

MEETING NOTICE

Annual Meeting, Law Day Luncheon set for May 16



The 2019 Law Day theme — *Free Speech, Free Press, Free Society* — focuses on these cornerstones of representative government and calls on us to understand and protect these rights to ensure, as the U.S. Constitution proposes, “the blessing of liberty for ourselves and our posterity.” Please join us on Thursday, May 16, for a conversation on this theme with 12th Judicial Circuit **Chief Judge Charles Williams**.

Honored guests at the luncheon will include the Judges from the Second District Court of Appeal. Also on the agenda will be the election of Officers and Directors for the 2019–2020 Bar Year (see story below).

The luncheon will be held at Michael’s on East from noon to 1:15 p.m. **The Bank of Tampa** is the exclusive sponsor for the event.

SCBA LEADERSHIP SLATES

Officers, directors to be elected at Annual Meeting

By **DREW CLAYTON, Esq.**
Nominating Committee Chair

There having been no petitions by any persons to serve as officers and directors of the Sarasota County Bar Association for the 2019–2020 term, the slate submitted by the respective Nominating Committees shall be elected by voice acclamation of the members present at the Annual Meeting on Thursday, May 16.

Three new directors for the SCBA, **Edwin Ford, Adria Jensen,** and **Neil Lyons**, shall be elected for a term of three years. Other officers being elected are **Jennifer Grosso**, President-elect, and **Mark Haskins**, Treasurer/Secretary. The remaining

The slate submitted by the respective Nominating Committees shall be elected by voice acclamation of the members present at the Annual Meeting on Thursday, May 16

members of the 2019–2020 Board of Directors include President **Drew Clayton**, Immediate Past President **Nancy Cason**, and Directors **Jeanne Bennett, Stacy Dillard-Spahn, Jason Gaskill, Dana Keane, Amanda Kison and Bonnie Polk**. Incoming YLD President **Brian Goodrich** and South County President **Bryan Kessler** will serve a one-year term.

The YLD slate for 2019–2020 is as follows: **Brian Goodrich**, President, **Sara Castro**, President-elect, **Patrick McArdle**, Secretary, **Caroleen Brej**, Treasurer and **Erin Itts**, Immediate Past President. **Jodi Ruberg, Natasha Selvaraj,** and **Robert Young** will return as directors. YLD South County

Representative **Andrew Conaboy** was nominated to serve a one-year term. Nominated as new directors, **Warren Chin, Alisa Heedy** and **Pamela Hernandez** will serve two-year terms as directors until 2021.

The South County Division slate for 2019–2020 is as follows: **Bryan Kessler**, President, **Tony Mowry**, President-elect, **Patrick Reilly**, Treasurer, **Erin Itts**, Secretary and **Susan Hines**, Immediate Past President. The following members are nominated to serve as directors for two-year terms: **Jeffrey Backo** and **Jacquelyn Mack-Majka**. **Catherine Gemma, Brady Sharrer** and **AJ Stickley** will continue to serve as directors through 2020.

Let me help you help your clients

Do you have clients in financial crisis? As counselors, we are obligated to work in their best interests.

For 15 years, I've guided thousands of people through financial difficulties, including debt negotiation, foreclosure strategies, asset management/protection, and, as a last resort, bankruptcy.



That includes filing more than 1,300 Chapter 7 and Chapter 13 cases in the Middle District of Florida.

I will review your client's debts and assets, explore the available options and tailor a plan to meet their unique needs.

They'll thank you.



SHERRY ELLIS LAW, PLLC
ATTORNEY & COUNSELOR

941-363-0800 • 1834 MAIN STREET, SARASOTA, FL 34236
sherry@ellisbankruptcy.com • ellisbankruptcy.com



Scott Brownell
S/B
MEDIATION/ARBITRATION

Retired from the bench after 30 years.

CIVIL MEDIATOR

- PERSONAL INJURY MATTERS
- REAL ESTATE LITIGATION
- MEDICAL MALPRACTICE
- BUSINESS AND COMMERCIAL LITIGATION
- LABOR AND EMPLOYMENT ISSUES
- PRODUCT LIABILITY
- LOCAL GOVERNMENT DISPUTES
- PROFESSIONAL FEE DISPUTES

Scott Brownell
scott@brownellmediation.com
941.447.3701

WWW.BROWNELLMEDIATION.COM



DONNA TISCH

MEDIATIONS • ARBITRATIONS

*"We take an Active Role...
We Never Give Up!"*

Full-Time

Certified Circuit Civil Mediator • Qualified Arbitrator
AV Rated ~ Board Certified Civil Trial Lawyer

Serving
Sarasota and Manatee Counties

Schedule Mediations and Arbitrations Online at
DonnaTisch.com

239.826.3644



Barristers' Ball, Health and Wellness Month on tap

The Barristers Ball is finally here! This year's SCBA signature event, the Barristers' Ball is coming up!! Please do join almost 200 of your fellow SCBA Members in celebrating a night of Kentucky Derby festivities and fun for all. This is the first time the SCBA has hosted this event in over 15 years and we are thrilled to bring it back to you. If you have not secured your ticket, there is still time to do so in time for the May 4th event.

In addition to kicking off the month of May with the SCBA Barristers' Ball signature event, please be sure to mark your calendar for this year's annual Law Week Luncheon, our last general membership luncheon of the year. The event will take place on May

SCBA PRESIDENT'S COLUMN



Nancy Cason, Esq.
Syprett
Meshad Law
Firm

16 at Michael's on East. We are honored to have **Chief Judge Charles Williams** as our special guest speaker. He will speak on the Law Week Theme of "Free Speech, Free Press, Free Society." We are also honored to have Judges from the Second District Court of Appeal joining us for our Law Week Luncheon.

May is also Health and Wellness Month and, in honor of same, our YLD is hosting a new event at the Publix Aprons Cooking School. This will be an interactive cooking class event that will take place May 16 at 6 p.m. at the Publix located at 2875 University Parkway. The cost is \$25 per person and includes all of your food, wine and

In honor of Health and Wellness Month, our YLD is hosting an interactive cooking class at the Aprons Cooking School at the Publix located at 2875 University Parkway.

cooking instruction. Space is limited so sign up early to secure your seat around the cooking table.

For more information on all of the upcoming events your SCBA has in store for you, please visit the website and sign up with the click of a button. I look forward to seeing you all at the Barristers' Ball!

FLORIDA BAR NEWS

Lyons receives Florida Bar pro bono award

The Florida Bar recently recognized 22 lawyers across the state for their work on behalf of low-income and disadvantaged clients at a ceremony on February 7 at the Supreme Court of Florida. Local attorney **Neil T. Lyons** of Boyer & Boyer, P.A. was chosen to receive the award from the 12th Judicial Circuit which represents DeSoto, Manatee, and Sarasota counties.

Lyons has an extensive history providing pro bono legal service. At the Stetson University College of Law, where he received his Juris Doctor in 2011, he was the recipient of the William F. Blews Pro Bono Service Award which is given to students who perform outstanding pro bono service beyond that required for graduation. In 2015, Lyons began taking pro bono cases from Legal Aid of Manasota. In less than four years he has donated almost 500 pro bono hours. Many of the cases he has taken are complex guardianship and guardian advocate cases, though he also has handled several probate matters. Lyons has also volunteered many hours of service to the clients of the Comprehensive Treatment Court. That program, within the 12th Judicial Circuit's Mental Health Court, is



Neil Lyons, Michelle Suskauer

designed for people who are charged with a qualifying offense, suffer from a serious mental illness that likely led to the criminal charge and are unable to meet their basic needs.

Lyons joined Boyer & Boyer, P.A. in 2014. The firm has a proven commitment to pro bono service in the community. Three other attorneys from the firm are past recipients of this award: **Edwin M. Boyer** in 1994, **Mary Alice (Ferrell) Jackson** in 1998, and **Andrew R. Boyer** in 2015.

MEMBERSHIP

Welcome, new members!

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

- **Eric Anderson:** Suffolk University; 2019; *Wicker, Smith, O'Hara, McCoy & Ford*
- **Sara Bazzigaluppi:** University of Florida; 2018; *Chapman Law Group*
- **Christina "Jade" Davis:** Stetson University; 2012; *GenLegal*
- **Summer Harcup:** University of Alabama; 2015; *Wicker, Smith, O'Hara, McCoy & Ford*
- **Allen Levin:** University of Miami; 1957; *Attorney at Law*
- **Michael Polk:** University of Houston; 2012; *Wicker, Smith, O'Hara, McCoy & Ford*
- **Christopher Saco:** Albany Law School; 2016; *Attorney at Law*
- **Renee Wyatt:** Barry University; 2009; *Attorney at Law*

100% CLUB



**We recognize our
100% Club members:**

Adams and Reese, LLP
Band Gates & Dramis, P.L.
Bentley & Bruning, P.A.
Berlin Patten Ebling, PLLC
**Bowman, George, Scheb, Kimbrough, Koach
& Chapman, P.A.**
Boyer & Boyer, P.A.
The Byrd Law Firm, P.A.
Dickinson & Gibbons, P.A.
Dunlap & Moran, P.A.
Ferguson Skipper
Ferrari, Butler & Moneymaker, PLLC
Grossman Roth & Partridge
Horlick & Corbridge, P.A.
Hutton & Dominko, PLLC
Kirk-Pinkerton, P.A.
Lancaster & Eure, P.A.
Law Offices of Ira S. Wiesner, P.A.
Loftus Law
**Icard, Merrill, Cullis, Timm,
Furen & Ginsburg, P.A.**
Mack Law Firm, Chartered
Maglio Christopher & Toale, P.A.
Matthews Eastmoore
Muirhead, Gaylor, Steves & Waskom. P.A.
Norton, Hammersley, Lopez & Skokos, P.A.
O'Brien & Bennett
Shutts & Bowen LLP
**Syprett, Meshad, Resnick, Lieb, Dumbaugh,
Jones, Krotec & Westheimer, P.A.**
Van Winkle & Sams, P.A.
Williams Parker Harrison Dietz & Getzen

The *Sarasota County Bar Association 100% Club* is a special category of membership that demonstrates an extraordinary commitment to the legal profession and our community from law firms, law departments and legal organizations that enroll 100 percent of their attorneys (two or more) as members of the Sarasota County Bar Association. If you think your firm qualifies, email a list of your associates to scba@sarasotabar.com.

FOR A FRESH START



**CHAPTER
7 & 13
BANKRUPTCY

FAMILY LAW**

RICHARD V. ELLIS, P.A.

PHONE (941) 351-9111

FAX (941) 351-9804

3202 NORTH TAMiami TRAIL
SARASOTA, FLORIDA 34234

SARASOTABANKRUPTCY.COM

The Docket



The Docket is a publication of the Sarasota County Bar Association. All articles printed herein are the property of the Sarasota County Bar Association and may not be reprinted without permission.

PUBLISHER: SCBA Executive Director Holly Lipps

EDITOR: Patrick S. McArdle, *Grossman, Roth and Partridge*.

DESIGN AND EDITORIAL CONSULTATION: Peter M. Gentile, *petermichael associates*

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

Florida Bar encourages mental health treatment

Last month I introduced you to The Florida Bar YLD program that is working hard to end the stigma over mental health and illness in our profession with the goal of the **#stigmafreeyld initiative** being to demonstrate that dealing with mental illness is not a weakness, but instead, a sign of strength. In the wake of and in support of this initiative, the YLD is being heard, so much so that **The Florida Bar has amended its Bar application for admission** and has revised its website to make it clear that the Bar is not seeking information regarding treatment for stress, anxiety, or grief. The Florida Bar is doing this to encourage applicants to seek treatment without fear that treatment will affect their chance of admission to The Florida Bar.

If you are already an attorney practicing in the State of Florida, you probably remember those awkward questions asked on the Florida Bar application regarding things like history of mental illness and/or mental treatment, dependency on alcohol or drugs, and battles with depression and anxiety. Well, if you were to complete the Florida Bar application today, you would see that questions are asked in a very different, less intrusive manner. As part of its responsibility to protect the public, the Board of Examiners still investigates substance use disorders and certain severe mental health disorders that *have* impaired or *could* impair an applicant's ability to practice law, but those inquiries are limited to **thought disorders** such as schizophrenia and other psychotic disorders, as well as **mood disorders** such as Bipolar Disorder or Major Depressive Disorder. The phrasing of these questions is very different than it once was so that an applicant who has seen a mental health professional for stress or anxiety does not need to report any such treatment on the application. The Board of Bar Examiners wants it to be clear that they support applicants seeking mental health treatment and that they view effective treatment as enhancing an applicant's ability to meet the essential eligibility requirement necessary to practice law in the State of Florida.

In a March 28, 2019, press release, The Florida Bar also announced a policy change effective

YLD PRESIDENT'S COLUMN



Erin Itts, Esq.
Itts Law, LLC

as of March 21, 2019, whereby an applicant who may suffer from a thought disorder, mood disorder, or substance use disorder who has been asked by the Board of Examiners to undergo evaluations during the application process qualifies for the Board to pay for those evaluations up to \$3,000.00 per applicant. The Board hopes that by offering to pay the cost for the evaluations that applicants will participate in the evaluation in an effort to seek diagnosis and treatment. All of these are all positive strides by The Florida Bar to support the health and wellness of our lawyers and to ensure that we are able to receive the treatment that we need without fear or stigma and to be the best lawyers that we can be for our clients.

This month for your **Practical Guide to Being a Young Lawyer**, it is **Judge McHugh** providing *McHugh's Tips* and I thank her wholeheartedly for the time and thought that she has put into her tips:

A. Evidentiary Hearings require more preparation than others:

Play the hearing through in your mind so you can anticipate the steps you need to take.

1. *Identify your witnesses.* Who are you going to call? How long will your direct examination last?

2. *Identify the exhibits you will admit.* Then, provide them to opposing counsel with sufficient time for them to review *before the hearing*. Decide how you'd like the clerk to mark the exhibits and then communicate that in an organized manner to the clerk.

3. *Confer with opposing counsel* about the witnesses they will call and the amount of time they need to present their side of the case. Request their exhibits so that you can review them within a reasonable time before the hearing. Discuss objections so you can plan for evidentiary arguments. Can you stipulate to any facts so that you don't have to use court time proving facts that are not in dispute?

4. *Request enough time* – for both sides and for courtroom comfort breaks. Build in extra time for marking exhibits, swearing in witnesses, objections, argument, and questions from the court. But only use court time for the issues that actually need to be decided. Streamline this as

much as possible.

5. *Prepare your witnesses* – explain courtroom decorum and procedure. Remind them to be mindful of the court reporter, and to wait for the judge to rule when there is an objection. Remind your witness of the scope of the hearing and to answer questions directly.

6. *Don't wait until the day before the hearing to start this process!*

B. Approach all hearings with the idea of fairness, not gamesmanship.

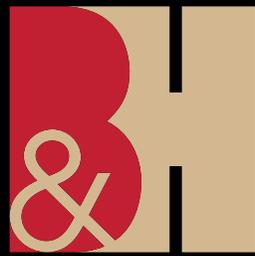
The purpose of a court hearing is for all sides to argue how the facts and law support what they are asking the court to do, so the court can make a fully informed, thoughtful legal decision. This means providing the legal authority to the other side with enough time to prepare a response. It should be rare to find additional authority right before the hearing, but if you do, give it to opposing counsel at your first opportunity.

C. Communicate and cooperate with opposing counsel as much as possible.

The most respected and successful attorneys in our legal community engage in this practice. In doing so, you gain credibility with the court, foster a productive relationship with opposing counsel, save time, and enjoy less stress. Lack of communication between attorneys usually leads to petty courtroom disputes, wasted time, and unnecessary acrimony. Save the fight for the issues that really matter, and then fight fair.

D. *Think of others.* Anticipate how your actions will impact others. Plan intentionally so that you do not waste other people's time, or create unnecessary work or stress. This means remembering the contribution of assistants, clerks, court reporters, and all of the people who work to set and prepare for court time.

E. *Find your "professional rudder."* It can be easy to get off course with daily demands of practicing law in an adversarial system. Whether it's joining an organization that promotes civility, engaging in bar activities, setting up routine meetings with a mentor, reading articles, or taking CLE's, make an intentional effort to reflect on the concept of legal professionalism periodically so that you become the lawyer you intended.



Brannock &

Humphries

APPELLATE LAW | TRIAL SUPPORT

Per curiam. Affirmed.

Three words you don't want to be on the wrong side of.
Appeals are all we do.

Tampa | Tallahassee | Sarasota | 813.223.4300 | bhappeals.com

South County Courthouse project moves toward groundbreaking in 2020

The momentum remains steady on the South County Courthouse project as the design and development stage moves into full swing. A recent update meeting with County planners confirmed that upon opening, the new courthouse facilities will provide South County with a two-story Courthouse housing four state-of-the-art courtrooms: two large courtrooms with the capacity to accommodate full jury trials and two standard courtrooms. The design provides for the build out of two additional courtrooms when needed. Jury assembly for the courthouse will remain in the County Commission Chambers, but all other high-volume courthouse proceedings, such as small claims and traffic court, will be easily accommodated within the new courtroom space.

The timeline for the project provides that the remaining design and development stage will be

**SOUTH COUNTY
PRESIDENT'S
COLUMN**



Susan H. Hines, Esq.
Sabal Trust Company

completed this summer, with full clearance for construction documents to be received by year end. This would allow the project to be placed out to bid in early 2020 and construction to begin in early spring. We were all reminded by **Russ Snyder** and **Kerry Mack** that discussions on the growing needs of South County and expanding the courthouse began back in 2006 with **Judge Robert Bennett**. The diligence of many individuals in both our judiciary and within our local bar has brought us to this point, and we should all be thankful for their mighty efforts!

As the reins pass in South County from **Judge Kimberly Bonner** to **Judge Stephen Walker**, I would like to take one more opportunity to personally thank Judge Bonner for her advocacy for South County, and to welcome Judge Walker to our community. With Judge Walker and **Judge Erika Quartermaine** at the

helm, our South County Courthouse and our residents are in great hands.

On a final note, I'd like to thank those of you who joined us for our End of Season Social at the Casey Key Fish House. It was the perfect way to celebrate the end of the season with good friends, and to recharge our batteries as we head toward the upcoming summer months.

Mark your calendars

Our final SCD event of the season will be our **Snake Island Family Picnic on Saturday, June 15 (11:30 a.m. to ??)** Everyone is invited to bring your families and come join us by water (boat, jet ski, paddleboard) or by land (bike or car to the South Jetty Park — just past the Crow's Nest on Venice Island) and we will ferry you over to the festivities. Nothing beats a day on the water! We look forward to seeing you there!



PHOTO 1: Nancy Cason, Judge Erika Quartermaine, Judge Kimberly Bonner, Bryan Kessler, Judge Stephen Walker

PHOTO 2: Judge Kimberly Bonner

SOCIAL SECURITY DISABILITY & SSI HEARINGS/APPEALS



SERVING
SARASOTA
AND MANATEE
COUNTIES
MORE THAN
35 YEARS
EXPERIENCE

JONATHAN E. HAUSBURG, ESQ.

3202 N. TAMiami TRAIL • SARASOTA, FL 34234
941-351-9111 • socialsecuritysarasota.com

CHARLES W. TELFAIR IV Certified Florida Supreme Court Mediator

I am a civil litigator with over 25 years of experience representing both plaintiffs and defendants including some of the largest corporations in the United States. I am available to **MEDIATE YOUR CASES** on the following terms:

- Hourly rate \$300
- No travel charges for West Coast from Hillsborough to Lee County.
- The **first hour** of preparation time is **FREE**
- No cancellation fees
- First Class office space available Downtown Sarasota and Bradenton



LUTZ, BOBO & TELFAIR

CHARLES WARD TELFAIR, IV
MCBA PRESIDENT-ELECT



2 N TAMiami TRAIL, 5TH FLOOR
SARASOTA, FLORIDA 34236

(941) 951 - 1800



WWW.LBTLAW.COM/MEDIATION

CWTELF@LUTZBOBO.COM

Your ad here

reaches the movers and shakers in Sarasota's legal community. Call today to get your firm or business in front of our elite readership.

The Docket

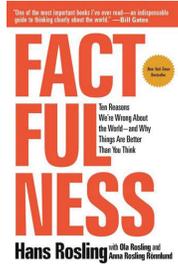
To advertise in the Docket, please see the rate card at the Bar's web site, sarasotabar.com, or call the office at 941-861-8180.

What book would you recommend to fellow lawyers?

By **PATRICK S. McARDLE, Esq.**
Grossman Roth & Partridge

As lawyers, our work involves a lot of reading. But even with eyes exhausted from scanning line after line of a case, a motion, or a brief, there are times when we want to read for pleasure or to learn something new. That is especially true as the summer settles over our town. So this month, with the help of attorneys from around town, The Docket has put together a definitive guide to the best books for lawyers to read for pleasure and learning.

Docket Recommendations

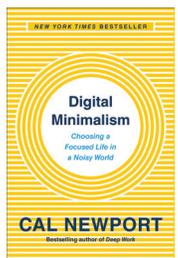


Factfulness: Ten Reasons We're Wrong About the World—and Why Things Are Better Than You Think

Hans Rosling with Ola Rosling and Anna Rosling Rönnlund

As lawyers, we often deal

with other people's problems. And in the modern world, the 24 hours news blitz of breaking news amplifies this professional pessimism. But breaking news turns out to be a broken way to view the world. More than that, our innate wiring as human beings leads to a systematically skewed view of the modern world. Factfulness is a wonderful, big picture antidote. The book identifies ten of our innate biases. These biases trend us toward viewing the world in a harsher light than the evidence supports. The book then identifies humanity's progress in a compelling way and teaches ways to see the world in a more accurate way. Bad things are still happening, but this book shows how much better off humanity is than we believe.



Digital Minimalism

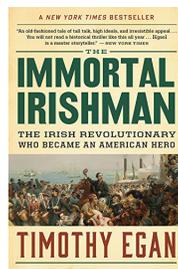
Cal Newport
Unless you've been living in a cave, you may have noticed that smart phones and screens seem to be swallowing up more and more of



Patrick McArdle, Esq.
Grossman Roth & Partridge

our professional and personal lives. While the promise of Silicon Valley was for this technology to improve our lives and make us happier, it seems that screen time is crowding out the face-to-face connections that humans have relied on for millennia for meaning and happiness.

Cal Newport, a professor of computer science at Georgetown, wrote in the past concerning how to go about selecting a career (*So Good They Can't Ignore You*) and how to get the rare and valuable skills needed to thrive in said career (*Deep Work*). As he explored these issues, he noticed that technology is increasingly impeding the focus and attention needed to cultivate the rare and valuable skills needed to thrive in today's economy. *Digital Minimalism* is Newport's recommendation for a reset on technology. His definition of digital minimalism is "A philosophy of technology use in which you focus your online time on a small number of carefully selected and optimized activities that strongly supports things you value, and then happily miss out on everything else." His thinking, and practical steps to conduct a digital declutter, are worth considering in both the law and for our families.

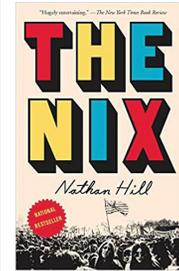


The Immortal Irishman: The Irish Revolutionary Who Became an American Hero

Timothy Egan

This book is a biography of Thomas Meagher, who would make a great candidate for most interesting man in the world (at least in the 1800s). His life included everything from proposing the design the Irish national flag, escaping a prison colony, leading an Irish regiment in the U.S. Civil War, and becoming territorial governor of a state. Oh, and he practiced law, too. The amazing story of his life is well told by Timothy Egan, and it is a fantastic summer read that shows just how much impact one life can make on the world stage.

Doug Cherry, Shumaker, Loop & Kendrick, LLP



The Nix
Nathan Hill

Doug tells us the following: "I typically select books based on the subject matter of the story. In this case, I chose *The Nix* only because I heard glowing reviews

about this author's unique and inventive writing style, which had many calling him the next Michael Chabon or Jonathan Franzen. The reviews were absolutely right, and I loved Hill's satiric yet heart-felt voice heard loud and clear through his story about love, politics, and pop culture."

"For a purely fun read that is a jolt of 80's nostalgia, I strongly recommend *Ready Player One*."

Sara Castro, Farr Law Firm

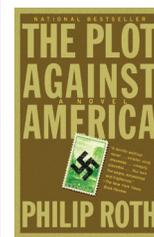


A Thousand Splendid Suns
Khaled Hosseini

"I thoroughly enjoyed this book because it kept my attention and had me reading late into the night. I've found it hard to

find such books since now I read so much in the daytime, it's the last thing I want to do in the evening. It is a story set in Kabul in the 20th and 21st century, centered around two women whose lives intersect in various ways. I liked the strong main characters and find their story with the backdrop of a foreign culture interesting and compelling."

Brian Goodrich, Bentley & Bruning, P.A.



The Plot Against America

Philip Roth
My first recommendation is *The Plot Against America* by Philip Roth. Roth — one of the greatest American novelists ever—
See **BOOKS**, Page 11



Changing Lives,
Saving Families



A Comprehensive Center for Alcohol & Drug Rehabilitation

- 28-Day & Long Term Residential Jail Diversion Programs
- DUI & Drug Court Services
- Involuntary Detox Through Marchman Act
- Additional Residential & Outpatient Services
- Medication Assisted Treatment

941-366-5333 • www.fsos.org

Class A Suburban Offices Available For Lease



Cattleridge Financial Center



Live Oak Corporate Center



Cattleridge Office Center



Sarasota Commerce Center

IAN BLACK
REAL ESTATE
THE PLACE FOR SPACE

MELISSA HARRIS
941.906.8688 X114 • www.ian-black.com

Mediation “outside the box”

The mark of an effective mediator is the ability to find solutions to a dispute that the parties have not explored. Norman Vaughan-Birch has put that philosophy to work in 40 years of resolving the most complex disputes as a trial attorney and mediator. Put his experience and expertise to use the next time you need a mediator. You

will find that effective mediation can be cost-effective, too.



Norman Vaughan-Birch

- Florida Supreme Court-certified mediator
- Florida Bar Board-certified in civil trial and business litigation

CHAPMAN MEDIATION

As both a Certified Circuit Civil Mediator and a trial attorney Board Certified in Business Litigation, I have over 28 years of experience in a broad range of disputes, including construction, business, condominium/HOA, real estate, non-compete, property tax and probate/trust matters. Let me put this experience to work for you in helping you resolve your client's case - at your office or mine.



THE JOHN CHAPMAN LAW FIRM, PA
CHAPMAN LAW
BUSINESS AND ESTATE LITIGATION

1515 Ringling Boulevard, Suite 870 • Sarasota, FL 34236
Phone: 941.404.4616 • Fax: 941.404.4605
jchapman@johnchapmanlaw.com
www.johnchapmanlaw.com

MediationOutsideTheBox.com • 941-364-2405
240 S. PINEAPPLE AVE., 6TH FLOOR, SARASOTA FL 34236

Productivity and profitability aids for small firms

By **TERESA K. BOWMAN, Esq.**
McLin Burnsed, Of Counsel

Recently I was asked by a prospective business colleague to come up with my net profit margin for the year. Rather than call my accountant, I did what any person these days would do — I did a Google search. With little effort, I found a simple, easy-to-understand formula that I could apply to find out exactly what my law firm's net profit margin was for the year. It's so simple even a fourth-grader could do it! All you do is subtract your total expenses for the year from your gross revenue. This gives you your net income. Then divide the net income by the revenue. Finally multiply answer by 100.

Example: Let say the gross revenue of a business is \$100,000 for the year. We subtract the expenses, \$80,000, to get a net income of \$20,000. Now we divide the net income by the gross revenue to get 0.20 which we multiply by 100 to get a profit margin of 20%. Pretty easy right?

This exercise got me to start thinking about profitability in general and I did another Google search. I found lots of articles about small firm profitability, and on law firm productivity, as the two are equally important and intertwined. That's where I got the idea to use "Profitability vs. Productivity" as the topic of the March brown bag Solo Section luncheon. Our discussion centered what we could do to increase our profit margin, by increasing our productivity.

Topics discussed included the of use of practice management software for staying on track with tasks and managing the calendar. Clio, MyCase, and Practice Panther were the favorites mentioned by the group. Bookkeeping services, whether private or on-line help many of our solo attorneys shift the responsibility of payroll, and income and expense tracking, so they could focus on client work and let them do what attorneys do to make money — practice law.

Many in the group reported that they use LawPay to process client payments and that its quick, easy, and relatively inexpensive. We talked about using virtual assistants, and

It takes dedication and effort to stick to the schedule but has big payoffs in terms of productivity. One member noted that a recent article she read on productivity stated that it can take up to 45 minutes for you to reach the same level of concentration you were originally applying to a task after an interruption.

how to avoid those pesky interruptions that we all deal with. Phone calls, emails, colleagues wanting to chat, assistants with questions- it seems there is so much fighting for our attention on a daily basis.

Time blocking was used by some to dedicate times to return phone calls, meet with staff, or take time to write an article for The Docket. It takes dedication and effort to stick to the schedule but has big payoffs in terms of productivity. One member noted that a recent article she read on productivity stated that it can take up to 45 minutes for you to reach the same level of concentration you were originally applying to a task after an interruption. Closing the office door, putting up a Do Not Disturb Sign, or putting on headphones can be a way to avoid distracting interruptions. But who isn't lured by the phone when that message pops up, or feels compelled to read that email that just came in? Again, it takes will power and to be honest, sometimes I enjoy an interruption when I'm doing something that I'd rather not

do.

Other software solutions mentioned were Moneypenny (a virtual assistant), Trello, and Monday.com (task tracking programs).

The point of all of this is that when we talk about things together, we have the opportunity to share not only our frustrations, but the solutions we find most helpful. The exchange of ideas with other solo attorneys is what this section is all about. We are stronger when we band together and work on common problems and goals.

If this article piqued your interest, here are links to the articles we discussed during our meeting.

<https://www.patriotsoftware.com/accounting/training/blog/how-do-you-determine-a-profit-margin/>
<http://businessoflawblog.com/2015/09/law-firm-profitability/>
<http://lawyernomics.avvo.com/practice-management/4-simple-ways-increase-productivity-lawyer.html>

Join our section so you don't miss out on all the great things we are taking about at our Solo Small Firm meetings.

SUMMER READING

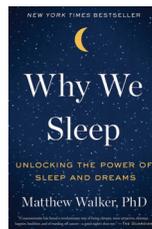
BOOKS

Continued from Page 9

envisions an alternative history in which Charles Lindbergh defeats FDR in the 1940 presidential election. Warning against the dangers of xenophobia and isolationism, many consider this book to be very timely. It is nothing short of engaging, terrifying, and moving.

For something lighter, I would recommend *Lucky Jim* by Kingsley Amis. It is a quick read and a guaranteed laugh.

Julian Catala, Grossman Roth & Partridge



Why We Sleep: Unlocking the Power of Sleep and Dreams Matthew Walker, PhD

This book is an excellent look at why sleep is so important. I learned

that what I always thought I could get away with in the sleep department was doing me more harm than good. The "sleep when you're dead" approach actually leads to a shorter life. The book has a helpful appendix of twelve tips for healthy sleep.

Fletcher Rush, Williams Parker

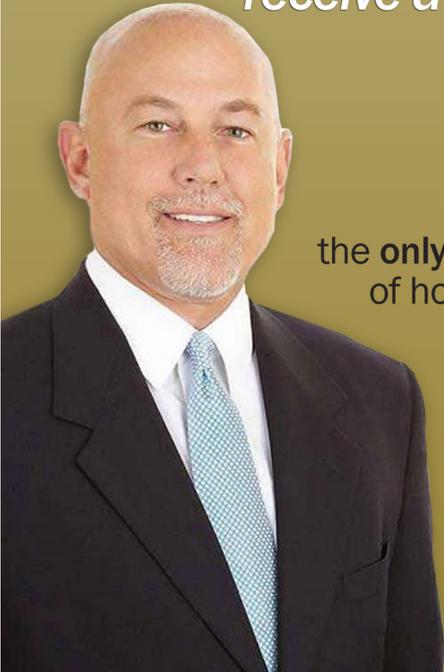


The Firm John Grisham

Anything by Grisham is good, but I particularly like *The Firm*. I read this when I first joined a firm and found it very entertaining. As I am sure you know, Grisham

is a very good author and his books are usually page-turners. This is a must read for those young attorneys joining a firm.

Why receive a referral fee on policy limits when you could receive a referral fee on the full case value?



WITTMER | LINEHAN

the **only** firm in Sarasota with a strong track record of holding insurance companies responsible for bad faith conduct.



Recovery	Referral Fee	Policy Limit	Referral Fee
\$3,000,000.00	\$225,000.00	\$100,000.00	\$10,000.00
\$2,000,000.00	\$175,000.00	\$10,000.00	\$1,000.00
\$1,565,000.00	\$142,375.00	\$500,000.00	\$50,000.00
\$1,000,000.00	\$100,000.00	\$200,000.00	\$20,000.00
\$1,000,000.00	\$100,000.00	\$100,000.00	\$10,000.00

Steven T. Wittmer

941-365-2296

Gregory P. Linehan

2014 Fourth Street, Sarasota, FL 34237

www.sarasotalitigator.com

LUTZ, BOBO & TELEFAIR

TRIAL LAWYERS

SARASOTA | PUNTA GORDA
BRADENTON | TALLAHASSEE

941-951-1800 | www.lbtlaw.com



CONSTRUCTION ACCIDENTS

We Can Help If ...

Your client has suffered injury or death due to a construction related accident.

REFERRALS & ASSOCIATIONS ARE WELCOME

"Over 300 years of combined Legal Experience"



Are you a memory maker?

By COLLEEN NORMAN, Esq.
Schipani & Norman, P.A.

This industry is full of driven, hardworking and intense individuals. As many have experienced, this is a great quality in business. But, how does this translate to your family, particularly to your children? You are a money maker, but are you a memory maker?

In my appointments as a Guardian Ad Litem, I often ask the children involved to tell me the best thing about each parent. Not once has a child responded to that request by saying that a parent gives them a lot of gifts, or that a parent works hard. Always the response is expressing a memory of those simple moments such as when “the electricity went off and we used candles and we got to just sit and talk to each other,” or “my dad helped me fix my bike.” Memories are created during such times.

One parent told an eye-opening story of explaining to his son that he has to work a lot to buy nice toys. The next day as he is getting in his car to leave for work his little boy came running out the front door with his hands full of toys and asked, “Daddy can we sell my toys so you can come home early from work?”

Children enjoy the gifts they receive, but they enjoy time with the gift-giver much more.

When is the last time you set your phone aside, walked away from your computer, waited until the next day at the office to read your email? When is the last time, or has there ever been a time, when you sat down with your little one and colored in a coloring book? Or, if you have older children, when is the last time you asked them to tell you about the favorite part of their day? When is the last time you showed an interest in their goals? Or, when is the last time you turned off the T.V. and the video games and instead looked at old family pictures with your children, teaching them about their heritage? Undoubtedly, this can be a tough task when a child’s independence kicks in, but even those older children I have interviewed – once we get past the “I’m too cool for you” surface – describe their favorite times with mom and dad as moments interacting.

But what about when there is that huge deal or a really important client, requiring your attention after hours and during what should be your personal time? Ask yourself, “is any of this worth losing one minute of time I should be with my children?” Is the response, “Oh, but if I do not tend to these very important matters then I cannot give my family the things they want?” Remember, children are willing to “sell” those things just to have time with you.

Have you ever “caught” your child, or a child, staring at you inquisitively? They are wanting to know more about you, they want to know they are important to you.

Maybe you go to your child’s sporting event, dance recital, or other extra-curricular activity, but are you watching? Or are you on the phone, checking emails or texts? Maybe instead of checking emails, check your priorities. Your child is looking over to see if you are watching.

Even teenagers, when they think they do not *want* mom or dad around, still want to *know* that they are around. I am no expert on children, but I have spoken to enough of them, at all ages, to know that we as adults have a responsibility to make sure the children in our lives have no doubt that they are a priority, that they mean something, and that they have a purpose all their own.

Maybe your children are grown. If they are, then maybe you have, or will soon have, grandchildren. Or, maybe you have no children at all. But there are children who are watching and likely admiring you. Maybe it’s a niece or nephew, a friend or neighbor’s child, upon whom you can have a positive influence. Whether it is voiced or not, whether it is a conscious thought are not, children are watching and looking to us for guidance and examples.

Have you ever noticed how a hug from a child can melt away the stress of the day? How laughter of a child brings a sense of joy? Take time, enjoy those moments, create memories and let your children create memories ... pleasant memories. Put the phone down, turn the computer off, put the video games away, and “just be” with your children. If it means you have to actually put it

See **MEMORY**, Page 15

Injunction for protection of a vulnerable adult

The Florida Legislature determined that there was a need for quick judicial intervention to address abuse, neglect, or exploitation of elderly or disabled adults. In 2018, House Bill 1059 was passed into law creating a cause of action for an injunction for protection against the exploitation of a vulnerable adult. Legislative bill

analysis considered that Florida is home to more than 5.2 million residents age 60 or over, and has the most residents over the age of 65 in the nation.

■ Who is a vulnerable adult?

Pursuant to Florida Statute 425.102(28), a vulnerable adult is a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to mental, emotional, sensory, long term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

■ What constitutes exploitation?

Florida Statute 825.103 defines “exploitation of an elderly person or disabled adult “ to include such activities as, depriving the vulnerable

adult of funds or property, breach of fiduciary duty to the vulnerable adult, misuse of funds, and failure to provide necessities.

■ **Who may file a petition?** The following persons may file a petition: a vulnerable adult in imminent danger of being exploited, the guardian of a vulnerable adult who is in imminent danger of being exploited, a person or organization acting with the consent of the vulnerable adult, or his or her guardian and a person who simultaneously files a petition for determination of incapacity and appointment of an emergency temporary guardian with respect to the vulnerable adult.

■ **What is the Clerk’s role?** The Clerk will assist petitioners seeking injunctions and those pursuing violations of injunctions, by providing educational materials, access to forms and instructional materials, providing free certified copies for service requirements, ensuring petitioner privacy while completing forms and furnishing information to the Sheriff on the respondent’s or alleged victim’s physical description.

The Clerk also has mandatory reporting responsibilities to provide copies of petitions and orders to the Department of Children and Families Adult Protective Services Program.

To process the petition, the clerk will either initiate a new case or file the petition into an existing guardianship case if there is one. Electronic filing is available via the e-Portal.

See **CLERK**, Page 15

CLERK’S CORNER



Karen E. Rushing
Clerk of Court and County Comptroller



HARRY E.
ROBBINS

ASSOCIATES, INC. / REALTOR

**Serving Sarasota
Since 1971**

**Downtown Sarasota Office Buildings
Ideal for Legal Professionals**



**Center Pointe
2033 Main Street**

**Class A Office Suites
400 - 5,600 SqFt**

**Adjacent to the
Courthouse!**



**46 N Washington Blvd
FOR SALE OR LEASE**



**1991 Main Street
500 - 10,000 SqFt**

Call To Schedule Your Private Showing

941-924-8346

www.RobbinsCommercial.com

3733 S. Tuttle Avenue, Sarasota, FL 34239

MEDIATION

JAMES ROLFES & GARY LARSEN

BOARD CERTIFIED TRIAL ATTORNEYS

Let our 70+ years of Litigation Experience work for you. We are available to mediate in all areas of civil litigation throughout Southwest Florida. We have state-of-the-art conference facilities centrally located at our Fruitville Road Sarasota office.



James Rolfes

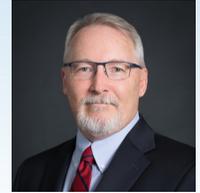
Certified Circuit Civil Mediator

Profile Page:

dglawyers.com/attorneys/a-james-rolfes

Contact Layne to Schedule

941.552.4602



Gary Larsen

Certified Circuit Civil & Federal Mediator

Profile Page:

floridamediators.org/gary-larsen

Contact Carol to Schedule

941.552.4606



DICKINSON & GIBBONS, P.A.

ATTORNEYS AT LAW

Established 1937

Gateway Professional Center
401 N. Cattlemen Road, Suite 300
Sarasota, Florida 34232
941.366.4680

CAN THE LAW FIRM YOU REFER YOUR PERSONAL INJURY CASES TO ANSWER YES TO THESE 10 QUESTIONS?

1. Does the attorney try cases several times each year?
2. Does the attorney have the ability to show you recent trial results?
3. Does the attorney have over 20 years of experience working **for** the insurance companies so that they have gained an insight into how to oppose and/or sue the insurance companies?
4. Is the attorney Board Certified in Civil Trial Law?
5. Is the attorney AV rated by Martindale Hubbell?
6. Does the attorney have the financial strength to take on significant injury cases?
7. Is the attorney located in the 12th judicial circuit?
8. Will the attorney pay you a referral fee in accordance with the rules regulating the Florida Bar on every case no matter how big or small?*
9. Is the attorney available to speak with you at any point during the referral to give you status updates as you request?
10. Is the attorney willing to take on challenging cases that other law firms or attorneys may not be willing to handle or would turn down due to the amount of work involved?



DAMIAN MALLARD, ESQ.

Mallard Law Firm, P.A.

889 North Washington Blvd.

Sarasota, Florida 34236

(P) 941-952-1682

www.MallardLawFirm.com

**REFER YOUR CASES TO THE MALLARD LAW FIRM, BECAUSE
OUR ANSWER TO THESE 10 QUESTIONS IS YES.**

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

■ **Teresa K. Bowman** has joined the firm of McLin Burnsed, as an attorney “Of Counsel”. McLin Burnsed located in Leesburg and The Villages are expanding their practice to include Elder Law. Ms. Bowman will be heading up this new practice area providing the residents in those communities with advice on long term care planning, Medicaid planning, veteran’s benefits and special needs planning.

■ **Kelly Roberts** has opened Roberts Law, PLLC. Ms. Roberts represents individuals filing for bankruptcy, individual and business creditors in consumer and business bankruptcy cases, litigants in bankruptcy litigation, and parties in commercial disputes.

In Memoriam



H. Lee Dehner
1952–2019

■ Shumaker, Loop & Kendrick, LLP is pleased to announce that Sarasota Partner **Jan W. Pitchford** was appointed to the Sarasota County Board of County Commissioners Value Adjustment Board.

■ Williams Parker is pleased to announce **Bonnie Lee Polk**, a litigation attorney with the firm, has been honored by The Judge John M. Scheb American Inn of Court with its Judge John M. Scheb Professionalism Award. The award recognizes a lawyer annually from Sarasota County who exemplifies professionalism in his or her practice and contributes their time and talents to the overall cause of professionalism within Sarasota’s legal community.

BIG BROTHERS BIG SISTERS

Mentoring makes a difference

For 50 years, Big Brothers Big Sisters of the Sun Coast (BBBS) has been inspiring hope and giving youth the opportunity to achieve their potential. Every day, people of all ages and backgrounds step up and ignite potential within young people in need of strong, caring, and positive role models. BBBS and its volunteers nurture children and strengthen communities. Together, they help clear the path to a child’s biggest possible future.

When children and teens have the influence of a caring adult, they’re more likely to avoid risky behaviors and to focus on academics. Today’s youth face a variety of challenges, and being matched with a Big Brother or Big Sister can help them navigate those challenges.

There are a few different ways to mentor with BBBS. Community-based mentoring relationships involve one-to-one outings and activities, doing fun things the Big and Little enjoy together. The commitment includes meeting at least twice each month (weekends or weekday evenings) based upon a schedule that is convenient for both parties.

The school-based program involves being matched with a Little and meeting with them at their elementary, middle, or high school one hour each week. During this time, Bigs often read together with

For more than 50 years, Big Brothers Big Sisters of the Sun Coast has been matching youth in meaningful, enduring, professionally supported mentoring relationships with adult volunteers who defend their potential and help them achieve their biggest possible futures. Learn how to get involved at bbbsun.org.

their Littles, help with homework, talk to them about what’s happening in their lives, and discuss their aspirations. The Big might even use the time to have lunch with their Little, shoot hoops in the gym, or play on the playground with younger children. At the end of the day, it’s really all about starting a friendship, providing guidance and inspiring them to reach their full potential.

To learn more about becoming a “BIG” consider attending one of these upcoming scheduled volunteer information sessions:

- **May 9, 2019**, from 9:30 a.m. to 11:00 a.m. – BBBS Sarasota office, 2831 Ringling Blvd., Suite A201
- **May 22, 2019**, from 5:30 p.m. to 7:00 p.m. – Goodwill, 5150 N. Tamiami Trail
- **June 11, 2019**, from 9:30 a.m. to 11:00 a.m. – BBBS Sarasota office, 2831 Ringling Blvd., Suite A201
- **June 27, 2019**, from 5:30 p.m. to 7:00 a.m. – Goodwill, 5150 N. Tamiami Trail

For more information concerning mentoring opportunities throughout Sarasota County contact Shelly Van Dusen, BBBS Community Resource Director, at 941.331.4376 or svandusen@bbbsun.org.

MEMORY

Continued from Page 13

on your calendar, then do it ...even better, put their name on every date in your calendar. . . and let your child see that his or her name takes priority in your schedule.

Hopefully you are already helping your children create positive memories, and if you are, do not stop for any reason. Continue to be that positive influence, not just for your children, but for other parents who maybe have not learned what you already know.

Money and “things” are temporal. Clients and big deals come and go. If and when they go, your children will still be there, watching, waiting, and longing to create warm memories with you. Before you know it, sooner than you can imagine, your child becomes the adult who you helped form and mold and, hopefully, has the treasure of wonderful memories spent with you.

CLERK

Continued from Page 13

Though there is no filing fee for this type of action, per statute, the Court may order any financial institution holding assets of the vulnerable adult to pay the Clerk from unencumbered assets of the vulnerable adult a fee of \$75 if the assets are valued between \$1,500 and \$5,000; or a fee of \$200 if the assets are valued in excess of \$5,000.

Since passage of HB 1059, eight petitions have been filed with the Sarasota Clerk resulting in four final injunction orders. While that number may seem low, it represents vulnerable adults in our community who needed the protection afforded by this new type of injunction. Please feel free to contact our civil customer service department to ask questions about filing these petitions. I am committed to working with the Bar and judiciary to ensure the needs of our vulnerable citizens are addressed.

CLASSIFIED ADS

OFFICE SPACE

Office Building for Sale at \$449k or lease at \$2,300/mth. Easy walk to courthouse. Approx 2,000 sq ft, 4 offices, conference room, 2 baths and kitchen. Call Michael Perry at 941-356-1581. [49 N. East Avenue]



Sarasota County Bar Association ANNUAL MEETING AND LAW DAY LUNCHEON



The 2019 Law Day theme, *Free Speech, Free Press, Free Society*, focuses on these cornerstones of representative government and calls on us to understand and protect these rights to ensure, as the U.S. Constitution proposes, “the blessings of liberty for ourselves and our posterity.”

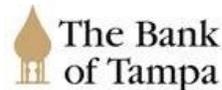
Join us for a conversation with Chief Judge Charles Williams

Also on the agenda will be:

Election of Officers and Directors for the 2019-2020 Bar Year

Honored guests will include
Judges from the Second District Court of Appeal

We gratefully acknowledge
our sponsor:



**Thursday, May 16, 2019
12:00-1:15 p.m. • Michael’s on East
\$30.00 /person**

Name: _____ Firm: _____

Email: _____

Reservations must be received by 5PM on Monday, May 13, 2019
Mail with payment to: SCBA, P.O. Box 507, Sarasota FL 34230
“No Shows” and reservations canceled within 48 hours of event will be invoiced.

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

Real Property Section Meeting

Sarasota Yacht Club

May 17, 2019

12:00 - 1:00 pm



Unlawful Inducements, Unfair and Deceptive Trade Practices:

What Every FL Attorney Title Agent Needs to Know

Presentation includes a thorough review of unfair and deceptive trade practices and analysis of the latest guidelines handed down by the DFS.

**Guest Presenter: James C. Russick, Esq.
Old Republic Title**

CLE Applied For

Register online: www.sarasotabar.com
or contact us at: scba@sarasotabar.com

Estate Planning & Probate Section Meeting

Wednesday, May 22, 2019

12:00 - 1:00 pm

"Update on Florida Homestead"

Course will cover current issues facing Florida real property and probate & trust law practitioners including:

- Waivers
- Joint Trusts
- Estate/Trust Creditor Claims
- Documentary Stamp Taxes for Homestead and more...



Jeffrey S. Goethe, Esq.
Barnes Walker

Sponsored By:

SYNOVUS

CLE Applied For

Register online: www.sarasotabar.com
or contact us at: scba@sarasotabar.com

FAMILY LAW SECTION MEETING

Thursday, May 23, 2019



"APPLYING THE BOUNDS OF ADVOCACY TO THE DIFFICULT/DISHOEST CLIENT"

Practical tips from a family lawyer on how to deal with difficult clients in family law cases.



Michael Resnick, Esq.
Guest Speaker

CLE Applied For

Sarasota Yacht Club
1100 John Ringling Blvd
11:45 Doors Open
12:00 Lunch/Program
\$30/ person

Sponsored by:



Register online: www.sarasotabar.com

or contact us at: scba@sarasotabar.com

Deadline for reservations: Thursday, May 16, 2019

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