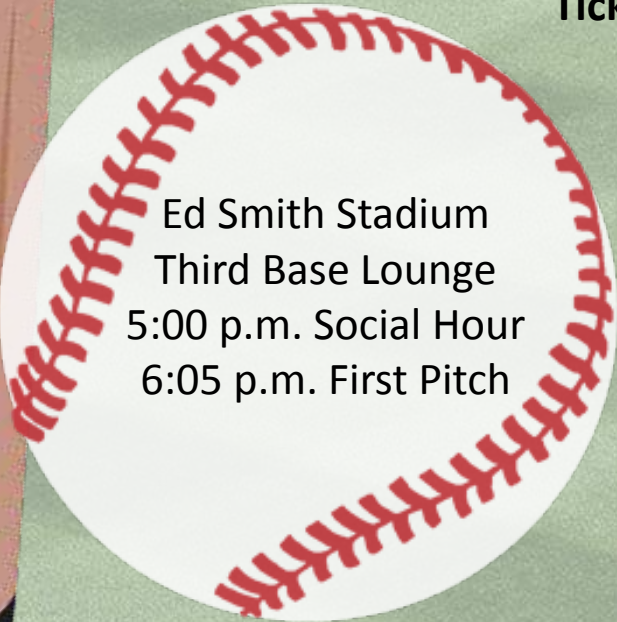
Tickets: \$45 per person

Reservation Deadline:

Wednesday, March 8, 2017

Only 100 tickets are available!

Price Includes Admission to
the Game and Ballpark
Buffet



Ed Smith Stadium
Third Base Lounge
5:00 p.m. Social Hour
6:05 p.m. First Pitch

Please call the SCBA office to make
arrangements for pickup at (941)
861-8180

Tickets MUST be picked up at
the SCBA Office between
March 14th and March 21st

We gratefully acknowledge our
sponsors for this event:

**VINCENT M. LUCENTE
& ASSOCIATES, INC.**
Court Reporters



FERGESON SKIPPER
ATTORNEYS AT LAW

Name(s): _____

Number of Tickets: _____

Email: _____

Check Amount: _____

To pay by credit card visit www.sarasotabar.com

Mail with payment to: SCBA, P.O. Box 507, Sarasota, Florida 34230

Teen Court of Sarasota, Inc. presents

Making HERstory

Wednesday, March 29, 2017

5-8pm at Hyatt Regency

**5:00 Registration | 5:30 Cocktail Reception
6:30 Keynote Speaker & Moderated Panel Discussion**

Adult Tickets \$75 | Student Tickets \$25

**Sponsorship Opportunities &
Tickets available online at www.sarasotateencourt.org**

*Thank you to our Foundation Partner,
Community Foundation of Sarasota County!*



**COMMUNITY
FOUNDATION**
of Sarasota County



2017 JACK BYERS MEMORIAL GOLF TOURNAMENT

Friday, May 5, 2017

12pm Lunch | 1pm Shotgun Start

**The Meadows Country Club
Private Course**

Raffle! Silent Auction! Prizes! Awards!

**Sponsorship & Registration
information available online at
www.sarasotateencourt.org**





FAMILY COURT PROFESSIONAL COLLABORATIVE LUNCH & LEARN Abuse to Alienation

Why Children Resist Contact with a Parent & What to Do about It

We have all had **high conflict parenting cases** involving children resisting or refusing contact with a parent. These are some of the most difficult cases to manage. It is always difficult to distinguish post divorce/ separation abuse from alienation from gatekeeping and other parenting problems. However this is essential to assist the family through the transitions and properly present the case to the Courts.

It is crucial to understand the different types of parent-child contact problems and what sustains them in order to be an effective advocate for children, parents and families. Often parents in these cases have personality disorders, making managing their representation and care extremely difficult. Abuse (IPV and child abuse) and alienation are part of a continuum - we need to identify the type of case before we can determine how to approach representation and/or treatment. Interventions for these highly complex and conflictual cases must be tailored to the amount and degree of alienation and or abuse.

We will explore **Do's and Don'ts** for attorneys and Mental Health Professionals and explore best practices when confronted with these types of cases. **Peggie Ward, PhD** will be the presenter.

DATE	February 16	March 16
TIME	Noon—1:20 pm	Noon—1:20 pm
LOCATION	Sarasota Criminal Justice Center Court Room 2, 6th floor 2071 Ringling Blvd.	Manatee County Courthouse Multipurpose Room, 8th Floor 1051 Manatee Ave. West

Name: _____ Firm: _____

Address: _____

Phone: _____ E-mail: _____

Profession: _____ Phone: (____) _____

Registration: Please select lunch option: ☐ Regular lunch ☐ Vegetarian lunch

☐ For new members \$50 (Includes annual membership) ☐ Existing Members (no fee)

☐ For non-members \$10 ☐ Court Administration / Personnel (no fee)

The FCPC Membership & Registration price will allow you to enroll in a new membership for 2017 and join us for the lunch & learn. Registration & Membership is open only to professionals practicing in the areas of Law, Mental Health & Finance and qualified for membership in FCPC as per By-Laws.

Return to: Cathy Hawkins, Piper, Hawkins & Co. 330 S Pineapple Ave # 106, Sarasota, FL 34236

Make Checks Payable to FCPC or register / pay online

Sarasota: <http://events.constantcontact.com/register/event?llr=9icmfngab&oeidk=a07edrkotoh584a8a75>

Manatee: <http://events.constantcontact.com/register/event?llr=9icmfngab&oeidk=a07edrktmik6c17387b>

Inquiries: Faith Brown, Esq. / Christa Coleman, christa@brownandbrown.legal or call (941) 953-2825

1.5 continuing education (CLE) credit hours have been approved for lawyers. FCPC is applying for continuing education credits for mental health professionals for the March 2017 meeting

The Florida Psychological Association is approved by the Florida Department of Health, Board of Psychology and Board of School Psychology to sponsor continuing education for psychologists. The Florida Psychological Association is approved by the Florida Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling as a provider of continuing education. The Florida Psychological Association maintains responsibility for the program and its content.

**ALSO SAVE THE DATE: FCPC FALL CONFERENCE
FRIDAY, OCTOBER 13, 2017**



SAVE THE DATE

DON'T LET YOUR

FAMILY LAW CASE

BE A HORROR STORY

FCPC ANNUAL FALL CONFERENCE

FRIDAY, OCTOBER 13, 2017

THE POLO GRILL, LAKEWOOD RANCH



HAPPY FRIDAY THE 13TH