

## The latest installment of Chapter 558 — A step in the wrong direction?

By **CHRISTOPHER A. STAINE, Esq.**  
*Shumaker, Loop & Kendrick, LLP*

In 2004, Florida Gov. Jeb Bush signed into law what is commonly referred to as Florida’s “opportunity-to-cure” statutes, more formally referenced as Chapter 558. In short, Chapter 558 was enacted to require aggrieved property owners to place contractors and design professionals on notice of construction defects, with an opportunity to inspect and, if possible, resolve the alleged defects without resorting to potentially expensive and protracted litigation. Given the many amendments to Chapter 558 since its inception, Chapter 558 has, if nothing else, proven to be a work in progress.

Most recently, on June 16, 2015, Gov. Rick Scott signed into law House Bill 87, which yet again substantially changed the face and complexity of Chapter 558. However, unlike prior amendments, this most recent round of changes brought with it one

particular modification that could very well serve to undermine the essential purpose of Chapter 558. Specifically, under the pre-2015 version of Chapter 558, claimants were merely required to “describe the claim in reasonable detail sufficient to determine the general nature of each alleged construction defect and a description of the damage or loss resulting from the defect.” (See Fla. Stat. §558.004(1) (2014)). By contrast, the current version now imposes a more stringent notice requirement, specifically:



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“The notice of claim must describe in reasonable detail the nature of each alleged construction defect and, if known, the damage or loss resulting from the defect. Based upon at least a visual inspection by the claimant or its agents, the notice of claim must identify the location of each alleged construction defect sufficiently to enable the responding parties to locate the alleged defect without undue burden. The claimant has no obligation to perform destructive or other testing for purposes of this notice.”

(See Fla. Stat. §558.004(1)(b) (2015)). To be clear, unlike prior versions, the 2015 version now requires claimants to identify the location of each and every alleged construction defect. While this change might appear fairly innocuous to the casual observer, the potential economic repercussions of this change could serve to dissuade property owners from participating in the 558 process altogether. This is due to the fact that, whereas the prior iterations of

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### SOUTH COUNTY DIVISION



#### SPORTING CLAYS EVENT STARTS WITH A BRIEFING, NOT A BANG

The Sixth Annual South County Division Sporting Clays event was another success! Over 100 participants gathered around picnic tables to receive gun safety and proper shooting technique at the Sarasota Gun Club on March 18. Please see page 6 for more photos.

### SCBA ANNUAL MEETING

## SCBA, YLD and South County leaders to be elected

By **KEVIN R. BRUNING, Esq.**  
*Nominating Committee Chair*

There have been no petitions by any persons to serve as officers and directors of the Sarasota County Bar Association for the 2016–2017 term, the slate submitted by the respective Nominating Committees shall be elected by voice acclamation of the members present at the Annual Meeting on Thursday, May 19.

Three new directors for the SCBA, **Hagen P. Brody, Jennifer L. Grosso,**

The slates will be elected by voice acclamation of the members present at the Annual Meeting on Thursday, May 19.

and **Daniel R. Strader**, shall be elected for a term of three years. Other officers being elected are **W.E. Chip Gaylor**, President-elect; **Nancy E. Cason**, Secretary; and **W. Andrew Clayton Jr.**, Treasurer. The remaining members of the 2016–2017 Board of Directors include President **E. Keith DuBose**, Immediate Past President **Douglas A. Cherry**, and Directors **J. Allison Archbold, Stacy Dillard-Spahn, Mark A. Haskins, Dana B. Keane, Jason A. Lessinger**, and **Jonathan P. Whitney**. Incoming YLD

See **LEADERS**, Page 3

### SECTION NEWS

## SCBA board OKs new Elder Law section

By **ANDREW R. BOYER, Esq.**  
*Boyer & Boyer, P.A.*

On March 8, the SCBA Board of Directors unanimously approved the creation of an Elder Law Section. This new section will focus on areas of practice related to guardianship, public benefits, veteran benefits, and incapacity planning, as well as the many other legal issues affecting seniors and those with disabilities. SCBA members who were formerly part of the informal Guardianship Sub-Section group will also be included as part of this more broadly based Section.

We are very grateful to SCBA President Keith DuBose and the Board for their support, to Past-President Robert Scheb, and to Chief Judge Charles E. Williams for his innovative tenure as our Probate Judge. Judge Williams issued the following statement on the creation of the Elder Law Section:

“As our community continues to become a destination for more and more retiring baby boomers, it is very important that our local bar members be in a position to educate themselves, the public, and other lawyers on the complex legal issues involved in cases that deal with our aging population. The Court system recognized this year the need to become more hands-on in guardianship matters by securing a full time Guardianship Monitor to be the eyes and ears of the court as more people come under the jurisdiction of the court as a result of dementia and related conditions. An Elder Law Section is needed to keep up with our aging population and the legal issues that continue to arise as a result.”

### MEETING NOTICE

## Law Day Luncheon set for May 19

By **JAIDE BEVERLY, Esq.**  
*Williams Parker*

In 1957, the American Bar Association envisioned a special day for celebrating the role of law in our society. In 1958, that vision came to realization when President Dwight D. Eisenhower declared May 1 of each year to be Law Day in the United States.

As part of the week-long celebration for Law Day, each year the Sarasota County Bar Association sponsors a wide range of law-related educational activities, including a luncheon for SCBA members. This year the YLD is excited to host the annual Law Day Luncheon on Thursday, May 19, at Michael’s on East from noon to 1:15 p.m.

The theme for Law Day 2016 is **Miranda: More Than Words**, to commemorate the 50th anniversary of the seminal U.S. Supreme Court case, *Miranda v. Arizona*. The event will feature a mock trial play on the theme of *Miranda* reenacted by grade-school students from a local elementary school. In addition, you will hear from Col. Kurt Hoffman, chief deputy of the Sarasota County Sheriff’s Office, Assistant State Attorney Andrea McHugh, and criminal defense attorney David Haenel regarding the impact of *Miranda*, how the procedural protections are safeguarded by the courts, and why preservation of the *Miranda* warnings are essential to life, liberty and property of all citizens.

We are anticipating a wonderful turnout, so reservations will be on a first-come, first-served basis. Contact **Erin Itts**, the Law Day luncheon chair, at [erin@ittslaw.net](mailto:erin@ittslaw.net) if you have any questions or need additional information. See flyer insert for more information.

Law Day 2016

**MIRANDA**  
more than words

By **JORDAN J. RICCARDI, Esq.**  
*Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.*

It’s early Saturday. The trees still glisten with the same moisture that fills your lungs as the sun rises to shed morning light on the field. Your leather glove is smooth at the palm, and the inside is worn and gritty. Your hat has been sported every way possible, and you are proud of its maturity. The bat you use is looking for its next home run. The game announcer has called your name, and on your way to home



**Jordan J. Riccardi, Esq.**  
*Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.*

plate you glance at your family in the stands, wearing your team colors. You are bursting at the seams to compete and have fun, and some day in the not-so-distant future, you will look back on this day and reminisce in the glory of sport.

This is an experience most of us have been fortunate enough to share in as kids. Have you ever stopped to think that this experience can be a gift? That there are many who, by no fault of their own, only wished that they could share this gift, if only for a day? That maybe we have the

resources to make this dream into something different altogether — a League of Miracles.

The Miracle League of Manasota has transformed the hopes and dreams of disabled children into the morning air, leather gloves, metal bats, and cherished memories. The League provides true miracles every Saturday: the players who are the most genuinely grateful enthusiasts of our national pastime; the Major League professionals who are involved and contribute in a meaningful way; the players’ families

See **MIRACLE LEAGUE**, Page 5



BAR ASSOCIATION NEWS

# Gender equality still not a reality in the legal profession

Some of you may be surprised to learn that young women lawyers are still experiencing bias in our profession, but there are women lawyers in Sarasota who can tell stories of the bias they’ve experienced. If you’ve been reading the legal news, you know that The Florida Bar YLD’s Commission on Women’s survey of young women in the profession has brought to the forefront the disparate treatment of women lawyers. The most recent *Florida Bar News* covered this issue in an interview with Florida Bar President **Ramón Abadin**. I hope this article will encourage my fellow Bar members to join me in taking a careful look at this issue to find ways to be a conduit for change.

Florida Bar President Abadin and his wife **Kim Cook**, the first female president of the Miami Chapter of the American College of Trial Lawyers, recalled a particularly off-color comment made by one of Cook’s law partners more than two decades ago after Cook returned from maternity leave. Abadin described how his wife took maternity leave, had the baby, and came back to work, only to be asked by her partner: “How did you enjoy your vacation?”

“That was a long time ago, but here we are again. How come things haven’t changed? It is personal to me,” Abadin told the Board of Governors on March 11, as he showed them a presentation titled “Care to Improve the Conversation?,” which he is giving to Florida Association for Women Lawyers affiliates around the state.

A recent survey conducted by the Young Lawyers Division of young women revealed some very harrowing and sobering results and statistics. Forty-three percent of those who responded said they had experienced gender bias during their careers;

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thirty-seven percent said they had experienced a lack of recognition of work-life balance at their law firms; twenty-one percent believe they are not paid the same as their male counterparts. Abadin described the results as “borderline unconscionable, particularly in 2016.”

Beyond numbers, the survey respondents reported being mistaken for court reporters and being referred to as “blondie” and “little lady.” The article on the survey in *The Florida Bar News*, by Senior Editor **Jan Pudlow**, was posted online, and through social networking it has been viewed more than 60,000 times, according to YLD President **Gordon Glover**.

“This is all near and dear to FAWL’s heart,” said **Kristin Ann Norse**, president of the Florida Association for Women Lawyers. “The survey results probably were not as shocking for some of our members as they were for other lawyers. Although to see it continuing to happen for younger lawyers is distressing.”

“I would like to have a hard conversation with the men in the room and say, ‘OK, gentlemen. We’re the eighty-two percent. Why?’” Abadin said, referring to a 2015 National Association of Women Lawyers statistic that showed while eighteen percent of equity partnerships are held by women, a whopping eighty-two percent of those positions are still held by men.

“Men are clearly still in control of equity partnerships in firms. Power is money, and money is power. So the women don’t have anywhere near the equal power, equal representation in corporate firms that they do coming out of law school. So the question is: Why? We have to start thinking about what we are going to do about

it. What can we do about it?” Abadin asked.

**Renée Thompson**, a Board of Governors member who chairs the Communications Committee, said: “Folks want to talk to us about this issue. The Florida Bar is leading not only what’s happening in our profession, but what we can do about it to make it real for folks who are dealing with this in other professions as well. It’s a cultural issue. It doesn’t just happen to lawyers. So they are picking up on a bigger message.”

While this particular article focuses on women, this is not just a women’s issue. This is an issue for all of us. I do not want my daughter to

experience the bias recounted by the young women lawyers in this recent survey. I want my law partners and the lawyers I practice beside to be treated equally, no matter their gender, race, or ethnicity. Our Bar has routinely led the way in dealing with difficult and sensitive issues. I am confident we will look at this issue thinking deeply about solutions and strategies to increase our efforts in order to bring about real change, to be more inclusive, to end the bias that still exists, and to move our profession forward.

*Portions of this article originally appeared in the 4/1/2016 Florida Bar News.*



SCBA President Keith DuBose (right) welcomes speaker and State Representative Greg Steube at the March 31 General Membership Meeting.



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SCBA NEWS

YLD luncheon to offer smorgasbord of pro bono service opportunities

By ERIN H. CHRISTY, Event Chair  
Williams Parker

As members of The Florida Bar, it is our professional responsibility to render pro bono legal services to the poor and participate in pro bono services that relate to the legal needs of the poor. On June 7, the YLD will again host the Pro Bono and Service Luncheon at the Community Foundation of Sarasota County to help educate our local Bar members of the many ways to engage in legal voluntarism in our community. We will speak with local leaders about the services they offer to our community, how to volunteer, who to contact, time management for your voluntarism, as well as give attendees the opportunity to ask questions of local leaders.

In April’s SCBA President’s Column, Keith Dubose focused on pro bono service and finding solutions for unfulfilled legal needs. In that column,

he wrote: “As I have discussions about access to justice with my fellow Bar members, I am reminded that there are various efforts in place looking to address this issue. What I am realizing is that a solution to this grave societal problem will not be found in one organization. There is no one right way to address this problem, and every organization will have its different ideas on how to provide pro bono services.”

The purpose of the Pro Bono and Service Luncheon is to bring these various organizations together in order to discuss opportunities for collaboration and lawyer involvement. The YLD hopes to provide insight not only from the organizations but also from volunteers with real life experience giving of their time and talents to address the growing issue of access to justice.

Please join us, and we welcome you to bring summer clerks to the June 7 luncheon.

LEADERS

Continued from Page 1

President **Jesse R. Butler** and South County President **Stephen K. Boone** will serve one-year terms.

The YLD slate for 2016–2017 is as follows: **Jesse R. Butler**, President; **Erin H. Christy**, President-elect; **Erin A. Itts**, Secretary; **Amanda M. King**, Treasurer; and **Adam B. Portnow**, Immediate Past President. **Brian Goodrich**, **Cathleen Kenney**, **Ilyas Sayeg**, and **Christina E. Unkel** will return as directors until 2017. YLD South County Representative **Sara Castro** was nominated to serve a one-year term. Nomi-

nated as new directors **Jennifer H. Burns** and **Robert L. Young** will serve two-year terms as directors until 2018.

The South County Division slate for 2016–2017 is as follows: **Stephen K. Boone**, President; **Daniel Policastro**, President-elect; **Susan H. Hines**, Treasurer; **Bryan Kessler**, Secretary; and **Kerry E. Mack**, Immediate Past President. The following members are nominated to serve as directors for two-year terms: **Catherine M. Gemma** and **Brady Sharrer**. **Robert N. Harrison** and **Anthony G. Mowry** will continue to serve as directors through 2017.

MOVIES

The most important man in Hollywood

By DOUG A. CHERRY, Esq.  
Shumaker, Loop & Kendrick, LLP

During this year’s Oscars ceremony, did you happen to notice the man who received a shout-out from C-3PO? He is one of the nation’s greatest living treasures and deserving of the Academy Honorary Award, which is essentially a lifetime achievement award given to diverse talents such as actors Sir Sidney Poitier and Robert Redford, animator Hayao Miyazaki, and directors Sidney Lumet and Robert Altman.

I am referring to composer John Williams, and this is my case for why he is worthy of the title of this article. My intent is not to write a biography (of which there are plenty online), but to discuss the importance of his musical contributions to our American culture and, even though you may not have realized it, to you.

Williams first started changing cinema in 1975 with his groundbreaking score to *Jaws*, a classic movie widely considered to be the first summer blockbuster. In the words of director Steven Spielberg: “John became the shark when the shark failed to show up for work because of mechanical difficulties. John became the musical leviathan and provided *Jaws* with a signature. It was as important as the shark itself. Without that musical signature, *Jaws* would have been half as successful.” While the shark theme is one of the most immediately recognizable, more understated is how Williams crafted thrilling adventure music as the *Orca* hunts down the great white.

When Spielberg heard about his friend George Lucas’s experimental “space opera,” he called Lucas and said, “I have just the guy for you.” This call resulted in one of the greatest



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series of scores of all time, spanning all seven *Star Wars* films from 1977’s *A New Hope* to last year’s *The Force Awakens*. One of my first memories is sitting in my grandpa’s house when I was 3, listening to the double LP for the score to *A New Hope*. From the opening crawl to young Skywalker staring out at the two sons of Tatooine, from the funky cantina music to the throne room award ceremony, I was immediately captured by the music. Fan or not, the themes are instantly recognizable to most of us. It is important to remember that around this time in cinema, these types of orchestral efforts were largely extinct. Williams brought back the symphonies of Korngold and Newman from the Golden Age of film, replete with leitmotifs and brassy fanfares. Lucas said in an interview about Williams: “About 90 percent of the *Star Wars* films are music. It’s done in a very old-fashioned style, as silent films, so that the music kind of tells the story. A lot of the emotional content is carried through the music as much as through the scenes themselves.”

My childhood was scored by John Williams. When I was 4, I was humming Williams’s Superman March as I ran around my backyard with a ratty red towel that I fashioned into a cape. Around this time, Spielberg expanded his collaboration with Williams with *Close Encounters of the Third Kind*, where Williams crafted one of his most hauntingly beautiful scores while channeling the stark dissonance of Krzysztof Penderecki. I vividly remember a 1980 network special after *The Empire Strikes Back* was released where Williams conducted the London Symphony Orchestra performance of themes from the film. This was the first time I was

See WILLIAMS, Page 8

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YOUNG LAWYERS DIVISION

YLD offers terrific resources, events

This May is the Florida Bar YLD’s second annual Health & Wellness Month. The purpose of the Bar’s Health & Wellness initiative is to bring awareness to mental and physical issues that affect our quality of life as lawyers. I encourage you to connect to the Florida Bar YLD on Twitter and Facebook, and visit their blog at [www.flayld.org/blog](http://www.flayld.org/blog) for more information. The Florida Bar YLD will be issuing “daily challenges” through social media to help spread information and ideas regarding mental and physical well-being to our bar.

I also encourage you to use the hashtags #livewell and #flayld to share your stories on social media and contribute to this important dialogue. Our Sarasota YLD chapter will be planning a health and wellness event TBD. If you know a member of our bar struggling with addiction, depression, mental health, or other issues, Florida Lawyers Assistance is available to help. Go to <http://fla-lap.org> for more information and check out the brochures at <http://fla-lap.org/literature/fla-brochures/>.

Law Week just wrapped up with around 800 area students performing a mock trial skit and learning from our volunteers about the practice of law. Thank you to co-chairs **Kevin Griffith** and **Rob Young**, and to the Law Week committee members: **Jonathan Baker**, **Matt Bobulsky**, **Rachel Heard Didier**, **Leah Ellington**, **Brian Goodrich**, and **Kelly Rodenas**. I also want to express deep gratitude to all of the volunteers who went out to our area elementary and high schools to observe the skits and talk with students. The YLD especially appreciates the participation of the local retired attorneys group, and we look forward to working together on future projects.

May 19 marks the SCBA’s annual

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Law Day Luncheon. This year the YLD has taken the reins and is planning an inspiring presentation. Please plan to attend. And for all YLD members, mark your calendars and RSVP for the YLD’s annual Judicial Luncheon at the Payne Park Auditorium on June 3. This event brings together our judges, magistrates, JAs, and YLD members for a rare, relaxed social gathering. This is one of the best events of the year and is not to be missed.

Lastly, I want to bring attention to a rarely talked about resource for our young lawyers, the Florida Bar’s YLD website, [www.flayld.org](http://www.flayld.org). This site has incredible information and resources on CLEs, law office technology, webinars, and more. Particularly interesting, and not just for young lawyers but for all attorneys, is the law office technology section ([flayld.org/technology](http://flayld.org/technology)), which provides some great information on E-Discovery tools, courtroom technology, law practice management software options, and social media and marketing resources. I encourage everyone to take advantage of these resources.

YLD hosts Judicial Luncheon at Payne Park

Please join the YLD as we host our annual Judicial Luncheon with the Sarasota County judiciary and their judicial assistants on June 3 at Payne Park Auditorium. Each year, the Judicial Luncheon receives rave reviews from all in attendance and provides an ideal opportunity for young lawyers and the judiciary to get acquainted with one another! The luncheon starts at 12 p.m. and features a catered lunch and frozen confections for dessert. Contact Hailey at [scba@sarasotabar.com](mailto:scba@sarasotabar.com) if you would like to attend (YLD members only). We are grateful to Kerkering Barberio for sponsoring the luncheon, to Williams Parker for sponsoring dessert, and to our event Chair, Amanda King.

YLD HOSTS SPRING TRAINING OUTING



Sarasota County Bar Association members enjoy America’s pastime at the YLD’s annual Spring Training outing, where the hometown Baltimore Orioles lost a close game to the Detroit Tigers 2-1. Top photo (left to right): Christina Unkel, Erik Hanson, and Daniel Strader. Bottom photo (left to right): Steve Griese, Jackie Griese and Matthew Cary, Co-sponsor, Northwestern Mutual.



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CONSTRUCTION

**Continued from Page 1**  
Chapter 558 left open the possibility that a claimed defect might be fairly extrapolated throughout the entirety of the construction project, the 2015 version of 558 would appear to significantly limit—if not preclude altogether — the use of extrapolation, a concept that has gained much prominence in recent years, particularly in the context of high-rise condominium litigation. The inability of would-be claimants to engage in extrapolation in the preparation of pre-suit defect notices could have dramatic financial implications on such claimants and could severely steer parties away from utilizing the 558 process.

So what is extrapolation and why should we care? While there are varying definitions as to the process of extrapolation, Black’s Law Dictionary (7th Ed.) defines extrapolation as “[t]he process of estimating an unknown value or quantity on the basis of the known range of variables.” In 2007, the Nevada Supreme Court, in the case of *D.R. Horton, Inc. v. Eighth Judicial Dist. Court ex rel. County of Clark*, more relevantly expanded on the doctrine of extrapolation in the context of a pre-suit notice process similar to that employed here in Florida. In its opinion, the Nevada Supreme Court outlined the extrapolation and corresponding pre-suit notice requirements as follows:

“Extrapolation encompasses the statistical use by an expert witness of a valid and reliable representative sample to formulate an opinion that similarly situated residences and appurtenances may have common constructional defects. The scope of the extrapolated notice must be narrow. Homes included within the scope of an extrapolated notice typically will be similarly situated only if they are part of a subset of

homes within the development. In some cases, a subset of homes for extrapolation purposes may be those of a particular floor plan. In other cases, depending on the nature or location of the defect, the subset of homes to which the extrapolated notice applies may be even narrower, such as homes of a particular elevation within a particular floor plan. Likewise, a valid extrapolated notice may be limited to a subset of homes in which a particular product or type of construction was used. In all cases, an extrapolated notice is valid only if it identifies the subset or characteristics of the subset to which it applies. In order to achieve the minimum statistical basis that the reasonable threshold test requires, we suggest that the district court require the claimants’ expert to test and verify the existence of the alleged defect in at least one of the homes in each subset of homes included within the scope of the extrapolated notice.” 168 P.3d 731, 740 (Nev. 2007).

In simpler terms, extrapolation allows a claimant to use a sufficient sample size as a representative for the whole, and as such, claimants need not test each and every location for possible construction defects. Rather, they need only determine (through the use of an expert) that a sufficient number of locations exhibit a common defect to assert that all other similarly situated locales/appurtenances exhibit the same alleged defect. Considering the exponentially more expensive process of having an expert examine each and every potentially defective location throughout a development or building, particularly multi-unit developments, there can be no question that extrapolation provides claimants with the potential to save significant sums in pre-suit expert costs.

As noted above, the current version of Chapter 558 now requires

claimants to identify the location of *each and every alleged construction defect*. While claimants are under no obligation to perform destructive testing or other testing for purposes of the pre-suit 558 notice, claimants would still arguably be required to at least examine all potentially defective locations in order to successfully meet the heightened notice requirements under 558. Even without necessity of destructive testing, the fact that claimants would be required to undertake such an extensive examination up front would almost assuredly result in exponentially greater pre-suit expert costs. Given the recency of Florida’s newest iteration of Chapter 558, it remains to be seen whether the courts will take a literalist interpretation of the new notice requirements and require claimants to identify the location of each alleged construction defect, an interpretation that would surely dissuade more knowledgeable and sophisticated owners from participating in the 558 process. Nonetheless, prudent practitioners would be well advised to discuss with their clients the potential financial implications of the new Chapter 558 notice requirements in deciding whether or not to opt-out of the 558 process when preparing or negotiating the governing construction contract.

As Sir Isaac Newton’s third law formally states: For every action, there is an equal and opposite reaction. Indeed, while it is still a bit early to forecast with confidence whether or not the change to 558’s notice requirements will force a wholesale move away from the 558 pre-suit process, the practical implications of this change are sure to find their way into the courtroom. This all-but-guaranteed outcome is surely ironic given that 558’s fundamental purpose was to keep parties out of the courtroom altogether.

MIRACLE LEAGUE

**Continued from Page 1**  
who are able to take a break from caregiving to enjoy the person they labor night and day for; and the volunteers who get even more joy than they give.

The Miracle League of Manasota is a 501(c)(3) organization dedicated to providing an opportunity for all children to play baseball, regardless of ability. The first Miracle League was formed in 1998 in Rockdale, Georgia, and the idea inspired hundreds of sister leagues across the nation. The Manasota branch was formed in 2008 by the initial Board of Directors, including Sarasota County Bar member Todd D. Kaplan, who served as one of the League’s original incorporators, and over the course of seven years, as Vice President and Treasurer in addition to in-house “general counsel” of sorts. The sacrifices of folks like Kaplan, past and present directors, and many volunteers have built an impressive, synthetically surfaced baseball field at Sarasota’s Longwood Run Park, including all the requisite amenities such as a concession and restroom facility, shaded stands, a stereo system, and most recently, a wheelchair lift station.

The League’s opening game was held on March 17, 2012, and it has seen continuous growth since that time. Today it boasts a cumulative roster of over 150 players, divided among 10 teams: the Orioles, Pirates, Braves, Phillies, Rays, Yankees, Dodgers, Cubs, Angels, and Brewers. The League is not only “physically accessible” but also “financially accessible.” The League is able to keep registration fees very low, and scholarships are awarded based on need. Contributions made by local charitable partners, private donations, and sponsorships and advertising make the dream possible.

Volunteers make the dream a reality. In addition to sharp-looking uniforms, each player receives the assistance of a buddy in playing the field: running the bases, catching baseballs, batting, throwing, and even celebrating a job well done (although, the crowd helps with that too). Dan and Laura Tellor, the League’s game-day management, are frequently challenged by the sheer number of volunteers eager to participate. Mr. Tellor is now transitioning from game-day management to League president, and brings a wealth of experience with the players and volunteers to the League’s head position. Mr. Tellor and the Board of Directors project even more growth in the coming seasons and are considering an expansion of the current format.

Games are played on Saturdays during each spring and fall season. By the time this article is published, the 2016 spring season will have commenced on March 19 and will tentatively conclude on May 21. However, the fun could be extended in the event of rain-outs or other unforeseen circumstances.

See MIRACLE LEAGUE, Page 8

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- 4. Is the attorney Board Certified in Civil Trial Law?
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- 7. Is the attorney located in the 12th judicial circuit?
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## SOUTH COUNTY DIVISION

## Sporting clays event leads a busy and fun month for South County

Memorial Day is our opportunity to honor the women and men of our Armed Services who have given the ultimate sacrifice to protect us. In a prior article, I wrote about **Michael Douglass**, our local hero who practiced in the Twelfth Judicial Circuit. At the recent funeral for Englewood's renowned sculptor, **Jim Sears**, I had the opportunity to speak with Mike's widow, **Angela**. She wanted to thank me for the article about her husband, and she wanted to tell me that their daughter is battling a serious illness. Can all of you take a few moments to remember Mike, thank him for his service to our country, and include his daughter in your prayers (if you say them) or make a donation to benefit cancer research on her behalf? Look around in your community and write a *Docket* article about the many heroes who live here, so we can tell them how much we appreciate them while we still can. Memorial Day is for those who have gone. Every day is for those of us who remain. So, take the opportunity to express your gratitude to our service personnel while you still can.

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On a lighter note, the South County Courthouse project is surging forward. For those of you who attended the general membership meeting, you heard **Beth Waskom**'s report about the progress being made. For those who missed Beth's report, a presentation to the County Commission is scheduled for the May 18 meeting at the South County Commission chambers. **Dan Wiley**, Dan Wiley & Associates, who specializes in Court Operations and Facility Planning, has prepared a comprehensive summary of the projected staff and space requirements for the South County Judicial Center. Wiley's task was "to create an operational and spatial program for a court specific expansion at the R.L. Anderson government complex in Venice. This program for a South County Judicial Center would be used to estimate related construction and project costs, which would in turn be the basis for potential inclusion of the expansion project in a capital bond issue to be submitted to the tax payer for approval later this year." (Wiley report dated March 7, 2016). The South

County Division of the SCBA appreciates the support and herculean effort of the many county staff members who have labored with Wiley and his staff to move this complex project along and deliver this report to the County Commission by its target date. Please remember that this dream would not be moving toward reality without the continuing work being done by Beth Waskom, our Courthouse Chair. If the referendum is approved, then the next big step will be to promote support for its passage on the November ballot. Please stay involved; this project will be a benefit to all of the citizens of Sarasota County and all of the members of the SCBA.

Who went to the Clay Shoot? **Skip Berg** did his usual fine job of organization, and everything went smoothly. Holly and Hailey, our fabulous Bar staff, were organized and moved registration and the distribution of shells along painlessly. Who remembered to thank them for the work they do for us every day? Skip had over 100 shooters attend, and it was like poetry in motion watching the participants

enjoy their lunch, listen to their instructions, and then head to their assigned golf carts to enjoy the shooting. You should try it next year. It is always in April, and always on Friday. Even if you are a novice, you can enjoy this event. Thank you, Skip, for your continued willingness to chair this event, which has become one of this Division's signature events because of your efforts.

By the time this article is published, the Historic Train Station Wine Event will have come and gone. This event is sponsored by Village on the Isle and our corporate sponsor, **Kerkering Barberio**. The appetizers were provided by The Crow's Nest, a local waterfront restaurant. This event will be moved back to its former time slot in the fall after our 2016-2017 season begins. So, if you failed to register early for the April event, you will another opportunity in October or November. This is another Skip Berg event. If everyone stepped up and gave the SCBA even a fraction of the effort that Skip puts forth every year, just

See **SCD**, Page 7



Clays Chair Skip Berg (center) welcomes guests and acknowledges event sponsors Kerkering Barberio, Community Foundation of Sarasota and Caldwell Trust for their support.

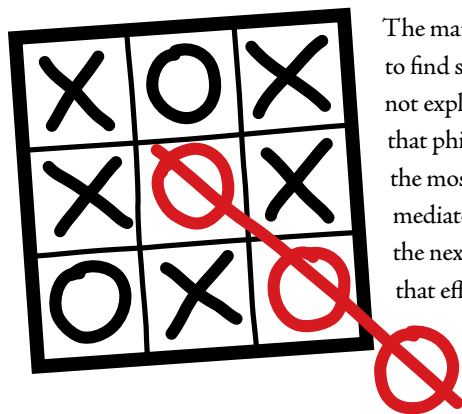


Sporting Clays guests enjoy camaraderie and a BBQ lunch before hitting the course.



Left to right: Rick Santos, John Christian, David Cornish, Neil Milligan and Russ Snyder

## Mediation "outside the box"



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SECTION NEWS

**ADR**  
CHAIR: **Michele Stephan, Esq., Shapiro, Goldman, Babboni & Walsh**  
**May and June meeting schedule**

Please mark your calendars and plan to attend the May and June meetings of the ADR Section of the SCBA. Cost is \$30 for each meeting and payable to the SCBA. If you need CLE/CME credit hours don't delay, register NOW! Each meeting will qualify for two (2) live CME credits in either Ethics or Domestic Violence. CLE credit is pending with the Florida Bar. The May meeting, sponsored by Shapiro Goldman, Babboni & Walsh, personal injury attorneys, will be held May 11, 2016 from 5:30 to 8:00 p.m. at Mediterraneo restaurant. The topic is Mediator Ethics with speaker **Bob Hoyle, Esq.**, current chair of the Florida Bar ADR Section.

The June meeting is sponsored by Vincent M. Lucente & Associates, Court Reporters, and will be held June 8, 2016 from 5:30 to 8:30 at the home of **Michele Stephan**. Address will be forwarded upon registration. The topic will be Domestic Violence.

**REAL PROPERTY**  
CHAIR: **Sheryl A. Edwards, The Edwards Law Firm, PL**

**Avoiding a legal malpractice claim**

Did you know that the real estate practice area has the highest incidence of legal malpractice claims? Learn how to avoid a legal malpractice claim by attending the Real Property Section Meeting on Thursday, May 12, at noon at the Sarasota Yacht Club. **Brett Preston** of Hill, Ward and Henderson will provide tips on implementing procedures to help you avoid being a defendant in a legal malpractice case. Florida Lawyers Mutual Insurance Company is the program sponsor. CLE will be provided.

**SOLO PRACTICE**  
CHAIR: **Patricia C. Meringer, Esq., The Meringer Law Firm, P.L.**  
**Spring networking event**

Come join the Solo and Small Firm Section on Thursday, May 19, for our spring networking event. Members will be introduced and practice area information exchanged to develop effective referral relationships. Be sure to bring plenty of business cards. Sponsored by Ortiz Kleinberg, the evening will include appetizers and complimentary drinks. The event is for solo and small firm attorneys, defined as a true solo or attorney in a law firm with no more than three attorneys. Don't miss this opportunity to socialize with your fellow Bar members. The event will be held at the offices of Fowler Law Group, 2075 Main Street, Suite 38, and begins at 5:30 p.m. Space is limited to the first 35 members to RSVP. Cost is \$25 per person. Please register early by returning the reservation flyer.

**JOINT MEETING: ELDER LAW and ESTATE PLANNING & PROBATE**  
EPP CHAIR: **Aaron S. Thiel, Esq., PNC Wealth Management**  
ELDER LAW CHAIR: **Andrew Boyer, Esq., Boyer & Boyer, P.A.**

**Exploitation — What to do when your client is the victim**

The Estate Planning and Probate Section and the newly formed Elder Law Section will hold a joint meeting on May 25 and will feature a panel discussion regarding *Exploitation – What to Do When Your Client Is the Victim*. The panel will be moderated by **Andrew Boyer, Esq.**, and will include attorney **Lisa Chittaro**, Sarasota County State Attorney's Office, and Detective **Jason Friday**, Sarasota County Sheriff's Office. The panel will cover the ins and outs

of an exploitation case, how law enforcement handles these cases, and how they are eventually prosecuted. Key tips will be provided to attorneys on what to do when faced with an exploitation situation. The noon luncheon will be held at Michael's on East. Special thanks to our sponsor, **Kerkering, Barberio & Co.**

**FAMILY LAW**  
Chair: **Dana B. Keane, Esq., Keane & Keane**

**Business valuations in family law**

On May 26, **Robert Piper**, CPA/CFP/CVA, shareholder at Piper, Hawkins, and Company, will be speaking to the Family Law Section about business valuations. He will discuss when they are needed, how to read them, and how to do direct and cross examination of expert witnesses about them. The luncheon will be held at noon at Florida Studio Theatre, 1265 First Street (new building on the corner of Coccoanut). CLE will be applied for.

SCD

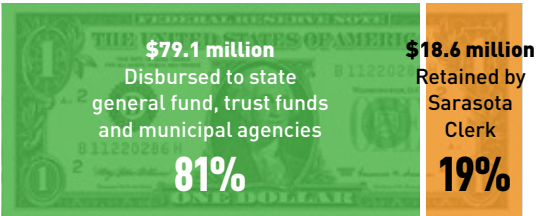
**Continued from Page 6**  
imagine how much greater our organization would be. There are several new lawyers in the South County area. Have you joined this Division yet? If not, please contact the SCBA office or go online to our fabulous new website and fill out an application form. The next event for our Division is the Casey Key Fish House outing planned for May 6, and we welcome all members of the SCBA and those who wish to become members. Remember, this is the opportunity to bring your staff to enjoy the sunset, cocktails, music and the camaraderie of your colleagues. See you there.


CLERK OF THE CIRCUIT COURT

In Sarasota, where do all those fees go?

As fee-based offices, Clerks of Court collect and distribute monies pursuant to Florida Statute, and must operate on the remaining funds they are authorized, by law, to retain. In FY2015, Clerks statewide collected \$1.045 billion in fines and fees, but were only allowed to retain \$427.7 million — well less than a half, or 41% — to fund 67 Clerks offices. The larger share — \$616.7 million, or 59% — was redirected to the State of Florida. But let's narrow the scope. Here's how it looks locally. In FY2015, the Sarasota County Clerk and Comptroller collected \$97.7 million in fines and fees, but were only able to retain \$18.6 million — 19%, well less than a quarter — for operating costs and salaries. The larger share — \$79.1 million, or 81% — was disbursed to the state general fund, trust funds, and municipal agencies. Florida Clerks will continue to work with the Legislature in an effort to address adequate funding. Last year's study provided to the Legislature clearly indicates that additional resources are needed to support the mandates that have been required of Clerks. Clerks continue to suggest that the fees collected by Clerks should be used to provide the services provided by Clerks. If the Legislature supports this approach, it will require changes in the law that allows Clerks to retain a larger portion of the current assessments they collect.

**\$97.7 million** was collected by the Sarasota County Clerk of Courts in FY2015. Here is where the money went:






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NEWS OF NOTE

■ Berlin Patten Ebling PLLC is pleased to announce the addition of **Benjamin DeMarsh, Esq.** He becomes the ninth attorney in the firm’s expanding practice and will be joining the firm’s litigation department. DeMarsh will primarily practice in the areas of residential and commercial real property related litigation.

■ The law firm of Fergeson, Skipper, Shaw, Keyser, Baron & Tirabassi, P.A., is pleased to announce that **Michelle Lajoie Hermey** has received the prestigious AV Preeminent Peer Review Rating from the attorney-rating site Martindale-Hubbell. The rating is an outstanding achievement and demonstrates that a lawyer has earned the highest rating available for legal ability and professional ethics.

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WILLIAMS

**Continued from Page 3**

exposed to the magic behind filmmaking, and I was hooked. In the years that followed, Williams cranked out one memorable score after another, from *E.T. The Extraterrestrial* to *Raiders of the Lost Ark*. On Sunday nights, his main title to the TV show *Amazing Stories* was a highlight.

As I have gotten older, Williams’s works have matured as well. *Schindler’s List*, which featured soloist Itzhak Perlman, was a step forward for both Spielberg and Williams. It garnered Williams his fifth Oscar win (the most for any composer). It also kicked off what I consider Williams’s more serious years, highlighted with dramas such as *Saving Private Ryan*, *Amistad*, *Seven Years in Tibet*, *JFK*, *Rosewood*, *Sleepers*, *Nixon*, *Angela’s Ashes*, *Memoirs of a Geisha*, *A.I. Artificial Intelligence*, and *Munich*.

While he is best known for his film scores and ceremonial music, Williams is also a noted composer of concert works, a skilled arranger, and a renowned conductor. On a technical level, his compositions are quite complex while still being accessible. Much like Bach and Mozart, Williams has a mastery of counterpoint, a technique that most modern film composers are unable to grasp.

Williams’s music is all around us and an essential part of pop culture. He has developed and refined that

distinctly American style of classical composition, forged by composers like Aaron Copland. It has influenced new generations of composers such as Michael Giacchino (just listen to *Jurassic World* and hear his famous themes). Without Williams’s contributions, I seriously doubt the megabuster films that he has scored would be nearly as successful. Hollywood loves when art turns into dollars, but studios probably don’t grasp the full extent of what he has accomplished. Not convinced?

For those of you who enjoyed *The Force Awakens* and the nostalgic buildup to it, try this experiment. Watch the trailer with the sound off. Now replay the trailer with the sound on and your eyes closed. Which was more effective?

Can you find a corner of Universal Studio’s Wizarding World of Harry Potter that isn’t playing Williams’s score? Williams only scored the first three of the eight films, but his themes are dominantly played throughout the park. How does that enhance the experience? Just wait until Disney World opens The Star Wars Experience.

Check out the live score audio option on the Blu-ray for *E.T.*, especially the music for the last fifteen minutes of the film, which reaches operatic heights.

How many of the following Williams themes can you immediately hum: the Olympic Fanfare, the Gilligan’s Island Theme, the NBC Nightly News, the Imperial March (or other themes from *Star Wars*), the Superman March, the Raiders March (Indy’s theme), the Harry Potter theme, E.T.’s Theme, Jurassic Park, Home Alone ...? Now try to recall the same number of pieces from any other American composer.

Amazingly, Williams just celebrated his 84th birthday and is at the top of his game. His score to *The Force Awakens* is outstanding (considered the year’s best by most film music enthusiasts) and was an Oscar nominee. He will be continuing his 40-plus years of collaboration with Spielberg with this year’s big-screen adaptation of the Roald Dahl tale *The BFG*. Here’s hoping that there will be many more of his works to come.

MIRACLE LEAGUE

**Continued from Page 5**

Come see a game; admission is free! There are also several other ways to show your support. The Birdland Golf Classic is a major fundraiser for the League, giving supporters the opportunity to golf and dine with the Baltimore Orioles, who generously donate their time and “baseball swing” to the Classic. The Pittsburgh Pirates also support the League in the annual Pirates Pep Rally. Both teams have been instrumental in the League’s growth since 2008. Additionally, the League receives support from events such as the Bennet Guard Golf Tournament, Fantasy Camp, Trick or Trunk, the Disability Services Fair, and the Bradenton Marauders games.

Please visit the League’s website at [www.miracleleaguemanasota.org](http://www.miracleleaguemanasota.org) for more information, to make a donation, purchase an advertisement, or to get involved. Now, let’s play ball!

*Jordan J. Riccardi is Director and Secretary of Miracle League of Manasota*



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The Docket encourages submissions of interest to SCBA members. Contact the SCBA office via e-mail ([scba@sarasotabar.com](mailto: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.

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