

OFFICIAL MAGAZINE OF THE SARASOTA COUNTY BAR ASSOCIATION



# THE DOCKET

SUMMER 2026

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## FEATURED ARTICLES

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**Bench Bar 2026 Brings the 12th Circuit Legal Community Together at the St. Regis Longboat Key**

**SCBA President's Column:**  
Summer Behind the Scenes at the SCBA

**YLD President's Column:**  
Summer Associate Series with the YLD



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## 2025 -2026

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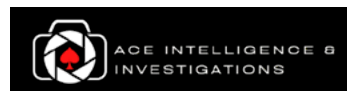
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## Bench Bar 2026 Brings the 12th Circuit Legal Community Together at the St. Regis Longboat Key

On May 8, 2026, the Sarasota County Bar Association and the Manatee County Bar Association welcomed judges, attorneys, sponsors, and legal professionals from across the Twelfth Judicial Circuit to the 2026 Bench Bar Conference at the beautiful St. Regis Longboat Key Resort.

Set against the backdrop of one of Florida's most exquisite coastal properties, this year's conference gathered more than 350 attendees for a full day of continuing legal education, meaningful discussion, professional development, and collegial connection.

From the moment attendees arrived, the atmosphere embodied the collaborative spirit of the Bench Bar Conference. The day began with coffee and networking, followed by a dynamic lineup of programming in the Astor Ballroom featuring members of the judiciary, practitioners, and thought leaders from across the legal profession.

The conference featured a wide range of timely and engaging topics, including judicial perspectives, professionalism, ethics, emerging technology, artificial intelligence in the practice of law, and substantive breakout sessions spanning multiple practice areas. The programming encouraged thoughtful dialogue and reinforced the importance of civility, mentorship, and continued learning within our legal community.

A highlight of the day was the chance for attorneys and judges to connect outside the courtroom in a more relaxed, collaborative setting. Throughout the conference, attendees could be seen reconnecting with longtime colleagues, meeting new practitioners, engaging with sponsors and exhibitors, and strengthening professional relationships that help define the culture of the Twelfth Judicial Circuit.

The SCBA and MCBA express sincere gratitude to the many individuals whose time, leadership, and support made this event possible.

Special recognition goes to Conference Co-Chairs **Caroleen Brej (SCBA)** and **James Lynch (MCBA)** for their tremendous dedication throughout the planning process. Their leadership, countless hours of preparation, and commitment to



delivering an exceptional experience were instrumental to the conference's success.

The Associations also thank the Planning Committee members, volunteers, moderators and presenters who contributed their expertise and energy to the program. The overwhelmingly positive feedback from attendees directly reflects the quality of the speakers and the thoughtful collaboration behind the scenes.

We are especially grateful to the members of the judiciary who participated throughout the day and generously shared their insights, experience, and perspectives with attendees. Their involvement continues to make the Bench Bar Conference one of the most meaningful and valued events within our legal community.

The SCBA and MCBA also extend heartfelt appreciation to the sponsors whose generosity elevated the conference experience and supported the Associations' shared mission of professional

education and community engagement. Their partnership was instrumental in making this signature event possible.

In addition, the Associations would like to recognize the outstanding team at the St. Regis Longboat Key Resort for delivering exceptional hospitality, service, and attention to detail throughout the event. From accommodations to the attendee experience, the resort helped create an unforgettable setting for this year's conference.

As the Sarasota County Bar Association celebrates its centennial year, events like the Bench Bar Conference serve as a powerful reminder of the strength, professionalism, and collegiality that continue to define our local legal community.

Thank you again to everyone who attended, supported, presented, sponsored, and helped make Bench Bar 2026 a success. We look forward to continuing the tradition for years to come.



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CONFERENCE  
2026

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The Sarasota County Bar Association gratefully acknowledges the following sponsors for their support of the 2026 Bench Bar Conference. Your partnership played an important role in the conference's success and is deeply appreciated.

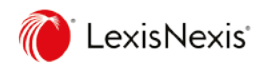
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## SCBA PRESIDENT'S COLUMN

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

# Summer Behind the Scenes at the SCBA

Summer often feels like a time to slow down. At the Sarasota County Bar Association, the same can appear true on the surface. But behind the scenes, summer is anything but quiet.

In many ways, summer is when much of the behind-the-scenes work of the upcoming Bar year takes shape. While fewer events may appear on the calendar, the Board, committees, section leaders, and volunteers across the Association remain hard at work planning for what comes next.

Each summer, leadership from across the SCBA, including the SCBA Board of Directors, the South County Division Board, the Young Lawyers Division Board, the Council for Diversity and Inclusion, committee chairs, and section chairs, meet for strategic planning sessions. During these retreats, we discuss not only our vision for the upcoming Bar year, but also the practical roadmap for bringing that vision to life.

Those conversations focus on programming, membership engagement, organizational priorities, and how we continue to build an Association that serves the evolving needs of our members. At this time of year, we also develop a budget in coordination with the finance committee and the treasurer, aligning it with planned programming to ensure our goals are supported by a financial framework that is both realistic and sustainable.

A great deal of thoughtful work goes into ensuring the SCBA remains a responsible steward of its resources. Our leadership works diligently to make events revenue-neutral, or as close to it as possible, through sponsorships, careful planning, and volunteer support. This effort allows us to continue delivering meaningful programming while protecting the long-term financial health of the organization.

That work would not be possible without the support of our sponsors and the many members who generously volunteer their time. We are especially grateful to the presenters and speakers who recently contributed to the success of the 2026 Bench Bar Conference. Hosting an elevated event of that caliber at the St. Regis Longboat Key while remaining mindful of stewardship of Bar resources was no small feat, but it created an exceptional opportunity for members to learn, connect, and engage with the bench and bar in a truly unique setting. It is through the support of sponsors, volunteers, and dedicated planning that opportunities like this become possible.

Summer also tends to be when some of our committees do their deepest thinking. The Programs Committee and Membership Committee dedicate many hours behind the scenes, meeting frequently to look beyond individual events and think strategically about how we continue to create value for members. What kinds of programs genuinely help lawyers in their practice? What opportunities create meaningful connections between colleagues? How do we continue building an organization that members feel is worth investing their

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limited time in? Those are the kinds of questions we are actively discussing as we plan for the year ahead.

We are also fortunate to have two dedicated staff members helping keep the wheels turning every day, especially during this planning season, when coordination, logistics, budgeting, event preparation, sponsorship management, membership communications, and countless behind-the-scenes details begin laying the foundation for the upcoming year. Many of you know Executive Director Holly Lipps, who has long been the backbone of our organization. You may also have recently met Administrative Assistant Bunny Spek at events or through communications. Their dedication, institutional knowledge, and day-to-day efforts make much of what we do possible.

Summer is also an important time for organizational continuity. Each year, the Executive Committee conducts an annual review of our Executive Director, including meaningful two-way feedback. As volunteer leadership transitions from year to year, this process helps ensure consistency, continuity, and ongoing organizational improvement. Over time, we have continued refining this process to better support both our leadership and our staff.

Meanwhile, our Governance Committee has been

working hard to improve and streamline the organization's governance. Recent efforts have included updates to the Association's whistleblower policy and policies relating to officer elections, all aimed at ensuring our organization remains effective, transparent, and well-positioned for the future.

And this is only the work that immediately comes to mind.

So, while summer at the SCBA may appear quieter on the surface, behind the scenes, the wheels are turning, plans are being made, and countless volunteers are dedicating their time to ensuring the success of the coming year.

And while we are not quite ready to reveal all the plans for next year, I can say this: planning is already well underway, including a very exciting venue for the 2027 Barristers' Ball that we cannot wait to share with you. Stay tuned.

As we continue our Centennial year and begin looking toward the next hundred years of this organization, that work matters more than ever. The Sarasota County Bar Association has endured and thrived because generations of members have chosen to invest their time, ideas, and effort in something larger than themselves. This summer, as always, that tradition continues.



## YLD PRESIDENT'S COLUMN

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

# Summer Associate Series with the YLD

Every year, law firms across Sarasota welcome a fresh class of summer associates. They are bright-eyed, eager, and still (mostly) under the impression that every legal problem can be solved with a well-placed case cite and a color-coded outline. It is a magical time. Billables are hypothetical, happy hour drinks do not yet throw off a sleep cycle for at least 3 business days, and nobody has yet explained what “circling back” really means.

As employers, mentors, and occasional reality-check providers, we all share a common goal: to give these future lawyers a meaningful, engaging, and—dare I say—enjoyable introduction to the practice of law. Enter the Young Lawyers Division Summer Associate Series. Think of it as part professional development, part networking extravaganza, and part reassurance that yes, choosing law school was still a solid life decision.

**This summer's lineup is designed with two goals in mind:** (1) help summer associates build real connections in the local legal community, and (2) make sure they leave Sarasota still wanting to be lawyers. I consider both ambitious, but we're up for the challenge.

Let's start with the obvious draw: the kickoff event on May 28 at Cask & Ale. Because nothing says “welcome to the bar” quite like actually going to one. The event gave summer associates an opportunity to meet their peers across firms, trade stories about their first assignments, and learn that everyone else was also Googling “how to draft a memo” at 11:00 p.m. It was low-pressure, highly social, and a great way to break the ice.

Then, because balance is key, we pivot to professionalism with **Bagels with the Bench on June 4 at the Silvertooth Judicial Center**. Coffee and carbs meet actual judges, what could go wrong? In all seriousness, this is one of the most valuable experiences we offer. Summer associates get a rare opportunity to interact with members of the judiciary in a setting that is far more approachable than a courtroom. They can ask questions, gain perspective, and begin to understand the human side of the bench. Plus, free bagels.

For those navigating the ever-mysterious world of hiring, we have **Getting Hired: The Making of a Successful Intern or New Hire + Interview Tips with Attorney Kim Walker (virtual) on June 8**. This session is perfect for summer associates who want to take the guesswork out of callbacks, follow-ups, and those subtle “fit” conversations that can make or break an offer. It also has the added benefit of being virtual, meaning attendees can absorb wisdom without having to make

actual eye contact with another attorney.

Of course, no Sarasota summer would be complete without our annual **Summer Social at Evie's Main Street on June 11**. This is your chance for the whole firm to come celebrate your summer associates and help them to feel like they're actually part of the legal community. All SCBA members are invited to attend!

We also know that sometimes the best connections happen in smaller, more relaxed settings, which is why we're hosting **lunch meet-ups on June 24 and July 14**. These gatherings are intentionally informal; no panels, no speeches, just conversation. Summer associates can sit down, share experiences, ask candid questions, and learn from each other.

And because professional development doesn't take a summer vacation, we'll wrap things up with a **Summer Associate Lunch & Learn (virtual) on July 23**. It's the perfect way to reflect, pick up a few final insights, and prepare for what comes next by asking some questions of our esteemed YLD Board members.

Finally, we keep the momentum going with a **Second Thursday Social on July 9 at State Street Eatery**, because one summer social simply isn't enough.

So why should your firm strongly "encourage" your summer associates to attend? First, because relationships matter. The people your summers meet at these events will be their future co-counsel, opposing counsel, referral sources, and friends. Building those connections early is invaluable, and it's something no internal training program can fully replicate. Second, because it enhances their experience with your firm. Summer associates who feel connected to the broader legal community tend to feel more invested in their work and more enthusiastic about their future. And finally, let's be honest: it's fun. It's okay for summer associates to laugh, relax, and enjoy themselves while they're learning. In fact, we've found that a little bit of fun goes a long way in helping them remember why they started this journey in the first place.

So send your summer associates. Send all of them. Tell them it's mandatory (we won't check). Tell them it's optional (they'll still come). But most importantly, tell them it's worth it. Because if we do this right, they won't just leave the summer with sharpened skills and expanded networks—they'll leave genuinely excited about becoming part of this profession. And that's a win for all of us.

# YLD SUMMER ASSOCIATE EVENTS 2026



THURS., MAY 28  
5:30PM

Summer Associate Kickoff  
*Cask & Ale*

THURS., JUNE 4  
8:00AM

Bagels with the Bench  
*Silvertooth Judicial Center, Courtroom 3A*

MON., JUNE 8  
12:00PM

Getting Hired: The Making of a Successful Intern+New Hire plus Interview Tips | *Virtual*

THURS., JUNE 11  
5:30PM

Summer Social - All SCBA Members Welcome  
*Evie's Main Street*

WED., JUNE 24  
12:00PM

Summer Associate Lunch Meet-Up  
*In Person; Location TBD*

THURS., JULY 9  
5:30PM

Second Thursday Social  
*State Street Eatery*

TUES., JULY 14  
12:00PM

Summer Associate Lunch Meet-Up  
*In Person; Location TBD*

THURS., JULY 23  
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Summer Associate Lunch & Learn  
*Virtual*

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## SCD PRESIDENT'S COLUMN

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

# Wedding Season? Rule #76: No Excuses. Play Like A Champion.

On the Gulf Coast, June marks more than the start of summer. It also signals one of Florida's busiest wedding seasons, with couples gathering for beachfront ceremonies, waterfront receptions, and destination celebrations. While weddings are often viewed through the lens of romance and tradition, we *scorned*\* family law attorneys see legal and financial commitments instead.

Behind every wedding venue reservation and carefully planned ceremony lie a range of important legal considerations, including property rights, financial obligations, estate planning, and future family responsibilities. As marriages become increasingly complex due to changing demographics and evolving financial realities, family law attorneys are seeing greater demand for proactive legal planning before couples say "I do."

One of the most notable trends in modern family law is the growing use of prenuptial agreements. Once associated almost exclusively with celebrities or ultra-high-net-worth individuals, prenuptial agreements are now increasingly seen as a common step in the marriage process, regardless of financial position. In Sarasota County, where many residents have retirement accounts, investment properties, or established businesses, prenups are not a sign of distrust but rather a practical financial planning tool. In fact, one unheralded benefit of a prenuptial agreement is that it helps the parties understand their legal rights and duties to each other by allowing them to set the rules themselves.

Under Florida law, prenuptial agreements are generally enforceable if they are entered voluntarily and supported by fair financial disclosure. However, family law practitioners continue to encounter disputes involving agreements prepared too close to the wedding date or signed without adequate opportunity for independent legal review. Courts may closely examine circumstances where one party later claims coercion, incomplete disclosure, or lack of understanding regarding the agreement's terms.

As attorneys, we must advise clients to begin these discussions well in advance of the ceremony. Properly drafted prenuptial agreements can establish clear expectations regarding property division, debt allocation, and alimony considerations while reducing the likelihood of costly future litigation. For couples with children from prior relationships, these agreements also help preserve family assets and inheritance expectations.

Marriage can only end in one of two ways: divorce or death (or in the case of one of my grandparents, death during a



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divorce). Second marriages are no longer the exception. Nationally, Americans are marrying later in life and entering remarriages at higher rates than previous generations. Our large retiree and professional population further amplify this trend. Many couples' entering marriage already possess substantial separate assets, adult children, or long-established financial arrangements that require careful legal consideration.

Florida's recent changes to alimony law have also influenced how many attorneys advise clients on marriage and divorce planning. Legislative reforms have altered long-term alimony structures statewide, prompting family law practitioners to reevaluate support considerations in both litigation and marital agreements. For some individuals, these changes have increased interest in proactive premarital planning to create greater predictability and financial security.

Importantly, family law attorneys emphasize that these conversations are not intended to undermine marriage or diminish its emotional significance. Rather, thoughtful legal planning often strengthens relationships by fostering transparency, communication, and realistic expectations. While a prenuptial agreement isn't required, couples who address financial and legal issues ear-

ly often report greater confidence in their long-term planning, greater marital happiness overall, fewer misunderstandings later in the marriage, and a lower likelihood of being featured on Oxygen's Snapped.

As this area continues to grow as a retirement destination, a center for luxury weddings, and a hub for second-home ownership, family law issues will continue to be shaped by the realities of modern marriage. Weddings today involve far more than ceremonies and celebrations; they reflect the intersection of personal relationships, financial planning, and legal responsibility.

For attorneys practicing in Southwest Florida, June serves as an annual reminder that family law extends far beyond divorce litigation and courtroom proceedings. Increasingly, the profession's most valuable role may be helping couples establish strong legal foundations before problems arise. In a changing financial and legal environment, preventive family law planning is becoming one of the most important services attorneys can provide to modern families. And as we all know, clients may need a little nudge to visit us before problems arise.

\**Scorned* via our clients. Our lives are wonderful.



## CDI CHAIR'S COLUMN

By: Tonya Willis Pitts, Esq.  
Pitts Law Firm

# Hurricane Season Preparedness for Attorneys and Clients: Have Peace of Mind

Hurricane season in Florida has a way of humbling everyone. One minute, the Gulf waters are calm and sparkling; the next, Sarasota residents are standing in long grocery store lines, wondering why bread and bottled water disappear faster than concert tickets. For attorneys, however, hurricane season is about more than stocking up on batteries and pretending the patio furniture will survive “just one more storm.” It entails serious professional responsibilities that demand preparation, foresight, and a healthy respect for the fact that Mother Nature does not care about your litigation calendar. For lawyers practicing on Florida’s Gulf Coast, hurricane preparedness is not merely a personal concern. It is a professional obligation tied directly to the duty to protect clients, safeguard confidential information, and preserve trust account records. A hurricane can disrupt operations for far longer than a few days without internet service. Missed deadlines, inaccessible files, damaged offices, and interrupted banking operations can create ethical and practical problems that persist long after the storm clouds clear.

The good news is that many of these problems can be avoided through thoughtful planning. While no one can control the weather, attorneys can control how prepared they are before the first cone of uncertainty appears on television. Every law firm, whether a large downtown practice or a solo office with one overworked printer, should maintain a written disaster preparedness plan. The Florida Bar expects attorneys to take reasonable measures to protect client interests, even during emergencies. A hurricane is not an acceptable excuse for vanishing into the wind like a missing witness in a courtroom drama. Clients still expect communication, courts still issue orders, and opposing counsel somehow always manages to email “just following up” at the worst possible moment.

A comprehensive disaster plan should clearly identify emergency contacts for attorneys, staff, technology vendors, landlords, and key service providers. Each office employee should understand their role if a storm threatens the area. One employee may be responsible for securing physical files, another for backing up data, and another for communicating with clients about office closures or scheduling changes. Without a plan, hurricane preparation can quickly descend into chaos, with everyone assuming someone else handled the important tasks.

Technology has dramatically improved law firm resiliency over the past decade. In the past, a flooded office could mean catastrophic loss of files and records. Today, cloud-based storage and remote-access systems allow attorneys to continue operations from virtually anywhere with an internet connection. Firms that have embraced secure digital storage

are significantly better positioned to withstand disruptions than those still relying heavily on paper records stacked in boxes labeled “miscellaneous.” The word “miscellaneous,” incidentally, has never reassured anyone during a disaster.

That does not mean paper files have disappeared entirely. Most firms still keep original documents, including signed wills, deeds, closing records, and evidentiary materials, in physical form. These documents should be stored securely and, whenever possible, digitized. If a hurricane damages the office, electronic copies of critical records can mean the difference between a temporary inconvenience and a professional catastrophe.

Remote work capabilities should also be tested before hurricane season begins. Every year, countless professionals learn in emergencies that their passwords no longer work, their remote desktop access was never properly configured, or their “backup laptop” still runs Windows 10. A disaster plan is only effective if it works under real-world conditions. Testing systems in advance is just as important as having them.

Attorneys should also closely monitor court operations during hurricane season. Florida courts routinely issue administrative orders on closures, emergency procedures, and deadline extensions during severe weather. However, lawyers should never assume that all deadlines are automatically suspended. Monitoring local court announcements and reviewing upcoming deadlines before storms approach can help avoid unnecessary problems. Judges are often understanding during genuine emergencies, but “the Wi-Fi went out” is less persuasive when everyone else managed to file their motions on time.

Hurricane preparedness also offers attorneys an opportunity to strengthen client relationships. Clients often look to their attorneys as trusted advisors, especially during stressful situations such as property damage, business interruption, or family emergencies. Sending seasonal advisories at the start of hurricane season is a practical and effective way to add value while reminding clients that legal preparedness matters too.

For many clients, insurance coverage becomes a major issue after storms. Homeowners often discover—far too late—that flood damage is not covered by standard homeowners policies. Others realize they misunderstood deductibles, windstorm exclusions, or coverage limits. Attorneys can encourage clients to review their insurance policies well before hurricane season intensifies. Advising clients to photograph property conditions, preserve important records digitally, and organize insurance information in advance

can significantly reduce post-storm disputes and confusion.

Business clients face additional challenges during hurricane season. Hurricanes can disrupt operations, damage inventory, delay construction projects, and trigger disputes over leases, contracts, or force majeure provisions. Proactively reviewing these agreements helps businesses understand their rights and obligations before an emergency occurs. Attorneys who help clients prepare in advance often prevent costly litigation later.

Of course, hurricane season also reminds people about estate planning. There is something about hearing meteorologists use phrases like “rapid intensification” that suddenly motivates individuals to locate their wills and powers of attorney. Attorneys should encourage clients to review estate planning documents regularly and ensure they remain accessible during emergencies. A perfectly drafted estate plan provides little comfort if no one can find it when it matters most.

For elderly or medically vulnerable clients, additional planning may be necessary. Questions about evacuation authority, healthcare decision-making, and access to financial accounts become especially important during disasters. Attorneys can provide meaningful guidance by helping families prepare before emergencies arise, rather than attempting to address these issues during a crisis.

Perhaps no area of hurricane preparedness is more critical for attorneys than safeguarding trust account records. Florida attorneys have strict ethical obligations regarding client funds, and those obligations do not disappear when the weather deteriorates. Hurricanes pose unique risks because physical records may be damaged, banking access may be limited, and communication disruptions can complicate reconciliation efforts.

Ultimately, hurricane preparedness is not a one-time checklist completed every June and forgotten by July. It is an ongoing process. The firms that weather storms most successfully are typically not the ones with the fanciest offices or the newest equipment. They are the firms that plan ahead.

Hurricanes are an unavoidable reality of practicing law in Florida. While attorneys cannot stop storms from forming in the Gulf, they can take meaningful steps to protect their firms, clients, and communities from unnecessary harm. If all else fails, at the very least, they should know where the flashlight batteries are before the first tropical advisory appears on television.



By: Jason D. Quick, Esq.,  
Harbor Disability Law

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# A Permanent vAlcation

Grok. Claude. ChatGPT. Who needs lawyers? Well, people still do for the time being. By this point, I'm sure most of us have had the pleasure of a client bringing in their own legal advice and strategy generated by a large language model courtesy of Nvidia. So, I figured, why not let Claude Pro do the work and plan an upcoming day of my planned summer vacation? How did it do? I'll let you be the Judge (or Jury):

*"Saturday begins early, around eight, with coffee and a pastry from a small café in the West Village. The streets are still soft at that hour — delivery cyclists, dog walkers, and a few runners returning from the river. The point of starting early is to spend an hour in the city before the heat and crowds turn everything into a contested hearing."*

*From there, walk east to Washington Square Park and loop back up through Greenwich Village, taking a deliberate detour through the brownstone blocks west of Fifth Avenue. By ten, head to the High Line at Gansevoort and walk north at whatever pace the morning allows. Even if you have done it before, the gardens and the views west toward the Hudson are worth a return visit.*

*Lunch is in Chelsea, near where the High Line lets out. Pick a small Mediterranean place, call ahead, and sit somewhere with shade. Take an hour. Order a glass of wine if you want one.*

*The afternoon is deliberately unstructured. Take the subway up to Central Park and rent a rowboat at the Loeb Boat-house. It will feel ridiculous for the first ten minutes, and then it will not. There is something about being on water, even a small artificial pond in the middle of Manhattan, that resets a particular kind of professional tension.*

*Head back downtown by late afternoon and take a long shower before dinner — the difference between a good evening and a great one is often just being clean and unhurried before it starts. For dinner, aim for a wine bar in the East Village around seven, early enough to walk in without a reservation. Afterward, walk home the long way, through a neighborhood you do not usually pass through, in no hurry at all."*

Well, I don't think TripAdvisor will be going out of business in the near future, at least. I'm not renting a rowboat, and I don't think I'll stroll around the East Village and just head to some place with No Reservations. I'm not Anthony Bourdain. However, in Claude's defense, this was a first draft. We could have chatted back and forth like old friends and, over the course of 20 minutes, put together a solid plan (mostly) free of charge.

Is this the best use of the most powerful technology ordinary people have ever had access to, in the palm of their hands? I highly doubt it. But it is the future. One day (soon), lawyers and travelers alike who are not capable of deftly navigating



the virtual and real worlds and fully leveraging AI technology will be as useful as a lawyer who doesn't know how to use Outlook (not very).

Of course, the bigger question is how lawyers themselves are putting these tools to work. The numbers suggest the answer is increasingly and quickly. LexisNexis reported in September 2025 that 61% of lawyers are using generative AI in their work. This, they claim, leads to "improved work-life balance." Of course, whenever productivity increases, humans have a habit of leveraging that into ever-increasing workloads to improve revenue, not to improve "work-life balance," whatever that means. Whether any sustained relief for the humans still doing the work remains to be seen, notwithstanding Elon Musk's promise that we won't have to work at all in "less than 20 years."

So, where does that leave us? AI is not going to replace the judgment clients pay us for, but it is already replacing the small administrative friction that fills our days: the first drafts, the research starting points, and the trip itineraries we would rather not do ourselves or pay for. The lawyers who figure out where it helps and where it does not will have an easier time than those who refuse to look. And the clients who walk in with a printout from ChatGPT will keep walking in, which means the rest of us had better know at least as much about these tools as they do. In the meantime, I will be in New York this summer. Probably not on a rowboat.

Whether you use AI to extend your lunch, boost productivity, or plan your stroll around the East Village, we at the South County division of the SCBA wish everyone a happy and healthy summer. Enjoy yourself, with or without reservations.



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By: Tyler Stall, Esq.,  
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# The Empire Strikes Back: Florida Courts Poised to Tighten the Screws on AI-Generated Filings

By the time you read this, May the Fourth will have come and gone. As most of you (should) know, in *Star Wars: Episode IV — A New Hope*, the scrappy Rebellion scores its first big victory against the Empire. The mood is triumphant. Possibilities seem endless. That was 2024 for artificial intelligence in the legal profession. The year was full of excitement, discovery, experimentation, and cautious optimism (or perhaps dread) about the potential of large language models like ChatGPT to democratize access to legal research and drafting.

But, and as there is a duality in the Force, so too for every *A New Hope* there must also be a *The Empire Strikes Back*. And based on the trajectory of recent Florida appellate opinions, 2026 and beyond is shaping up to be a darker, harder-hitting sequel in which Florida's courts are making clear that the unchecked use of AI in court filings will not be tolerated, regardless of whether the filer is a licensed attorney or a pro se litigant.

**“Your [AI’s] can Deceive You. Don’t trust them.” - Obi-Wan Claude-Nobi.**

The central issue is by now well known to practitioners: generative AI tools are prone to “hallucinating.” This behavior includes fabricating case citations, inventing holdings, and presenting fictitious authority with the confident polish of a seasoned appellate advocate. As the Florida Bar’s Ethics Opinion 24-1 explained, generative AI models “can ‘hallucinate’ or create ‘inaccurate answers that sound convincing.’” The problem is not just that LLMs can be wrong, but that they are often wrong in ways that are not apparent without independent verification.

Florida’s appellate courts have been issuing increasingly pointed warnings. In *Takefman v. Pickleball Club, LLC*, 418 So. 3d 826 (Fla. 3d DCA 2025), the Third District addressed what it called “an issue of growing concern — the proliferation of fake or hallucinated case citations in court filings.” In that matter, the pro se appellant’s initial brief cited two non-existent cases: *Hernandez v. Gilbert*, 175 So.3d 918, 921 (Fla. 4th DCA 1995) and “*Scott v. State*, 763 So. 2d 1091 (Fla. 4th DCA 1999).” As the editor’s note to the opinion states, these cases do not exist. After opposing counsel flagged the issue, the reply brief doubled down and cited one of the fake cases again. The court ordered the appellant to show cause why he should not be sanctioned, noting that the repeat citation was “particularly egregious.” The Appellant admitted to his mistakes but did not show cause why he should not be sanctioned. The Third DCA concluded that matter noting:

“But we note that we have affirmed the issue on appeal on the merits and decline to issue any further sanction other

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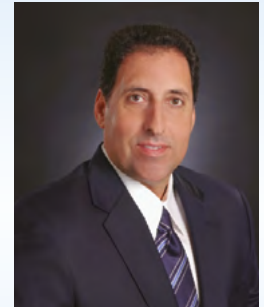
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than entry of this Order finding that pro se Appellant failed to show good cause. We warn pro se Appellant that, regardless of his pro se status, any future citation of a fake case or misrepresentation of an existing case, or any other violation of court rules, may result in sanctions including striking of pleadings, fines, or barring pro se Appellant from filing without the signature of a member in good standing of The Florida Bar.”

Elsewhere, the Second District, in Straub v. Henderson, 428 So. 3d 1245 (Fla. 2d DCA 2026), affirmed a lower court ruling with a per curiam opinion with a string cite to several 2024 and 2025 cases involving AI citation errors by litigants. The Sixth District, in Hessert v. Hessert, 2026 WL 785016 (Fla. 6th DCA Mar. 20, 2026), a case involving a pro se filer’s petition that involved nine (out of thirteen) cited cases that either did not exist or did not stand for the legal propositions cited, went further still, ordering the petitioner to file copies of every cited case with highlighted supporting language.



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**“Do or do not. There is no [think].” – YodaGPT.**

Judge Lott’s concurrence in Gouveia v. Meridian Financial Investments, LLC, 2026 WL 816497 (Fla. 4th DCA Mar. 25, 2026), offers a particularly lucid explanation of why AI-generated legal briefs are so problematic. As Judge Lott observed, today’s LLMs “do not ‘think.’ They make predictions about what words ought to come next in response to a prompt.” The technology, he noted, “is very good at sounding right, but less adept at being right, especially where critical thought is required in the creation of the content.”

Judge Lott’s concurrence also pointed out that pro se filers, unlike attorneys, “are usually not repeat players in the court system.” Sanctioning them after the fact does little to prevent the next wave of AI-generated filings from clogging dockets. He advocated for prophylactic measures, such as front-end disclosure and certification requirements, rather than relying solely on back-end sanctions. He further cited examples of such requirements already implemented in the eleventh and seventeenth judicial circuits.

The majority opinion in Gouveia was equally blunt and colorful. The court opened its AI discussion with a limerick generated by ChatGPT: “There once was a litigant pro se, / Who let an AI lead the way. / It briefed every claim, / Cited cases — by name, / That vanished by morning’s next day.”

**“[Fake Citations] Leads to [Judicial] Anger. [Judicial] Anger Leads to [Sanctions]. [Being Sanctioned] Leads to Suffering.” – J. Learned Grok.**



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Some practitioners harbor the perception that pro se litigants are held to a lesser standard and frequently receive leniency for procedural missteps and imperfect pleadings. There is historical truth to that. But when a pro se litigant submits a polished, professionally formatted brief brimming with fabricated authority, the traditional justifications for leniency fall away. The filing no longer looks like a scrappy party struggling to navigate the legal system; instead, it looks like the work of someone who outsourced their legal reasoning to a machine instead of a competent professional human and never checked the output.

My prediction: the day is fast approaching, or has already arrived, when a pro se litigant’s unchecked use of AI will be treated with the same severity as an attorney’s negligent reliance on hallucinated citations. Show-cause orders will become the norm. Disclosure and certification requirements, as Judge Lott urged, are likely on the horizon statewide. Or in other words, as some might say, “a bad feeling about this, I have.”

In sum, the Force of AI may be strong, but Florida’s courts are making clear, wielding it without verification is a path to the dark side.



*By: Michele Stephan-Arsenault, Partner, mclaw  
Florida Supreme Court  
Certified Circuit & County  
Court Mediator*

## The Invisible Weight of Litigation

A mediator rarely meets parties at the beginning of a dispute. By the time a case reaches the mediation table, it has already accumulated months—and often years—of tension, strategic positioning, and agonizing uncertainty. On paper, the mediator receives a file consisting of pleadings, motions, and summaries of legal arguments. However, when a mediator enters the room, they often find something the file fails to describe: a Plaintiff carrying a profound and “invisible weight.” To conduct an effective mediation, the mediator must look beyond the paper file and address the burden the Plaintiff is carrying. While it is not explicitly stated in the briefs, it is unmistakable in a party’s guarded body language, their quickness to irritation, their sudden moments of overwhelming emotion or unreachable demands. From the mediator’s vantage point, litigation is not merely a legal process; it is a psychological process that fundamentally reshapes how the Plaintiff thinks, reacts, and makes decisions.

This transformation is rooted in the long-term erosion of the self. When a Plaintiff arrives at mediation, their life has often been “on hold” for a significant period of time. In an injury case, this timeline may even be longer, preceded by months of medical treatment before the first legal document is ever filed. During this period, the normal rhythms of life—family events, social interactions, career progressions, and financial planning—are often put on hold. To the Plaintiff, every future decision feels inextricably tied to the outcome of the case, creating a sense of stagnation which is sometimes hard to move past.

There is also a fundamental loss of privacy and security that happens during litigation. A Plaintiff’s most intimate records, from medical history, calendars, journals and personal social media, must be turned over to the defense to be analyzed and scrutinized at deposition. They live under the constant threat of surveillance and intrusion, turning the battle into something far more personal than a quest for compensation; it becomes a fight to maintain their credibility and integrity in the face of feeling violated and vulnerable by the underlying harm.

Perhaps the most critical factor for a mediator to recognize is the toll prolonged litigation takes on the human psyche. Due to defense investigations, discovery processes and the inherent uncertainty of the court system, a Plaintiff’s daily existence often shifts into a permanent state of high alert. While they may have initially filed a lawsuit in a quest for justice or to pay the medical bills, a state often emerges where the case is no longer something they have but it becomes who they are. As the legal battle continues, the Plaintiff’s hobbies, relationships, and professional identity begin to erode. They begin to view the world through a narrow, distorted lens of “legal relevance,” where every casual conversation is viewed as potential evidence and every fleeting moment of joy feels

like a betrayal of their cause. People who once defined themselves by their roles—professional, familial, or personal—feel defined almost exclusively by the case.

When a litigant has lost themselves in their case, the mediator's role must evolve beyond the simple calculation of dollars and cents. Mediators are tasked with helping the Plaintiff transition from a "combat" state back into a "person" state. To reach a resolution, the mediator must first bridge the gap between the person the Plaintiff was and the litigant they have become. Understanding settlement in this context requires the mediator to acknowledge the weight of the stress and exhaustion and validate the intrusive nature of the process, as a necessary step in lowering the Plaintiff's high-alert defenses. By focusing on the "after"—life beyond the lawsuit—the mediator may help the Plaintiff see that settlement is not giving up their cause, but a reclamation of their life. To ignore this invisible weight is to ignore a primary obstacle to resolution. Only by addressing the psychological toll of the litigation experience can a mediator truly help the Plaintiff move beyond the past and into a settled future.

This process of lifting the "invisible weight" is equally relevant to the corporate defendant. While the individual Plaintiff carries a personal weight, the corporation carries a systemic one. For the corporation, the "invisible weight" manifests as a culture of defensive operations, where

innovation and daily work routines are stifled by legal holds and fear of creating a discoverable record. The weight on the corporation is the diversion of its assets and talent away from growth and toward the preservation of historical data and defense of their actions. To facilitate resolution, the mediator's task is to illustrate to both sides that the continued litigation process is a drain on their future. For the individual, the litigation is a thief of joy; for the corporation, it is a thief of progress. A mediator's job is to act as the catalyst for a return to normalcy. By identifying the person who existed before the litigation, a mediator can provide a Plaintiff, a mirror that reflects a future where the case number no longer dictates their daily mood. The mediator may also provide the corporate representative a path to release the institutional tension that has stifled their internal communications and routines. Settlement, therefore, can be reimagined, not as a surrender, a compromise of legal principles or a "loss" on a balance sheet; but as a benefit in and of itself.

A successful mediation is one in which the mediator has been able to identify and lift the "invisible weight" in the room which allows the individual to walk away liberated, and the corporation able to refocus its energy on its mission rather than its defense. The mediator's job therefore does not solely rest in legal principles, assessing risk and calculating numbers, but also in identifying the mechanism that guides both parties out of the litigation experience and into a resolved future.



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# EVENT SCHEDULE

## JUNE 2026

WED 03	<b>SCBA Annual Meeting</b>	11:30 AM
THURS 04	<b>Bagels with the Bench</b>	8:00 AM
MON 08	<b>Interview Tips with Attorney Kim Walker</b>	12:00 PM
THURS 11	<b>Summer Social at Evie's on Main All SCBA Members Welcome</b>	5:30 PM
TUES 23	<b>Building Community Trust in the Justice System</b>	12:00 PM

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## JULY 2026

TUES 14	<b>Summer Associate Lunch Meet-Up</b>	12:00 PM
THURS 16	<b>Why The House Matters in Divorce-Related Real Estate Transactions</b>	2:00 PM

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## AUGUST 2026

WED 05	<b>Wednesday Wine Down Social, organized by ADR Section</b>	5:30 PM
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## THANK YOU TO OUR 100% MEMBERS WE APPRECIATE YOUR TIME AND COMMITMENT!

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Dannheisser Injury Law  
Dickinson & Gibbons, P.A.  
Dominko Swaim Law Group PLLC  
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Klingbeil & Roberts, P.A.  
Lancaster & Eure, P.A.  
Law Office of Annette Z.P. Ross, P.L.  
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CLAYTON ADR

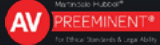
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*HAPPY*  
FATHER'S DAY

JUNE 21, 2026



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