

OFFICIAL MAGAZINE OF THE SARASOTA COUNTY BAR ASSOCIATION

THE DOCKET



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FEATURED ARTICLES

A Mock Trial Tournament for the Books:
Booker High School Wins the 2026 12th
Judicial Circuit Championship

SCBA President's Column: Spring Cleaning
Your Calendar: Why the Bar Association
Should Make the Cut

YLD President's Column: Spring Training,
Sunshine, and the Sarasota YLD





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2025 -2026

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12TH JUDICIAL CIRCUIT



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HOW AI AND THE NEW RULES ARE RESHAPING THE LEGAL PROFESSION

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CONFERENCE AGENDA

8:00 - 9:00: Registration

9:00 - 9:20: Opening Remarks

9:30 - 10:30: Judicial Perspectives: State of the Bar + The Role of AI in the Legal Profession

- *Moderated by Chief Judge Diana Moreland*
- *Justice John D. Couriel, Florida Supreme Court*
- *Justice Jamie R. Grosshans, Florida Supreme Court*
- *Chief Judge Matthew C. Lucas, Second DCA*
- *Judge Anne-Leigh Gaylord Moe, Middle District*
- *Judge Raag Singhal, Southern District*

10:30 - 10:45: Networking Break

10:45 - 11:45: AI-Enhanced Case Management: How Filevine Is Reshaping Legal Operations

- *Presented by Filevine, Title Sponsor*
- *Moderated by Alan Perez, Mallard Perez, SCBA President-Elect*

11:45 - 12:15: Lunch Buffet

12:15 - 1:15: Keynote Presentation

- *Melanie Griffin, Secretary of the Florida Department of Business and Professional Regulation*

1:15-1:25: Twelfth Circuit Judicial Nominating Commission: A Message Regarding Vacancies in the Circuit and the Application Process

- *Attorney Bonnie Polk, Williams Parker*
- *Attorney Hunter Norton, Shumaker, Loop & Kendrick, LLP*

1:25 - 2:10: Dessert Station / Scavenger Hunt

2:25 - 3:25: Breakout Session 1

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3:25 - 3:40: Networking Break

3:40 - 4:40: Breakout Session 2

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4:40 - 6:00: Reception



BREAKOUT SESSION 1

1. Q&A: Insights from the 12th Judicial Circuit and County Bench
 - Moderated by Acting Chief Judge Mercurio
 - Judge Renee Inman
 - Judge Shannon Hankin
 - Judge Matthew Whyte
 - Judge Maria Ruhl
2. Navigating Change: Federal Insights on the New Florida Rules of Civil Procedure
 - Moderated by Judge Andrea Watt McHugh
 - Judge Anne-Leigh Gaylord Moe, Middle District
 - Judge Raag Singhal, Southern District
3. Real Property in Motion: Current Issues and Emerging Trends in Florida Real Estate Law
 - Moderated by Judge Kevin R. Bruning
 - Attorney Manny Farach, Taft Stettinius & Hollister LLP
 - Attorney Lisa Moore, LGM Law, PLLC
4. Conflict and Legacy: Navigating Complexities in Estate and Trust Litigation
 - Moderated by Judge Charles E. Williams
 - Attorney Rich Caskey, J. Richard Caskey, P.A.
 - Attorney Kim Bald, Harllee & Bald
5. From Tallahassee to the Courthouse: Key Legislative and Judicial Developments
 - Moderated by Judge Danielle Brewer
 - Justice John D. Curiel, Florida Supreme Court
 - Chief Judge Diana Moreland
 - Senate President Designate Jim Boyd
 - Representative Fiona McFarland
6. Cybersecurity and Technology in Legal Practice: Pitfalls to Avoid in the Age of AI
 - Moderated by Attorney Doug Cherry, Shumaker, Loop & Kendrick, LLP
 - Judge Kennedy Legler
 - Attorney Jade Davis, Shumaker, Loop & Kendrick, LLP
 - Serge Jorgensen, Principal, Cyber Security Consulting, Crowe LLP

BREAKOUT SESSION 2

7. Litigation Foundations: The New Era of Proportionality and ESI, Trial Strategy, Motions, and Privilege Logs
 - Moderated by Judge Charles P. Sniffen
 - Attorney Morgan R. Bentley, Bentley Goodrich Kison, P.A.
 - Attorney Ilyas Sayeg, Justice Law
8. Judicial Roundtable on Ethics, Professionalism, and Sanctions: Section 57.105
 - Moderated by Justice Grosshans
 - Judge Hunter W. Carroll
 - Judge Melissa Gould
 - Judge Maryann Olson Uzabel
 - Judge Edward C. LaRose, Second DCA
9. Experts: Case Management Report, Selection, Deposition, and Disqualification
 - Moderated by Judge Stephen M. Walker
 - Judge Dana Moss
 - Attorney Martin Garcia, Garcia Dell
 - Attorney Fred Moore, Blalock Walters, P.A.
10. When Family and Business Collide: Untangling Overlapping Legal and Financial Issues
 - Judge Teresa Dees
 - Attorney Brian Goodrich, Bentley Goodrich Kison, P.A.
 - Attorney Philip Schipani, Schipani Law Group
11. Preserving the Record: Trends and Tactics in Appellate Practice
 - Moderated by Attorney Jesse Butler, Butler Legacy & Litigation, PLLC
 - Judge Suzanne Labrit, Second DCA
 - Judge Susan H. Rothstein-Youakim, Second DCA
12. Exploitation of the Elderly in a Digital World
 - Judge Ryan Felix
 - Assistant State Attorney Andrew Vansickle
 - Attorney Kate Fall, Boyer & Boyer, P.A.



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Spring Cleaning Your Calendar:

Why the Bar Association Should Make the Cut



SCBA PRESIDENT'S COLUMN

By: Sara Castro, Esq. | Castro Potts Law Firm PLLC

As we move into spring, many of us take the opportunity to reassess, reorganize, and simplify—whether it's our homes, our offices, or increasingly, our calendars.

In recent years, the way we spend our time has changed dramatically. Remote hearings, virtual meetings, online shopping, and food delivery have all reduced the need to leave our desks. Even within our own practices, many of us—or our staff—work from home at least part of the time. Efficiency has increased, but so too has the temptation to fill every available moment with more work, more emails, and more screen time. As a result, we have all become more selective about how we use our time outside of those obligations. If something is going to make it onto the calendar, it needs to be worth it.

That reality has not gone unnoticed by your Bar Association.

Over the past year, we have taken a deliberate and thoughtful approach to evaluating our programming—but, importantly, we did so not in a vacuum. We asked you, our members, for feedback. And we listened.

We heard what matters to you.

You told us you value meaningful interaction with judges. You want CLE programming that is practical, relevant, and immediately useful in your practice. You want real networking opportunities—not just attendance, but connection. You also shared that, given how carefully you guard your personal time, family-friendly events matter. And when it comes to CLEs, convenience is key: lunchtime programming and remote options

make it easier to participate without disrupting an already full day.

We have taken that feedback seriously.

As a result, our recent and upcoming programming reflects a shift away from quantity and toward intentional, high-quality offerings designed to respect your time and provide real value.

You will see this reflected in our upcoming events. Our lunchtime CLEs—such as *Early Dispute Resolution (EDR): How to Analyze Risk, Value Cases, and Settle Early* on April 2, *Revisiting the Florida Community Property Act* on April 8, and *1031 Exchange Basics* on April 21—are designed to deliver practical, usable knowledge in a convenient format.

We are also continuing to offer substantive, practice-focused programming, such as *What Tallahassee's State Agencies Wish That You Knew About Doing Business in Florida* on April 29 and *Follow the Money: Prosecuting Elder Exploitation* on May 19—topics that speak directly to real-world issues facing our members.

At the same time, we recognize the importance of stepping away from the desk and connecting in person. Events like the *12th Judicial Bench Bar Conference* on May 8 provide invaluable opportunities to interact with members of the judiciary and your colleagues in a meaningful setting. And for those looking for connection beyond the courtroom, gatherings like the *Big Splash Bash* on April 18, the *Tri Section Brunch* on May 17, and our *Wine Down Social* on June 10 offer more relaxed, family-friendly and community-oriented opportunities to engage.

Because while so much of our profession can now be conducted remotely, there remains something uniquely valuable about being present.

In-person interaction fosters stronger, more lasting professional relationships. It creates space for organic conversations, mentorship, and collaboration in ways that simply cannot be replicated on a screen. These moments are not only important for networking, but they are also essential to building a sense of community within our profession.

Just as importantly, they provide something we all need: a break.

The practice of law is intellectually demanding and, at times, isolating. Stepping away from the computer to engage with colleagues in a meaningful way can be both energizing and restor-

ative. It reminds us of why we chose this profession and reconnects us with the people who share its challenges and rewards.

As you look at your calendar this spring, I encourage you to be intentional. Make space for the things that matter. Choose the opportunities that will move you forward, both professionally and personally.

Take a moment to review our upcoming events and see what speaks to you. We believe you will see the enhanced value we are striving to provide—but we also welcome your continued feedback as we refine and improve.

And when you are deciding what makes the cut, I hope the Bar Association is on your calendar.

I look forward to seeing you there.



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Spring Training, Sunshine, and the Sarasota YLD



YLD PRESIDENT'S COLUMN

By: Jill Bowen, Esq. | Shumaker, Loop & Kendrick, LLP

If you ever want to witness the perfect overlap between the legal profession and America's favorite pastime, look no further than the Sarasota County Bar Association Young Lawyers Division's Spring Training Baseball Outing. Despite my opinions about how much excitement one can actually glean from the lovely game of baseball, the event was a complete success, and I am very proud of the YLD Board for putting it on!

This year's game featured the Baltimore Orioles taking on the Red Sox, and as far as I can tell, both teams did an excellent job of doing the things baseball teams do—running, throwing, catching, occasionally hitting, and inspiring the rest of us to nod knowingly as if we understood the deeper strategic implications of any of it. But whether you came for the baseball or simply for the sunshine, snacks, and time with friends, this year's outing was all about connection. We had a fantastic turnout of young lawyers, families, significant others, and little ones of all ages.

One of my favorite things about this annual gathering is how it brings us together in a space where being "on" simply isn't necessary. No suits, no business cards, no after-hours emails from opposing counsel (even though I can't help but check Outlook just in case), just an easy afternoon with people who understand both the joys and challenges of practicing law. There's something grounding about spending time with colleagues who we usually only catch up with through frantic refrains of how busy we all are.

It was also wonderful to meet so many spouses, partners, and children of our members. Our professional lives are demanding, but events like this

remind us that our support systems extend far beyond chambers and conference rooms. Getting to know your lives and families outside of work is always such a joy, so to everyone I was able to meet, thank you for taking the time to show up with your families!

And while I am still crossing my fingers that my son does not eventually take up baseball, I can confidently report that the YLD put on an amazing event and fun was had by all. Whether you stayed for all nine innings or slipped out after securing a hot dog (no judgment), your presence is what made the event so special.

As always, none of this would be possible without our amazing sponsors: Here Comes the Judge, Heritage Process, and The Roknich Law Firm! Finally, a huge thank you to the members of the YLD Board who organized the outing, coordinated the tickets, and ensured that all we had to do was show up and enjoy ourselves. Their behind-the-scenes work is what turns these ideas into experiences and what keeps our division vibrant, welcoming, and connected.

Thank you to everyone who joined us. I'm grateful for this community, even if I'm still working on my baseball vocabulary. And if you didn't make it this time, don't worry, we have plenty more opportunities ahead, most of which do not require knowledge of batting averages.

Here's to good weather, good company, and the kind of events that remind us why the YLD is such a meaningful part of our local bar. I look forward to seeing you at the next one!



Shameful Plug – Entertain Your Whole Family for \$10



SCD PRESIDENT'S COLUMN

By: Mark Creech, Esq. | The Law Offices of Mark A. Creech, PLLC

You read that correctly. This plug will not be shameless.

On Saturday, April 18, at 5:30 p.m., the SCD is hosting an event for all members, spouses, children, grandparents, and anyone else you consider part of the crew at the North Port Water Park. Yes, you read that correctly. North Port has a water park. Who knew? (We did!)

The cost? \$10 per family.

Let me repeat: \$10 per family. Not per person. Not per wristband. Per family.

Family of four? \$10.

Ten kids? Still \$10 (and also, blessings to you).

Bringing grandparents and the nanny? \$10.

No kids, but curious whether you still have what it takes to nap in the lazy river or conquer a four-story waterslide? Also \$10.

This is made possible by a generous sponsorship from a name we all know — **Kim Bonner Mediation.**

This is our second year hosting the event. Last year's turnout was a little light — particularly from those north of Nokomis. And that's unfortunate, because it is no small feat to rent out an entire municipal water park for the exclusive use of the

Sarasota County Bar Association for three hours in mid-April.

Exclusive. As in:

No public lines.

No strangers drifting into your lazy river flotilla.

No fighting over lounge chairs.

Just lawyers, families, sunscreen, and the pleasant hum of professional camaraderie mixed with children shrieking down a waterslide.

It may be that some members are not fully appreciating what this event is: food and entertainment for your entire family, regardless of age, for \$10. Not \$10 plus concessions. Not \$10 plus parking. Just \$10.

Last year, my one-year-old had a ball. And by "had a ball," I mean he toddled with reckless joy, splashed without restraint, and slept like a champion that night. We had 6–10-year-olds testing the obstacle course like they were in Olympic trials. Teenagers were on their cell phones drifting off in loosely formed packs and braving descents down the tallest slides. Adults claimed inner tubes and floated the lazy river with the serenity of someone without a law degree. Elder adults relaxed in the lounge chairs, supervising in theory, napping in practice.

Everyone ate. Everyone smiled. No one invoiced anyone.

It is rare for the Bar to host a true family event. Rarer still for it to be something your kids don't get to do every day. And almost unheard of for it to be genuinely enjoyable across generations. There is something uniquely satisfying about watching opposing counsel's child hand your child a pool noodle and declare them best friends for the next 45 minutes. Bar professionalism starts young.

Now, admittedly, this is not Disney World. I give you my word as President of the South County Division that if I ever figure out how to get the entire SCBA and their families into Walt Disney World for \$10 — even if it's just Animal Kingdom — anyone who attends this event will receive priority notice. Until then, this is a rare opportunity to network without hiring a babysitter. And yes, if you bring the babysitter, it is still \$10.

Let's address the real obstacle: it's in North Port.

Yes, this means getting on I-75, driving south of Stickney Point (and keep going), and come down to Exit 182. Roughly 28 miles. That is going to take you every bit of 23 minutes. I have waited longer waiting for a hearing to begin. I have spent longer looking for parking downtown. I have certainly spent longer scrolling emails I did not want to answer.

So, I will have to assume that anyone not attending simply has a family they are unwilling to invest 23 minutes (46 round trip) and \$10 in. If that offends you, please refer back to the title of this article.

In all seriousness, this event only works if you show up. The sponsorship only matters if families benefit. The effort to reserve the park only pays off if it's filled with familiar faces and relaxed conversations that remind us we are more than case numbers and court dates.

We are colleagues.
We are neighbors.
We are parents, grandparents, spouses, and friends.

So pack the towels. Throw the floaties in the trunk. Tell your kids they get to see where lawyers go when they're not in court. Come float the lazy river. Brave the four-story slide. Prove that the Sarasota County Bar Association knows how to work hard — and occasionally, how to have affordable, shamelessly wholesome fun.

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Federal Court Ruling on DEI Guidance Reinforces Academic Freedom



CDI CHAIR'S COLUMN

By: Tonya Willis Pitts, Esq. | Pitts Law Firm

In a landmark decision, a federal district court has permanently invalidated the U.S. Department of Education's February 14, 2025 "Dear Colleague" directive, which sought to restrict diversity, equity, and inclusion (DEI) initiatives in schools and higher education institutions. The ruling follows the federal government's concession that the directive and its related certification requirements were unlawful and unenforceable. As a result, the guidance has been vacated and carries no legal force.

This decision represents a significant victory for academic freedom, free speech, and educational equity. It reinforces educators' right to teach about history, culture, and social issues without fear of politically motivated censorship. Although the lawsuit originated in New Hampshire, its implications extend nationwide, including to Florida and Sarasota County, where debates over curriculum and DEI programming have been particularly pronounced.

The February 2025 directive attempted to restrict how schools address topics related to race, gender, and social equity, warning that certain practices could jeopardize federal funding and requiring institutions to certify compliance with vague standards. Critics argued the guidance lacked clarity and created a chilling effect on educators, who feared discussing topics such as segregation or civil rights could expose them to penalties.

The American Civil Liberties Union (ACLU), its

New Hampshire and Massachusetts affiliates, and the National Education Association (NEA) challenged the directive, arguing it imposed vague, viewpoint-discriminatory standards and unlawfully interfered with curriculum decisions. U.S. District Court Judge Landya McCafferty agreed, finding that the directive conflicted with the commonly understood purpose of DEI and likely violated constitutional protections by discriminating against certain viewpoints and imposing obligations without proper authority. Following these findings, the federal government conceded the case, and the court issued a final ruling permanently invalidating the directive.

Education and civil rights leaders welcomed the decision. NEA President Becky Pringle described the directive as an unlawful attempt to interfere with curriculum, while others emphasized that the ruling allows educators to foster inclusive learning environments.

The decision underscores that federal agencies cannot use vague policy statements to restrict speech or impose ideological limits on education. It affirms that educators have a constitutional right to engage in honest instruction, particularly on issues involving race, gender, and social history. It also provides reassurance at a time of teacher shortages and declining morale, reinforcing that educators can teach without fear of arbitrary enforcement.

The ruling has particular relevance for Florida,

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which has been central to national debates over education policy. Laws such as the “STOP WOKE Act” have sought to limit how educators discuss race, gender, and systemic inequality. While the federal ruling does not invalidate Florida’s law, it offers important constitutional guidance that may influence how such laws are interpreted and challenged.

Both the federal directive and Florida’s law share features such as broad language and ambiguous standards that may discourage open discussion. By rejecting the federal government’s approach, the court reinforced the principle that educators cannot be subjected to viewpoint-based restrictions rooted in political ideology.

The decision may bolster ongoing and future legal challenges to portions of the STOP WOKE Act, as plaintiffs argue that restrictions on teaching about race and history infringe upon free speech and due process rights. It also reduces pressure on institutions receiving federal funding to limit DEI-related programming.

In Sarasota County, where schools serve a diverse population, the ruling reassures educators that inclusive teaching practices do not place them at risk of federal sanctions. Teachers may continue to incorporate lessons on civil rights, immigration, and cultural diversity without fear tied to the invalidated directive.

Local colleges and workforce programs also benefit, as many emphasize diversity and inclusion in preparing students for careers in fields such as healthcare, tourism, and education. The ruling supports these efforts by protecting institutional autonomy and academic freedom.

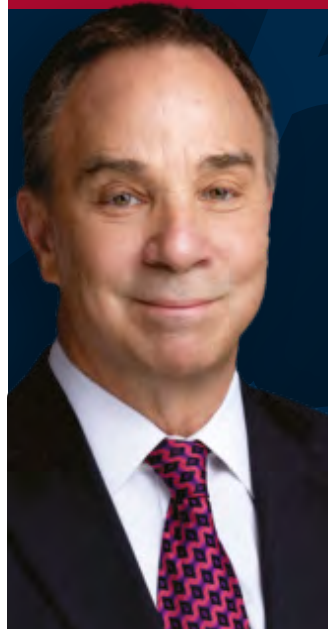
For attorneys and policymakers, the case highlights the importance of constitutional limits on administrative authority and signals increased judicial scrutiny of vague education policies. This may shape future litigation involving both federal and state restrictions on classroom instruction. The invalidation of the Department of Education’s 2025 directive represents a major victory for educators, students, and civil rights advocates. It affirms that diversity, equity, and inclusion remain lawful and essential components of a fair education system.

For Florida and Sarasota County, the decision provides both legal reassurance and practical guidance. It supports educators’ ability to teach honestly, strengthens challenges to overly restrictive laws, and affirms students’ right to learn in environments that reflect the diversity of their communities.



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A Mock Trial Tournament for the Books:

Booker High School Wins the 2026 12th Judicial Circuit Championship



*Christopher L. Hallett, Esq. | Mallard | Perez, P.L.L.C.
CDI Council Member*

The 2026 Mock Trial Tournament will go down as one for the books, featuring a new champion of the 12th Judicial Circuit for the first time in seven years. For the previous seven competitions, the title had been claimed by Invictus Academy.

This year, however, the crown changed hands.

This article follows the journey of the eventual champion, Booker High School d/b/a Team E, whose story began several years earlier.

For most of this group, the journey started in 2024 when they were freshmen. That year, the team failed to place. In 2025, they improved, finishing third overall. During the offseason, Team E added two key “free agent” pickups: **Allie McLaughlin** and **Julius Velez**. With new talent and another year of experience behind them, the team entered the 2026 competition ready to make another run at the title.

Before the first round began, reporters asked Team E’s coaches which side they hoped to see first—plaintiff or defense.

Without hesitation, both coaches gave the same answer:

“CJ Conaway.”

CJ, the team’s sole senior, was competing in his final tournament for Booker High School. He anchors the team’s defense side, delivering the opening state-

ment and handling both direct and cross examinations.

When asked why CJ would be their choice to lead off their team, the coaches shared a story.

At the end of last year’s competition, CJ saved a photo of the winning team on his iPad. He kept it there all year as a reminder of exactly where he expected his team to stand the following season.

CJ did not disappoint.

In dominant fashion, CJ received perfect scores of 10/10 for his opening statement, direct examination, and cross examination in the first round.

Not to be outdone, fellow defense attorney **Malisa “The Asian Mamba” Munsuk** followed CJ’s opening with a scathing cross examination of the plaintiff, earning a 9/10 from the judges.

Then came the closing.

In her first competition, defense attorney Allie “If it walks like a duck, it ain’t a crocodile” McLaughlin brought the round home with a confident closing argument that also scored 9/10s across the board.

Round Two

Round two featured Team E’s plaintiff side, led by junior Kennedy Cole, who is perhaps most famous



within the team for once scheduling a weekend practice—and then not showing up.

Fortunately for Team E, Kennedy did show up for competition.

In fact, Kennedy made a bold decision the morning of the tournament: he rewrote his cross examination the day of competition, believing his previous version wasn't strong enough.

The gamble paid off.

Kennedy delivered a strong performance, and his teammates followed suit. Fellow plaintiff attorneys **Julius “Robin” Velez** and **Ava “BABYBOO” Donoghue** both turned in near-perfect scores on their examinations.

Round Three

Round three once again featured Team E's plaintiff side, this time against a familiar opponent: Riverview High School.

Having faced Riverview in each of the previous two years, Team E expected another close battle.

What they did not expect was the breakout performance of the tournament from advocate **Julius Velez**.

After the round, Julius jokingly requested to be referred to as “Mr. 805.”

Why?

Because during the round he successfully argued six objections, including a perfectly timed Rule 805 hearsay-within-hearsay objection.

When asked why he spent so much time studying evidence rules during his first year of mock trial, Julius had a simple answer:

“You can't play the game if you don't know the rules, right?”

Before joining Team E, Mr. Velez could reportedly be found around Sarasota playing Batman and Robin with his imaginary friend.

Closing for the plaintiff side for the second time in her second mock trial competition, **Ava Donoghue** delivered a fiery closing argument that earned 19 out of 20 possible points across her two closings at the tournament.

Waiting for the Results

After three intense rounds, Team E gathered with the other schools to await the final announcement from tournament official, Cori Coser.

Ms. Coser began announcing the finalists.
Third place: Invictus Academy.

Cheers erupted from one side of the room—but a stunned silence spread through the rest. For the first time in seven years, everyone realized the same thing: There would be a new champion in the 12th Judicial Circuit.

Next came the announcement for second place: Man-

atee School for the Arts.

MSA proved they will be a force in the years ahead, capturing both individual tournament awards:

- Best Advocate: Sarah Rubio Bautista
- Best Witness: Critzalee Melendez Pagan

That left just one announcement remaining.

Booker High School waited anxiously.

Had they placed?
Had they made history?

Finally, Ms. Coser stepped to the microphone:

“And first place in the 2026 12th Judicial Circuit Mock Trial Competition is... Booker High School.”

History had indeed been made. The first public school to ever win the Circuit's competition.

The Witnesses Who Made It Possible

A special shout-out must go to the witnesses for Booker High School.

In mock trial, witnesses win championships.

Whether it's advancing the team's theme and theory, bringing personality to the stand, or engaging in a battle of wits with opposing counsel, strong witnesses often decide the closest rounds.

Booker's witness lineup included:

- **Otto “I'm a cop” Bucholtz**
- **Zachary “I'm right and I can prove it” Campbell**
- **Arielle “that deleted thingy, counselor” Williamson**
- **Lydia “kitten mittens” Gbadebo**
- **CJ “a moment while I sip my water, counselor” Conaway**

Their performances were a major part of the team's success.

A Thank You to Coach Hal Anderson

Special thanks are owed to my co-coach and the head of the Booker Law Academy, **Hal Anderson**.

Not one for the spotlight, Mr. Anderson prefers to work behind the scenes and let the students' shine. A man of many hats, he can be found on any given day conducting a direct examination, performing a cross examination, serving as a witness, or sitting on the bench as a mock judge.

Booker High School and the mock trial team are fortunate to have such a dedicated leader guiding the program.

Next Stop: State

With the circuit championship secured, the team now turns its attention to the Florida High School Mock Trial State Competition, scheduled for March 26–28 in Orlando.

Mele kalikimaka. The journey continues.

Celebrating Earth Day



*By: Nicole Peet, Esq. | Farr Law Firm
SCD Board of Directors*

Every year on April 22, people around the world celebrate Earth Day. What began in 1970 as a grassroots environmental awareness movement has grown into a global day of action and appreciation, now observed in countries worldwide. The first Earth Day was inspired by U.S. Senator Gaylord Nelson, who sought to bring national attention to growing environmental concerns. At the time, pollution was visible and personal: contaminated rivers, smog-filled city skylines, and oil spills regularly made headlines. On April 22, 1970, an estimated 20 million Americans participated in rallies, community events, and educational forums.

Earth Day is not just about legislation or public policy; it is about shared responsibility. It has brought together students, families, business owners, and professionals from every field who believe that caring for our air, water, and land matters.

As attorneys, we spend much of our time solving problems, planning for the future, and protecting the interests of our clients and community. Earth Day invites us to broaden that lens slightly—to consider the shared environment that sustains our clients, our families, and the community in which we live and practice.

Many of us already serve our community in meaningful ways. We sit on nonprofit boards, volunteer in civic organizations, mentor students, and advise local businesses. Supporting environmental efforts, whether through volunteer service, sponsorship, or simple awareness, is a natural extension of that commitment.

Fortunately, Sarasota County is home to remarkable organizations that make it easy to get involved.

One of the most recognized is **Mote Marine Laboratory & Aquarium**, a world-class marine research institution based right here in our community. Mote's work spans coral reef restoration, water quality research, fisheries science, and sea turtle conservation. Volunteers play a vital role by serving as aquarium guides, assisting with education programs, and supporting sea turtle patrols during nesting season. For families, firms, or individuals looking to connect with marine conservation, Mote offers hands-on and educational opportunities year-round. Visit mote.org/support/volunteer to learn more.

If wildlife rescue is of greater interest to you, **Save Our Seabirds** provides care and rehabilitation for sick and injured birds. Located on City Island, the organization's priority is releasing rehabilitated birds back into their natural habitats. For birds that cannot be released, the organization provides lifelong sanctuary and specialized medical care. Volunteers assist with animal care, habitat maintenance, and visitor education, making it a meaningful way to support local wildlife while educating the public about coastal ecosystems.

Protecting the waters that define our region is the mission of the **Sarasota Bay Estuary Program**. This collaborative initiative works to improve water quality, expand wildlife habitats, and enhance the area's natural resources for public use and enjoyment. Sarasota Bay has seen significant environmental improvements since

it was designated an estuary of national significance by Congress in 1989. Today, the program is one of 28 National Estuarine Research Reserves across the United States. Volunteers can participate in shoreline restoration projects, native plantings, and community education initiatives that help preserve water quality and habitat. More information can be found at sarasotabay.org.

Land conservation is equally important, and Big Waters Land Trust plays a leading role in protecting natural areas and ranchlands throughout the region. The organization works with landowners to maintain the health and productivity of Florida's land and water while preserving the natural beauty and rural character of our community as development continues. Volunteer opportunities include removing invasive species, planting native plants, maintaining trails, and supporting youth education programs.

Keep Sarasota County Beautiful is a county-wide beautification program that organizes community cleanup projects to help keep our region free of litter. The organization hosts several large events each year, including the **Great American Cleanup** (spring), the **Liberty Litter Cleanup** (summer), and the **International Coastal Cleanup** (fall). Law firms, bar sections,

and community groups can easily participate in litter removal efforts that directly improve our parks, roadways, and shorelines.

For bird enthusiasts, the **Sarasota Audubon Society** offers volunteer opportunities, including nature center docents, conservation advocates, and citizen scientists. Their programs promote environmental education and habitat preservation across generations. Learn more at sarasota-audubon.org/volunteer.

On April 22, perhaps the most fitting way to celebrate is to step outside, appreciate the natural beauty that surrounds us, and choose one small way to give back. In Sarasota County, the opportunities are abundant. We are fortunate to live and practice law in a place defined by its natural beauty—our beaches, Sarasota Bay, wildlife habitats, and green spaces are not only environmental treasures but also central to our quality of life and local economy.

Earth Day does not require grand gestures. Sometimes it is as simple as signing up for a Saturday cleanup, bringing your family to a native planting event, or encouraging your firm to reduce paper use and support local conservation efforts. Small actions, multiplied across a community, can make a meaningful difference.

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When Disaster Strikes Your Recovery:

Contractor Licensing Lessons from Incident365



By: Kate Craig, Esq. | Bentley, Goodrich, Kison, P.A.
YLD Board of Directors

In Southwest Florida, hurricane recovery work is not theoretical. It is routine, essential, and expected.

Over the last two years alone, our region has navigated the aftermath of multiple major storms, including Debbie, Milton, and Helene. Each left behind waves of water intrusion, emergency mitigation work, and restoration projects across Sarasota and surrounding communities.

With every storm comes a surge in demand for recovery services and a corresponding surge in businesses offering the same. Entrepreneurs from near and far attempt to capitalize on the growing disaster-recovery market. In response, the Florida Legislature and DBPR have wrestled with a recurring question: **who can do what work, and under what license?**

Courts and regulators must balance consumer protection with the need for rapid access to mitigation services to prevent further loss. Licensing, however, is only part of the equation. Post-storm recovery work often unfolds alongside local permitting requirements, emergency declarations, and regulatory exemptions. Contractors and property owners must navigate these issues while the clock is quite literally ticking on further damage.

When disaster strikes, the response is immedi-

ate. Property owners quickly retain companies to extract water, dry structures, remove compromised materials, and prevent mold growth. Specialized mitigation companies often begin work within hours, long before traditional reconstruction begins.

Months or years later, payment disputes arise. When they do, a nuanced legal question has emerged in litigation:

Did the company performing the work actually need a contractor's license?

A recent Florida appellate decision, followed by a notable ruling on remand, provides the start of the answer to that question.

The Incident365 Case

In *Incident365 Florida, LLC v. Ocean Pointe V Condominium Association*, the Third District Court of Appeal addressed whether disaster mitigation work performed after hurricane damage required a contractor's license under Florida law.

After Hurricane Irma caused water intrusion at several condominiums, a mitigation company entered into service agreements with the associations to perform disaster recovery tasks. These included water mitigation, dehumidification, antimicrobial treatment, mold remediation, and

disposal of damaged materials.

The contractor performed extensive work throughout the buildings: water extraction, installation of drying equipment, and removal of damaged building materials. When the associations failed to pay the remaining balance, approximately \$1 million, the company sued for breach of contract and related claims.

The associations raised a defense familiar to construction litigators: the contractor was unlicensed, making the contracts unenforceable under § 489.128, Florida Statutes.

The trial court agreed and entered summary judgment for the associations.

The Third District reversed.

When Mitigation Becomes Construction

The appellate court focused on the statutory definition of “contractor” under §489.105(3), which applies to individuals who construct, repair, remodel, alter, or improve buildings or structures. The court concluded that most mitigation tasks did not require a contractor’s license: water extraction, dehumidification, antimicrobial treatment, mold remediation, and disposal of removed materials.

According to the Court, these activities were not tied to structural construction work and were instead emergency stabilization and sanitation services. To hold otherwise, would create an unnecessary barrier to basic disaster-response services. One task, however, potentially crossed the line: “structural removal of affected substrates.”

The contractor had removed drywall, cabinetry, ceiling materials, and other items affixed to the building. Because the parties offered competing interpretations of whether this work constituted construction activity, the court held that a genuine issue of material fact remained for a jury to decide.

The case was therefore remanded for further proceedings.

The Unanswered Question: Severability

While the appellate decision clarified much of the licensing issue, it left open another question: severability. In a concurring opinion, Judge Scales described the issue as a “thorny” one: if part of the work required licensure, could the contractor still recover payment for tasks that did not?

The Third District left the issue of severability for

the trial court on remand, noting that it “may wish to adjudicate the legal issue of severability before conducting proceedings on the fact issue.”

The Trial Court’s Ruling on Remand

Interestingly, after the appellate decision, but before the trial court addressed severability on remand, the contractor withdrew its claim related to the structural removal work. On remand, the Monroe County Circuit Court concluded that a severability clause cannot save a contract that includes work requiring a contractor’s license, and this would apply even if the contractor withdrew its claims related to the structural removal work.

Relying on §489.128(1), the court reasoned that allowing severability would undermine the Legislature’s intent to deter unlicensed contracting; if the jury ultimately determines that the disputed “structural removal” work required licensure, the entire contract (not merely the licensed portion) would be unenforceable.

Practical Lessons for Construction Attorneys

The evolving *Incident365* litigation highlights several practical considerations.

First, the scope of work matters, sometimes down to the drywall. Disaster mitigation projects frequently involve a mix of services; some resemble sanitation while others resemble demolition or construction. That distinction may determine whether licensure is required.

The case also highlights the importance of narrowing the scope of emergency services agreements once the work is no longer truly emergency in nature. Labeling a contract as an “emergency mitigation agreement” does not eliminate licensing requirements or the obligation to act in good faith.

Finally, severability clauses may not provide the safety net parties expect. As the trial court’s ruling illustrates, contractual language cannot necessarily override the public policy embedded in Florida’s contractor licensing statutes.

For attorneys practicing in Southwest Florida’s construction landscape, careful attention to licensing requirements and to how the scope of work is defined in contracts may make the difference between an enforceable agreement and a very expensive lesson in regulatory compliance.

Or, put more simply: in the world of post-storm construction litigation, what begins as mitigation work can quickly turn into a storm of its own.

Skylaw-SRQ Update



*By: Honorable Charles E. Williams
Chair Sarasota County Law Library Board*

SkyLaw-SRQ.com, Sarasota County's Access to Justice pilot project, officially launched to the public on March 2, 2026. Initial outreach to prospective clients is now underway, and program notices will begin appearing in and around local courthouses in the coming weeks. We welcome marketing suggestions and community outreach ideas from Bar members as we continue to expand public awareness of this new service.

Participation in Skylaw-SRQ is available to attorneys at no cost. The program currently includes over twenty participating attorneys who have volunteered to provide one-hour consultations to members of the public for a flat fee of \$125.00. Several attorneys have made themselves available for appointments across multiple practice areas, including Civil Litigation, Family Law, Estate Planning & Guardianship, Corporate & Business Law, and Property Law.

Bar members interested in participating in the program are encouraged to volunteer available conference dates. Attorneys who are unfamiliar with the program may visit <https://skylawsrq.com/attorneys/> to review participation requirements, client terms and conditions, and submit an application.

As with any new initiative, we ask participating attorneys for patience as awareness of the program grows within the community. One feature of particular interest is the Skylaw-SRQ Standby Registry, which allows consenting attorneys to receive referrals when prospective clients are unable to locate a suitable appointment through the scheduling platform. In those instances, attorneys enrolled in the registry may be contacted on a rotating, non-preferential basis when appointment requests are forwarded to the Sarasota County Law Librarian.

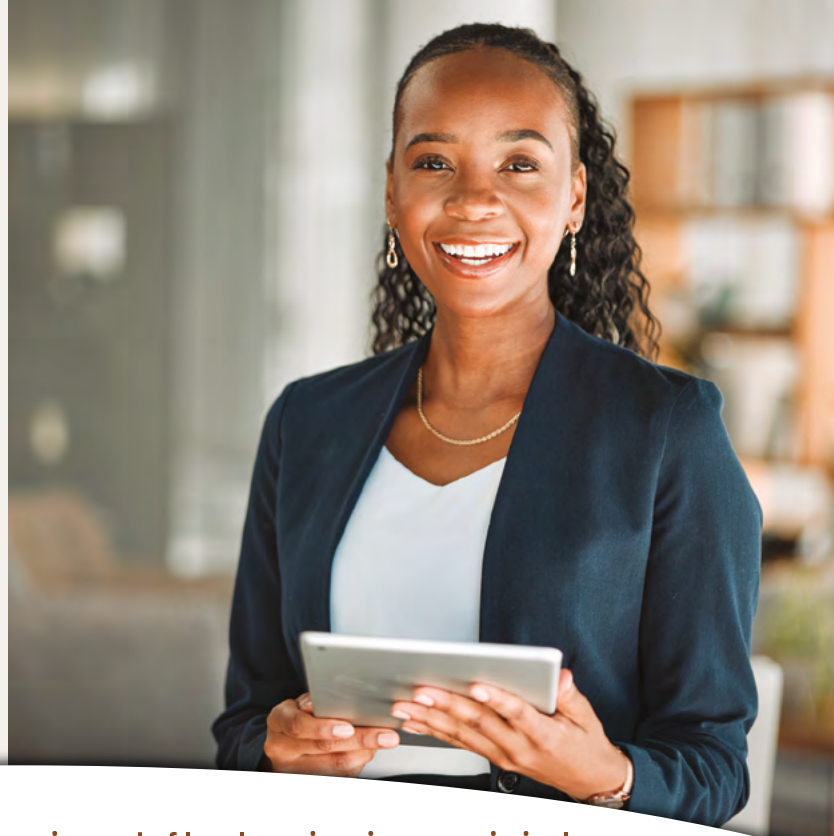
Even attorneys who choose not to participate directly can support the success of Skylaw-SRQ by referring individuals in need of short-term legal assistance. The program is designed to assist members of the public who may not qualify for legal aid services, are unable to retain counsel for full representation, or would benefit from brief professional guidance in navigating a legal issue.

Questions regarding the program may be directed to Bailey Smith at the Sarasota County Self Help Center and Law Library, located on the first floor of the Judge Lynn N. Silvertooth Judicial Center, via email at bsmith@jud12.flcourts.org.



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SkylawSRQ provides an opportunity for those in need of legal services in non-criminal civil matters to obtain a consultation with a member of The Florida Bar at minimal expense.

We are looking for more attorneys who wish to participate! The program is currently in a pre-launch phase until we get a core group of attorneys engaged. Your support is vital in helping us reach that goal. Currently, only the Attorney Registration page is active on the website (SkylawSRQ.com/attorneys). Once the program launches, all website pages will be open to the public.

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Open to attorneys who maintain an office in the 12th Judicial Circuit. All sessions are scheduled by clients online at SkylawSRQ.com and are held virtually. Calendar and open appointments are updated regularly based on attorney availability in each practice area as submitted to program administrators. Consultations scheduled through Skylaw are designed for legal matters that are short-term and do not require a long-term contract with a lawyer.

SkylawSRQ services are offered as authorized by Florida Bar Rule 4-6.6. Before accepting payment or confirming appointments, attorneys should conduct their normal client conflict review to make sure there is no ethical impediment to providing this service. A participating attorney who is part of a Law Firm, Legal Corporation, Law Partnership, or LLC will reconcile their participation in accordance with their legal entity's internal policies and procedures regarding client conflicts and malpractice coverage. In the event of a conflict, the Sarasota County Librarian should be informed and will seek a substitute.

Precision Under Pressure:

Navigating Friction Points in Modern Trust Administration



*By: Tammie Sandoval, J.D., CTFA
SCBA Board of Directors*

Trust administration is often described as procedural work involving distributions, tax filings, accounting, and investment oversight. On paper, much of it appears routine. In reality, modern trust administration operates at the intersection of discretion, regulatory scrutiny, family dynamics, and increasing litigation exposure.

The most consequential fiduciary moments rarely arrive labeled as crises. More often, they emerge quietly through ordinary administration. It is in these friction points that fiduciary discipline becomes visible and institutional credibility is tested.

Discretion is Not Absolute

One recurring friction point is the exercise of discretionary authority. Trust instruments frequently grant trustees “sole” or “absolute” discretion. That language does not eliminate fiduciary responsibility. Discretion must be exercised in good faith, consistent with the purposes of the trust, and with due regard for the interests of all beneficiaries.

While the legal standard governing fiduciary conduct has not fundamentally changed, scrutiny of decision-making has intensified. Courts and litigators increasingly focus on process: What information was considered? Were relevant factors identified and weighed? Were potential conflicts addressed? Was the decision consistent with the grantor’s intent?

A distribution decision that lacks documented analysis can appear arbitrary in hindsight, even if substantively reasonable. Documentation is not defensive record building. It is disciplined fiduciary judgment. A structured deliberative process supports transparency and strengthens defensibility without converting discretion into a mechanical exercise.

Consider a common scenario. A trustee receives a request from one beneficiary for a substantial distribution to fund a business venture. The trust provides broad discretionary authority for health, education, maintenance, and support. The beneficiary argues the venture will generate income and advance long-term self-sufficiency. Other beneficiaries express con-

cern about risk and unequal treatment.

A trustee who simply approves or denies the request without a documented evaluation invites challenges. A trustee who evaluates the request against the trust’s stated purposes, considers financial projections, assesses the impact on remaining beneficiaries, and documents the reasoning behind the decision demonstrates process integrity. If litigation later arises, the court will examine not only the outcome but also how the outcome was reached.

Discretionary tension also arises in the context of closely held business interests. A trustee may oversee a family company in which one beneficiary is employed, and another is not. Decisions regarding executive compensation, retained earnings, or dividend distributions may appear neutral on paper yet materially affect beneficiary balance. Without a documented governance structure and clearly articulated reasoning, routine business decisions can be reframed as favoritism or breach of loyalty. In these settings, disciplined process is the trustee’s strongest protection.

Oversight and Regulatory Expectations

A second friction point arises from the modern environment of heightened oversight. Regulatory examinations, internal audits, and compliance frameworks have strengthened fiduciary administration. They promote consistency, accountability, and risk awareness.

Oversight can introduce tension when the process begins to overshadow the purpose. Escalation committees, policy checklists, and layered review protocols are valuable tools. Yet governance structures must reinforce thoughtful deliberation rather than replace it.

In institutional settings, trustees must balance efficiency with rigor. Overly rigid adherence to procedure can discourage appropriate judgment. At the same time, informal decision-making without a documented rationale creates avoidable exposure.

From a litigation perspective, governance mechanisms carry significant weight. When disputes arise, opposing counsel will examine whether policies were followed and whether deviations were justified. A documented, consistently applied process strengthens institutional credibility. It also protects individual fiduciary officers whose decisions may later be scrutinized years after the fact.

Accounting, Tax Allocation, and Interpretation

Even highly technical administrative decisions can generate friction. Allocating capital gains between income and principal, interpreting distribution standards, or timing estimated tax payments may appear mechanical. In reality, they often involve judgment grounded in governing instruments and applicable statutes.

For example, a trustee may allocate capital gains to principal in a manner consistent with the trust document. A remainder beneficiary later asserts that the allocation reduced income distributions and violated the trust's intent. If the trustee cannot demonstrate review of the instrument, applicable law, and historical practice, the decision may be reframed as partiality rather than interpretation.

These disputes frequently arise not from misconduct, but from inadequate analysis or explanation. Precision in analysis and communication reduces the likelihood that technical decisions evolve into adversarial claims.

Transitions and Succession

Trustee success presents another inflection point. Transitions are often treated as logistical events. In reality, they can expose ambiguities in governing instruments and create vulnerability if not handled carefully.

Questions frequently arise regarding resignation mechanics, beneficiary consent requirements, notice provisions, and the scope of continuing duties. Some trusts require the majority approval of beneficiaries to appoint a successor. Others provide for automatic succession upon resignation. Still others contain layered notice requirements that are easily misunderstood.

For an outgoing trustee, duties to account, preserve records, and maintain continuity remain central. For an incoming trustee, acceptance requires a disciplined review of the governing instrument and careful assessment of potential exposure.

The decision to accept an appointment is itself a significant fiduciary moment. A successor trustee who fails to identify problematic provisions, unresolved disputes, or administrative deficiencies may inherit unnecessary risk. Precision during succession protects both beneficiaries and institutional integrity.

Information Requests and Transparency

Beneficiary information requests also create friction. Trustees must provide information reasonably related to administration. Yet not every request is routine, nor is every request neutral.

Family dynamics may be strained. Parallel disputes may exist. Litigation may be pending or anticipated. Trustees must balance transparency with prudence. The scope of requested materials should be clearly defined. Privileged communications must be identified and protected where appropriate. The trustee's duty runs to all beneficiaries collectively, not to any single individual's tactical objectives.

Responding thoughtfully rather than reflexively preserves both fairness and fiduciary integrity. It also reduces the likelihood that routing administrative matters escalates into formal disputes.

Fees and Perception

Fee transparency is another recurring pressure point. Trustees are entitled to reasonable compensation. However, fee arrangements can become a source of misunderstanding if not clearly communicated and consistently applied.

Institutional trustees, in particular, must ensure compensation practices are disclosed, documented, and aligned with governing instruments and policy. Even sound administration can be overshadowed by perceived opacity in compensation practices. Clarity protects trust.

The Expanding Role of the Modern Trustee

Trustee friction points reflect the evolving complexity of the trustee's role. The modern corporate trustee is not merely a custodian of assets. The trustee functions as risk manager, documentarian, governance partner, and relationship steward.

Each decision is made against a backdrop of regulatory expectation, beneficiary awareness, and potential litigation scrutiny. This environment does not alter the fundamental mandate of trust administration, which is to faithfully and prudently carry out the settlor's intent. It does demand greater precision.

Strength in fiduciary administration is not measured in rigidity or unchecked autonomy. It is measured by disciplined judgment under pressure. The friction points encountered in modern trust practice are not anomalies. They are inherent features of complex fiduciary relationships.

Trusts endure for decades, sometimes for generations. Complexity along the way is inevitable. What distinguishes effective fiduciary administration is not the absence of pressure, but the ability to respond with deliberation, clarity, and documented judgment.

A Decent Proposal



*By Karen E. Rushing,
Clerk of Court & County Comptroller*

Except in specific circumstances which will be addressed here, it is important to remember that proposed orders must not be filed directly into a case. Unless good cause is shown, all attorneys must submit proposed orders through the e-filing portal using the “proposed documents” option. Pro se litigants are encouraged to use the e-filing portal as well but, for those pro se litigants who do not have internet access or are otherwise unable to connect to the portal, proposed orders may be submitted to the office of the Clerk of the Circuit Court.

Each proposed order must be accompanied by a cover letter. However, it is important to ensure that the proposed order and accompanying cover letter are submitted as separate documents as there are different formatting requirements for each. The proposed order must be in .docx format (the format used by Word, and available in compatible word processing programs). The cover letter, on the other hand, must be in PDF/A format.

In the past, the Florida Bar has provided some helpful guidance on best practices for the content of proposed orders. For example, the title should completely match that of the related motion. Further, the title of the order should contain the DIN of the related motion (or other document). The DIN of the subject document should then be repeated in the opening paragraph of the proposed order when it is first ref-

erenced. The title should state the disposition of the motion (or other document) and provide the name of the movant. The disposition should be stated in terms that correspond to the subject of the order. For example, while an order on a motion would grant or deny the motion, an order on an objection would sustain or overrule the objection.

There are some limited exceptions to the general rule that proposed orders must not be filed into a case. Pursuant to Rule of General Practice and Judicial Administration 2.525(f)(1)(E), a proposed order may be filed under a notice of filing for the purposes of preserving a record. Additionally, in the Twelfth Circuit and pursuant to administrative order No. 2022-1.2, the following proposed orders are required to be filed into the case file:

Guardianship

- Order approving Initial Plan
- Order approving Annual Plan
- Order approving initial inventory
- Order approving annual accounting
- Order approving final accounting
- Order of discharge

Probate

- Order admitting will
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News Of Note

April 2026



Sarasota divorce attorney **Peter J. Krotec** has been named President of the law firm of Sypret Meshad. Mr. Krotec dedicates his practice to the law of domestic relations at the trial and appellate levels, and joined the firm in 1989. He was made a partner in 1994 and served as managing partner for several years. Joining Mr. Krotec in leading the firm are current Managing Partners Nancy E. Cason and Kenneth M. Poole, Jr.

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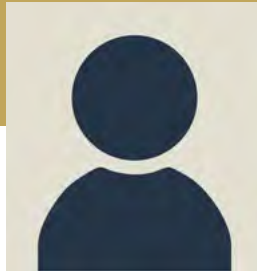
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- Named by Best Lawyers as one of two Tampa "Lawyers of the Year" – Personal Injury Litigation (2014) and Medical Malpractice (2015 and 2023); and recently named as one of two St. Petersburg "Lawyers of the Year" – Personal Injury Litigation and Medical Malpractice
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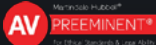
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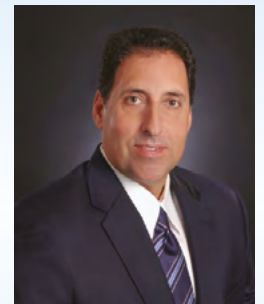
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EVENT SCHEDULE

APRIL 2026

SAT 18	The Big Splash Bash	5:30 PM
TUES 21	1031 Exchange Basics	12:00 PM
WED 22	Administrative Professionals' Day Trivia Lunch	11:30 AM
WED 29	What Tallahassee's State Agencies Wish That You Knew About Doing Business in Florida	12:00 PM

MAY 2026

FRI 08	2026 12th Judicial Circuit Bench Bar Conference	9:00 AM
SUN 17	Tri Section Brunch	11:30 AM
TUES 19	Follow the Money: Prosecuting Elder Exploitation	12:00 PM

JUNE 2026

WED 03	SCBA Annual Meeting	11:30 AM
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