

ST. PETERSBURG BAR ASSOCIATION

PARACLETE

THE SPIRIT OF TRUTH

The Magazine For The Legal Professional | Wellness Issue | March/April 2026



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Here Comes The Sun:
Rebuilding The Sunshine City

- Page 6

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The mission of the St. Petersburg Bar Association is to serve the legal community, to strengthen the noble calling of the practice of law, and to foster excellence in the profession.

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Editorial Policy: The *Paraclete* is published for the members of the St. Petersburg Bar Association. The magazine is published six times per year and welcomes submissions for publication. Publishing and editorial decisions are based on the editors' judgment of the quality of the writing, the timeliness of the article, and the potential interest to the readers of the magazine. From time to time, the *Paraclete* publishes articles dealing with controversial issues.

The views expressed in the *Paraclete* are those of the authors and not necessarily those of the editors, executive committee, or officers of the St. Petersburg Bar Association. No endorsement of those views should be inferred unless specifically identified as the official policy of the St. Petersburg Bar Association.

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PRESIDENT'S MESSAGE

Secret Sauce...

By Joseph Murphy

Success in the practice of law is often measured by billable hours, revenue, or the size of a firm's client roster. At DeLoach, Hofstra and Cavonis, P.A. (DHC), we believe success is far broader, and far more meaningful.

As a partner at DHC, my professional philosophy was shaped early on by exceptional mentors, including the late Paul Cavonis and the late Peter Hofstra. **During my time as a law clerk, both men stressed the importance of work-life balance long before it became a popular talking point in the profession.** They emphasized making family a true priority, vigilantly defending personal time, and intentionally calendaring all family events, big and small, so that nothing important was missed.

Coming out of law school, I had opportunities to pursue a career in big law. Yet the atmosphere at DHC, combined with the guidance and example set by Paul and Peter, led me to stay. I have never once regretted that decision. Their leadership demonstrated that it is not necessary to grind through 100-hour work weeks to be successful or profitable. Success comes in many forms, and I hold being a successful husband and father above all else.

Now, as a partner, I strive every day to carry forward the same approach that Paul and Peter instilled in me. That mindset influences not only how I practice law, but also how my partners and I lead the firm. At DHC, we are people first and attorneys second. We live by the Golden Rule in both life and the practice of law. We treat staff, clients, and counsel as equals, never as anything less. That culture,

grounded in respect, balance, and integrity, is the foundation of our firm's continued success.

That culture has also fostered deep, integral relationships between our firm, the community, and the St. Petersburg Bar Association (SPBA). Practicing what we preach, we give back our time and resources for the betterment of others. Members of our firm have participated in local Kiwanis organizations, Chambers of Commerce, City Council initiatives, charity events, and numerous volunteer and coaching opportunities. In turn, the community and SPBA have repaid those investments tenfold. These personal relationships have led to countless professional connections, referrals, and repeat clientele, which now account for more than 70 percent of our business.

We also genuinely care for our employees and prioritize their mental and physical health and overall well-being. As part of that commitment, we are regular participants in the SPBA's Law Firm Wellness Challenge initiative and have been honored as a past award recipient for our involvement. We also strive to continue those healthy firm dynamics year-round.

I do not share this to bolster our firm, but to offer hope to those who may find themselves trapped in the big law grind, worn down by litigation exhaustion, or simply in a place that no longer aligns with their personal beliefs and values. You do not have to abandon those values to succeed. Instead, embrace them and let them guide you toward a more rewarding, meaningful, and sustainable career in the law.

www.stpetebar.com

Welcome to the Neighborhood!

The St. Petersburg Bar Association is thrilled to Welcome the Bernie McCabe Second District Court of Appeal Courthouse to the Neighborhood! Located one block away from the St. Pete Bar office, the 2nd DCA Courthouse is a beacon of justice nestled on the beautiful, historic Mirror Lake. We hope you will join us in welcoming the 2nd DCA judiciary!



The Journey...

Check out the January/February Paraclete to see photos of a private tour with Chief Judge Lucas and learn more about the journey of the 2nd DCA Courthouse.

Join Us...

The St. Pete Bar is proud to host a "Welcome to the Neighborhood" social at the 2nd DCA Courthouse in the main meeting room overlooking Mirror Lake.

Thursday, March 12, 2026
5:30-7:30pm

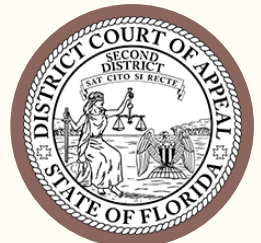


Java with the 2nd DCA Judiciary...

Stop by for a cup of joe and meet the judiciary!

Friday, March 27, 2026
8:15-9am

Bernie McCabe Second District Court of Appeal Courthouse
525 Mirror Lake Drive North



Here Comes the Sun: Rebuilding the Sunshine City

Part I: The Return of Tropicana Field

By Katherine Castaner



Since October 2024, the Sunshine City's skyline has been missing its unmistakable, slanted dome. That is until this past November, when repair efforts culminated in the completion of a fully restored roof at Tropicana Field. Twenty-four panels of white fiberglass yarn now shine atop the stadium,¹ calling



Photography by Daylina Miller/WUSF

to mind the familiar silhouette that had defined the city for more than three decades before the winds of Hurricane Milton left the dome tattered. With the Trop's roof officially restored and internal repairs nearing completion in anticipation of the Tampa Bay Rays home opener against the Chicago Cubs on April 6, 2026, this moment, and the return of a repaired top to the stadium, marks a meaningful milestone in St. Petersburg's ongoing recovery.

This article marks the first installment in a larger series examining how St. Petersburg is rebuilding in the wake of Hurricanes Helene and Milton. In September and October of 2024, the devastation of back-to-back hurricanes left visible scars across the city. Hurricanes Helene and Milton left entire neighborhoods flooded, longstanding businesses shuttered, and countless landmarks marred. **The storms reshaped daily life across the city and the long road to recovery has begun to be paved through diligent, coordinated efforts across St. Petersburg.**

Tropicana Field has earned its space in the city's history and identity. The prolific stadium first opened in 1990, introduced as the Florida Suncoast Dome.² Shortly thereafter, in 1993, it was briefly renamed the "ThunderDome" while the Tampa Bay Lightning called the facility home. It wasn't until 1996 that its current namesake came to be when the naming rights were sold to Tropicana Products and "The Trop" was born. Spanning an impressive 1.1 million square feet, the Trop has hosted a variety

of prominent sporting events including the 2008 World Series, the 1999 NCAA Basketball Final Four and Championship, and a decade of Gasparilla Bowl games between 2008 and 2017.

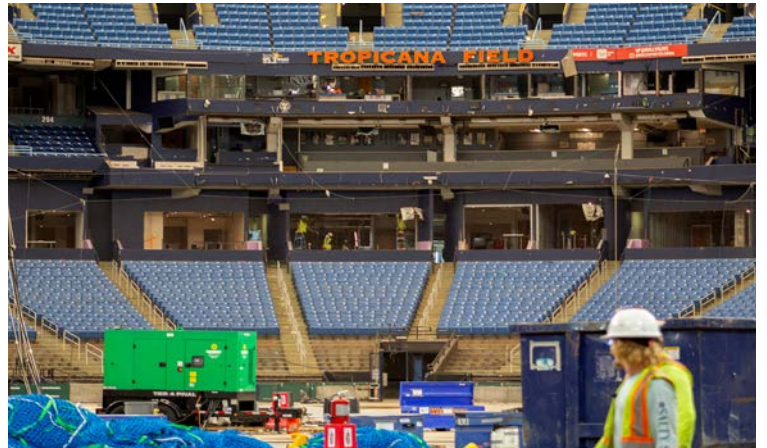
Any reflection on the Trop would be incomplete without acknowledging the void left by the displacement of the Tampa Bay Rays. The temporary departure of the team during this past season underscored that the loss of the Trop has been much more than simply the loss of a dome or a stadium. Rather, as we have seen over the past year, it was deep a loss running right through the city's culture. The city's Edge District, which was previously accustomed to the bustling energy that accompanies a home game, fell decidedly quiet during the regular season.

The stadium's restoration represents a concerted effort to bring the old and the new together in a meaningful way during the ongoing process of repair. The Tampa Bay Rays report new, reimagined seating options to welcome Rays fans including the debut of the new, MaintenX SkyDeck located above left field and deemed the premier all-inclusive single-game ticket space for the ballpark.³ Keeping in mind the white dome has become emblematic for St. Petersburg, engineers overseeing the replacement of the stadium's roof, AECOM Hunt, opted to repair the dome itself following the original structural design plan for the roof.⁴ The result is sure to be a revamped, reimagined interior enveloped in a familiar casing.

As Tropicana Field prepares to welcome back fans, its reopening signals the much-anticipated return of baseball to downtown. More than that, it represents a broader, longer road to recovery paved by policy, public interest, and strong leadership working in lockstep to rebuild the Sunshine City for its citizens. In the next installment of this series, expect more on the continued efforts to rebuild the city and restore not only our infrastructure, but our foundation as well.

Katherine Castaner Bio - Katherine "Kat" Castaner is an associate attorney at Banker Lopez Gassler P.A. in the beautiful and bustling St. Petersburg office. A Florida native with a lifelong passion for written and spoken word, she has found great joy and pride in her role as a counselor on the Gulf Coast alongside respected colleagues and mentors.

1. <https://www.mlb.com/news/tropicana-field-roof-restored-in-repair-effort>
2. <https://www.mlb.com/rays/ballpark/information/tropicana-field-history>
3. <https://www.mlb.com/rays/tickets/all-inclusive-tickets>
4. <https://www.sportsbusinessjournal.com/Articles/2025/10/06/stretching-is-a-key-part-of-aecom-hunts-tropicana-field-roof-rebuild/>



Photography by Daylina Miller/WUSF

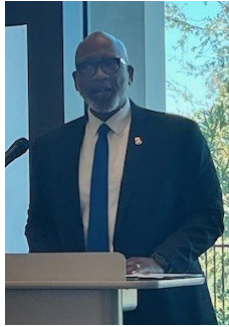
Welcome to the Neighborhood— Second DCA Grand Opening!

St. Petersburg Bar Association (SPBA) President Joe Murphy, Past President Jounice Nealy-Brown, Past President Lauren Rubenstein, and Executive Director Melissa Byers were honored to attend the Bernie McCabe Second District Court of Appeal Courthouse grand opening hosted Saturday, February 21, 2026. Located one block from the SPBA office, the SPBA leadership is thrilled to welcome the Second DCA judiciary and staff to the neighborhood. It was an honor to stand with so many distinguished members of the judiciary, community leaders, public servants, and citizens to mark this important moment; not just for our court system, but for our city and state. As stated by SPBA President Joe Murphy as he addressed the attendees, "St. Petersburg is a fitting home for this courthouse. This city values both history and progress; where tradition and innovation meet. Housing the Second DCA here reinforces the idea that justice should be accessible, visible, and rooted in the communities it serves. The Second DCA has long played a vital role in shaping Florida law. Its decisions affect families, businesses, and governments across our district. For decades, this Court has stood as a guardian of the Constitution, ensuring that the law is applied consistently, with integrity. This new courthouse reflects the seriousness of that mission. But buildings alone do not administer justice. People do. Justice is carried out every day by judges who approach each case with independence and humility; by clerks and staff whose work often goes unseen but not unnoticed; by attorneys who advocate zealously while honoring their ethical obligations; and by citizens who place their trust in our legal system. This courthouse is a tool, but it is the people within it who give it purpose. This courthouse also represents collaboration. It exists because of the collective efforts of those that shared a vision and worked tirelessly to bring it to life."



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Secret Sauce...

Law Firm Culture

Firm culture is defined as the character or collective personality of the firm. In practice, it's how lawyers in a single firm treat one another day to day; it's how mistakes are handled; and most importantly, how we support each other.

Why is firm culture important? It's the secret sauce of holding onto talent. Retaining and recruiting attorneys remains one of the largest post-pandemic challenges for law firms. The real culture test isn't the free lunches, the dress code, or even the office ping pong table. It's maintaining an environment where attorneys can ask questions, build relationships, and create the career they want for themselves. Ultimately, support may look different to every attorney. Here are some key ingredients to the 'secret sauce' of fostering a successful firm culture by our local leaders:

Support your Attorneys

Attorney April D. Hill of HKH Law notes that, "it's important to have your associates' backs. New attorneys need a leader who has their back. It is the practice of law—not perfection. Everyone will make mistakes. Having a leader who understands that and helps their attorneys and staff to own and overcome mistakes creates a safe atmosphere."

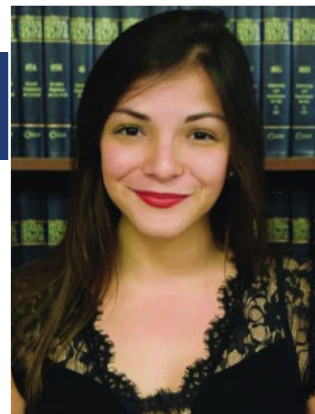
Mentor Your Attorneys

One of my mentors, Chip Merlin, President of Merlin Law Group says, "Firm culture isn't a slogan on a wall. It's what you do when no one is watching and how you treat people when they're still figuring out who they want to become. **I've always believed that mentorship starts with listening and understanding someone's goals. What is their life outside the office? What does success mean to them? People grow differently. A law firm's culture must respect individuality while still pulling in the same direction as a team.**

There's a painting in the foyer of my home by Mr. Brainwash that says, 'Follow Your Dreams.' That message matters to me because the practice of law isn't about how much money you make. Instead, it's about finding purpose in what you do and being the best version of yourself. We want people who are motivated by excellence, integrity, and service, not just the next dollar.

I have become very intentional about creating an environment where experience is valued, but curiosity and passion are never discounted because of tenure. Younger generations entering the profession bring energy, ideas, and purpose that deserve respect, not resistance. I have learned

By Amy Currotto



that my role as a leader is to stay engaged, keep learning from others, and help people grow professionally and personally. We have each attorney and staff member complete a form with personal and professional talent growth goals."

Collaboration

In my career as a young attorney, I found a home at Banker Lopez Gassler (BLG). Being an attorney at BLG is similar to participating on a sports team. The culture is pure mutual support and collaboration. If you're struggling with a case, you can walk down the hall and there are multiple attorneys at any given moment ready to bounce ideas and talk out complex legal issues with you. It's really the feeling that 'I am not in this alone' that makes this firm so special.

Ryan Parker, Partner of Traub Lieberman, also noted collegiality and teamwork as being the key to a successful work environment. "Our attorneys regularly get together for coffee, lunch, and other firm events and share their thoughts and ideas about cases, hot legal topics, and interests outside the office. Because we hire associates with the hope that they will one day become partners in the firm, we try to foster close hands-on relationships between associates and partners from day one, both from a training and professional development perspective and also to establish trust with our clients. We know this approach works, as we have many partners who started with us as first-year associates and have made their careers with our firm."

Final thoughts from Adam Kantor of BLG: "Our firm culture is built on loyalty, relentless hard work, and genuine camaraderie. We create an environment where people support one another and take pride in shared success. We believe great trial lawyers are forged through preparation, integrity and mutual respect, not ego. The result is a team of exceptional trial attorneys who trust each other, fight hard for their clients, and enjoy doing it together."

Amy Currotto is a civil defense attorney at Banker Lopez Gassler. She is the Chair of the Federal Bar Association's Young Lawyers Committee and serves on the Board of Directors for the Trial and Litigation Committee of the Hillsborough Bar Association.

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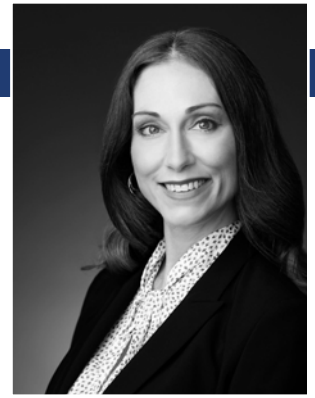
It's about time. This year I have one specific wellness challenge for you: spoil yourself like you are courting YOU to be the love of your life. Stop treating yourself like a workhorse and start treating yourself like the goose that laid the golden egg. Stop putting your needs last and start prioritizing your needs as the top priority that they should be. Start treating yourself like the high-test-only engine that fuels not only your life, but the lives of your spouse or significant other, children, parents, clients, employees, and everyone else in your circle of influence. Spoil yourself like you never have and reap the rewards you deserve. I'm not just giving you permission to do so; it's an order, counselor.

If you're like me, when the going gets tough you work longer hours, skip self care, caffeinate more, and do whatever needs to be done to produce more. Yet, we are not meant to be a production factory. Practicing law, and life in general, are not sprints. They are marathons. If we are going to finish with pride and any semblance of sanity, we need to be prepared for the long-haul. This shift starts RIGHT NOW as you read this. As our amazing Executive Director Melissa Byers says "Shift happens!" I'm urging you to start your shift in 2026.

1. Schedule you time, now. Massage? Exercise? Order fresh groceries or a low carb meal plan that will help you feel more energetic? Get it on the calendar so that it gets done. Sign up for monthly massages and schedule the first three months. Join a yoga studio, pickleball club, boxing club or the Don CeSar Oceana Spa and receive a paid massage or facial every month. Joining a monthly membership encourages you to establish a healthy wellness habit.
2. Do something EPIC this year. You have something, we all have something, floating around in our minds that we would really love to do and just don't prioritize. That ends now. Book it! Indulge! Treat yourself! This is the year you splurge on tickets to that game, that concert, that trip. Heck, fly first class or add in a three-michelin star meal. Go over the top and love every minute of booking it, planning for it, talking about it, enjoying it, and then telling everyone about it for the rest of your life.
3. Make sleep, healthy food, a minimum level of exercise and hydration non-negotiable. Period.



By Shannon L. Zetrouer



4. Recognize that you cannot take care of others if you haven't taken care of yourself. Put your oxygen mask on first. When I am too stressed and carrying the weight of too much, my children feel it, even if I don't say a word. They feel it and they act out, even when I don't. If instead, I took myself to that soundbath yoga class and eased my nervous system instead of making them dinner, they would be happier and healthier, even if that means they are eating Chick-fil-a. Prioritize yourself so that you can share with positive energy instead of being a martyr when it's not absolutely necessary.
5. Take time to shift your energy between work and home. Develop a practice of easing yourself from work-to-home. Even if you simply sit five minutes in your car before you walk in the door or pull into carline, do some breathing exercises, practice letting go of the work day, and allow yourself to shift your energy to a more peaceful and present vibration. It's easy to find a breathing exercise or five minute meditation on Youtube or an app. Do it. Give yourself five minutes and give your family a better you.
6. Act like you're dating... yourself. Remember the days of trying to impress someone? The days when you tried to look your best to get someone's attention? While dating may not be something you want to do again, trying to be the best version of yourself for YOU is a great practice. Spend a little more time on your appearance, or keep your car shining and smelling great and reap the reward of feeling fresh in a way that you haven't for a while. It will add that pep to your step that will spill over into productivity and positivity. This will help you attract clients, generate a more positive work environment, and just generally feel happier.
7. On your test weeks, schedule time for yourself. Instead of trying to power through, don't skip that run, yoga class or power nap. Give yourself that opportunity to recharge instead of draining your batteries.
8. Stop coddling those around you and spend more time pampering yourself! The current generation of parents do

far more for their children than our parents did, and the kids would actually benefit from a little less hand-holding. Tell your child, spouse, or employee that they are going to need to take care of a specific task this week that you would typically do, and use that time to do something special for yourself. You will both empower that person in your life to rise to the occasion and also reap the benefit of taking time for yourself.

MAKE YOURSELF A PRIORITY

9. Quit that one habit that you know you're too good for. Overextending? Say no, emphatically. That one food you always regret? Take it off your menu permanently.
10. Make more time for that activity that lets you truly relax. For me, it's being in nature, boating, biking, hiking, etc. Whatever it is for you, do it more. In our amazing city, you have access to do pretty much anything other than snow-skiing. So, make more time for that activity that lets you truly relax. We all need a break from our workload. Prioritize time to relax and enjoy yourself as much as you can.
11. Finish that one task that's been hanging over your head and haunting your thoughts when you wake up at 4am. If necessary, hire someone to help. Just get it done and feel the weight lift off you.
12. Do something exciting and fun. Step outside of your comfort zone and feel the thrill of an entirely new experience. How about an improv class? A dance class? Karaoke night? Ride a bull? Roller derby? Skydiving? Our local School of Rock has an adult band where you can channel your inner rockstar. Pick something a little on the crazy side and just go for it!

If you are reading this, you are a responsible and capable person. So, apply that type-A productivity to take the best possible care of yourself this year, and reap the rewards for the rest of your life. Your check-engine light is on and it's time to treat yourself like something you are responsible for. Prioritize you. Spoil yourself. TREAT YOURSELF. Have a great 2026!

Shannon L. Zetrouer is the managing partner of ZP Legal, PLLC. After obtaining her law degree and M.B.A. from Stetson University with honors in 2005, Ms. Zetrouer focuses her practice on real estate (with a concentration on timeshare issues, condominiums and homeowners associations), litigation, and business matters. Her passion for law is only superseded by her love for her children, Ariana Sol and Austen Lee and her husband, Trevor. As a Florida native, she takes full advantage of 360 days of sunshine by biking, boating, paddle boarding, enjoying live music and exploring the world and her beloved hometown, St. Petersburg.





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Join us for a social at St. Pete's newest hot spot - St. Pete Athletic Paddle & Social!

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**Guests will not be playing pickleball.*



5:30 - 8:00PM

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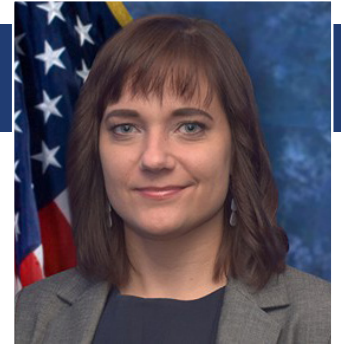
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FREE FOR SPBA MEMBERS

Secret Sauce...

Creating a Winning Culture at the St. Pete Police Department

By Laura Roe



As the St. Pete Bar continues its focus on supporting attorney wellness, we asked members to submit feedback about how their firm fosters wellness and builds a supportive environment. Thank you to Bar member Laura Roe for submitting the secret sauce of the St. Petersburg Police Department Legal Division.

There are many challenges in police work that are comorbid with and can compound on challenges facing the legal community. It's an interesting overlap. Attorneys and staff face the pressures and burdens of civil practice and experience the real life challenges of criminal practice and exposure to sensitive content, while also supporting those on the front lines handling demanding situations and cases. Our personnel are entirely in office with no work at home or other flexibility and are always available for officer calls. Nevertheless, we feel the work-life balance of our position is a good and healthy one, largely owing to the initiatives outlined below.

- Encouraging participation in community programs and events. The Department focuses on community outreach--through participation in and support of the annual Forfeiture Grant Program; Park, Walk, and Joy; Great American Teach-In; Mentoring; Big Brothers Big Sisters events; Citizens Police Academy; Girl Scouts; and Mock Trial Programs. These initiatives give us the opportunity to be active participants in our local community and to give back in meaningful ways.
- Access to Employee Assistance Program services, including the City of St. Petersburg Wellness Center, counseling services, and employee-driven support initiatives. The City has a dedicated counseling service that specializes in challenges facing first responders. Access

to these services in-house removes some of the hurdles to making regular appointments and access to providers and offers a channel for support after employees experience professional or personal trauma.

- Presence and availability of therapy dogs in the Department.
- Access to an in-house fitness center.
- Generous availability of annual and sick leave.
- Cross-training on a wide range of legal services and matters. No one person has to dig themselves out alone; we can all shift to support each other professionally when needed as the tides of legal work may change.
- The culture of our office is profes-

sional, but not just professional. We are there for each other and provide personal support in our everyday lives. And the culture of the Department is one of family.

- The variety of legal subjects and tasks that our office manages gives us a wide range of mentoring opportunities for junior attorneys and staff. No one is limited to one practice area, and everyone has the opportunity to learn something new.

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Compassion Fatigue in the Law, Three Practical Ways to Protect Your Capacity to Care

By John V. Tucker



Compassion fatigue is what happens when repeated exposure to other people's distress reduces your emotional capacity over time. For many attorneys, it first appears as irritability, ambivalence, impatience, dread before certain calls, or trouble sleeping. Others experience it as a physical response: tension, headaches, shallow breathing, relying on alcohol, or using screens to shut the mind off at night.

Compassion fatigue is not limited to any one practice area. For some attorneys, the exposure is obvious—clients in



crisis, traumatic facts, family conflict, criminal consequences, or serious injury. For others, the exposure is quieter but just as real. Constant urgency, high-stakes decisions, conflict, and the sense that you are the person who must hold everything together are typical.

Compassion fatigue is often confused with burnout. Burnout is driven by workload and lack of control. Compassion fatigue is driven by sustained empathy under pressure. In practice, they overlap. The best responses are practical and repeatable. Here are three tips to help you maintain your empathy and ability to listen effectively.

Tip 1: Boundaries to Protect Empathy

Most lawyers think of boundaries as time management. That is true, but boundaries also protect your emotional bandwidth. The goal is to stay caring, without carrying. Start with one internal boundary and one external boundary.

Internal boundary. Change the sentence you repeat to yourself. Replace: "I am responsible for the outcome," with: "I am responsible for the quality of my work and my judgment." This matters because compassion fatigue often shows up when responsibility expands past your role. You start carrying the client's fear as if it were yours. You start measuring your worth by outcomes you cannot fully control.

External boundary. Start by imposing one limit that reduces emotional spillover and add more as you master them. Examples:

- *Maintain only two scheduled email windows per day, turning notifications off outside those windows;*
- *Do not read case materials after a certain hour of the day;*
- *Create a standard after-hours message that sets expectations and reduces the feeling you must always be on call.*

Tip 2: Build Micro Recovery into the Workday

Many attorneys try to recover after work. For compassion fatigue, that is often too late. If your nervous system stays in high-alert mode all day, you carry that activation into the evening, into sleep, and into the next day. Micro recovery means short resets that take under three minutes. They work because they interrupt the buildup of stress and muscle tension. Use this physical reset between hard interactions:

- *Stand up and change positions;*
- *Exhale slowly for six seconds, inhale for four seconds, Repeat five times; and*
- *Drop your shoulders and unclench your jaw.*

Do this after a difficult client call, after reviewing upsetting records, before a contentious meeting, or after a stressful hearing.

The point is not to feel calm. The point is to downshift your body back toward baseline, so the day does not stack into overload.

If you want a simple rule, do one micro recovery before lunch and one in the last two hours of the day.

Tip 3: Create a Transition Ritual that Closes the Day

Compassion fatigue worsens when your brain never gets closure. We are trained as lawyers to hold open loops. What is the next deadline? What could go wrong? What did I miss? That mindset helps at work. However, it hurts when it follows you home.

A transition ritual tells your brain and body that work is done for the day. It reduces intrusive thoughts and improves sleep. Here is a four-minute ritual to end your day:

- *Write a shutdown list with three priorities for tomorrow;*
- *Write one sentence that names what was hard today;*
- *Write one sentence that marks completion, such as, "I did what I could today. Tomorrow, I continue."; and*
- *Physically close something—laptop, file, or office door.*

If you commute, use the first two minutes of the drive as a transition. No phone. No news. Just breathe and consciously allow your shoulder blades to drop toward your waist. If you work from home, take a three-minute walk outside, feel your shoulders drop, then come back into your home, but do not touch work. That small movement creates separation between work mode and home mode.

When to Get More Support

If you try these steps and still feel numb, stuck, or disconnected, take it seriously. Compassion fatigue can slide into depression, anxiety, substance overuse, or relationship strain. Support works best early. Two high-value support options for attorneys:

- Peer consultation groups to reduce isolation and improve judgment. Don't underestimate the value of networking with other professionals who understand what you are going through. Sometimes going for lunch with a friend or group of peers and asking if you can have a moment to vent has more value than anything else you can do; and
- Therapy with someone who understands professional stress and secondary trauma.

Law is a service profession, even when the work looks technical. You are often in people's lives at moments they did not choose. Protecting your capacity to care is part of competent practice.

So today, pick one boundary, one micro recovery, and one transition ritual. Do them for two weeks. You will feel the difference.

John Tucker is a Past-President of the St. Petersburg Bar Association (2002-2003). He is the founder of Tucker Disability Law, P.A., a nationwide law firm representing disabled veterans in VA Disability claims. In addition to his practice, John coaches attorneys in running their practices. You may reach John at Tucker@TuckerDisability.com.

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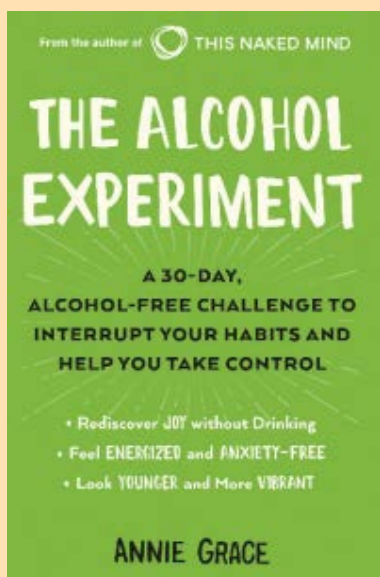
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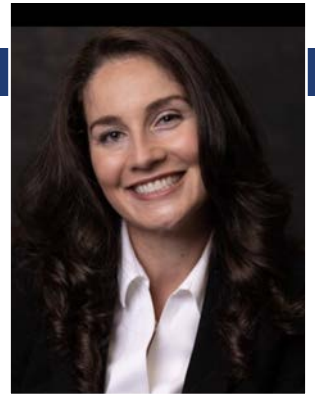
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PFAWL Empowering Women Lawyers and Strengthening Community Connections in 2026



By Victoria Bell

The Pinellas Chapter of the Florida Association of Women Lawyers (PFAWL) has started 2026 with a renewed focus on community engagement, advocacy, and professional development. As a leading organization dedicated to the advancement of women in the legal profession, the chapter is committed to making a positive impact both within the legal community and throughout the state. This year, the chapter is connecting members with local organizations, providing legal education, and supporting causes that align with the values of equity, justice, and service.

In January, Kristina Feher and Paige Greenlea, members of PFAWL, took part in FAWL's annual Lobby Days. This event brought together members from across Florida in Tallahassee to support FAWL's 2026 Legislative Priorities, which include Injunctions for Protection in Cases of Repeat or Serious Violence

(HB 547/SB 32) and Victims of Domestic Violence and Dating Violence/HAVEN Coordinating Council (HB 269/SB 296). Members met with legislators at the Capitol to advocate on behalf of this legislation. Lobby Days is an incredible opportunity to advocate for the equality, justice, and safety of women. PFAWL also hosted a financial wellness CLE "Breaking Barriers and Building Wealth" with speaker and author Cassandra Smalley who discussed the importance of women taking initiative in investing and planning for the future.

Don't Miss Out!

PFAWL's Annual Judicial Panel is set for March 6, 2026, at noon at Stetson University College of Law. Join us for an engaging discussion with distinguished judges as they share insights on current legal trends and offer valuable career advice. This is a fantastic opportunity to learn from leaders in the judiciary and

connect with fellow legal professionals. Save the date for PFAWL's Second Annual Judicial Reception which will be held on April 9, 2026, at 5:30 PM at Savant on Second in St. Petersburg. Celebrate with us and network with members of the bench and bar. Please visit PFAWL.org for more details. We also encourage you to sign up for our monthly e-newsletter and e-blasts, as events are being added regularly. Additionally, please follow us on social media or contact us at pfawlsocialdirector@gmail.com.

We look forward to seeing you soon!

Victoria Bell practices in the areas of criminal law, family law, and landlord-tenant matters. Her practice is built on a foundation of compassion, integrity, and a commitment to achieving positive outcomes for those she represents. She lives in Palm Harbor with her husband and two children. Victoria can be reached at victoriabellesq@gmail.com

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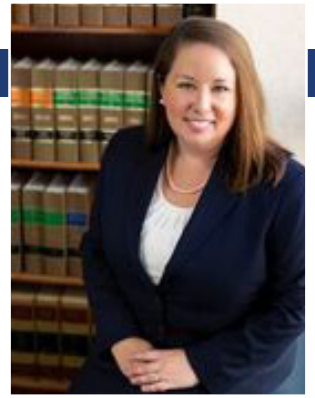
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Two Sides of the Same Trust: How the “Simple” Joint Revocable Trust Can Pose Significant Risks

By Rachel N. Barlow



Joint revocable trusts are a seemingly simple estate planning vehicle for married couples in Florida. Like any tool, however, they come with notable disadvantages that practitioners must carefully weigh when advising clients.

Advantages At First Glance

1. Simple, Familiar Structure:

Joint revocable trusts can simplify your clients' overall estate plan, particularly with asset titling. A single joint trust can hold assets for both spouses, often mirroring the familiar simple structure of joint property ownership. This consolidated structure can also make trust administration easier for a successor trustee in the event one or both spouses become incapacitated. Additionally, it may reduce the need for asset retitling after the first spouse's death. Overall, joint trusts may be easier for clients to understand and manage compared to separate trusts for each spouse.

2. Optional Florida Community Property Trust (FCPT) for Full Step-Up in Cost Basis:

Despite the limitations discussed below, a joint revocable trust is the only vehicle through which a Florida married couple may elect to create a Community Property Trust under the Florida Community Property Trust Act (“FCPTA”).¹ Under FCPTA, assets titled in the joint trust are classified as community property,² potentially qualifying the entire value of trust assets for a “step-up” in tax cost basis upon the first spouse's death for federal income tax purposes.³ This may result in significant income tax savings for the surviving spouse during his or her

lifetime. Without a Florida Community Property Trust, property held jointly or as tenants by the entirety in Florida (or even in a standard joint revocable trust that does not meet the requirements of FCPTA) will only receive a step-up on one-half of its basis at the first spouse's death⁴—a significant disadvantage for highly appreciated assets.

Disadvantages Upon a Deeper Dive

1. Loss of Tenancy by the Entireties Protection:

One of the most significant drawbacks of transferring assets into a joint revocable trust is the potential loss of tenancy by the entirety (TBE) creditor protection. Under Florida law, TBE property is shielded from the individual creditors of one spouse.⁵ However, once such property is retitled into a joint trust, courts have recognized that the traditional creditor shield may be lost, exposing assets to claims that could otherwise have been barred if the property remained titled as TBE outside of the joint trust.⁶ Note that other states, such as Tennessee, Delaware, Virginia, Illinois, and Missouri have enacted statutes that generally provide that assets transferred to a joint trust by a married couple may qualify as tenancy by the entirety property.⁷ Florida does not currently have a statute with similar protection.⁸

2. Amendment Power and Litigation Risk:

After First Spouse's Death A frequent source of post-death litigation is the scope of the surviving spouse's right to amend the trust. Unless

the instrument clearly defines the surviving spouse's amendment power, beneficiaries may dispute whether the survivor can amend the entire trust or only his or her “share” of the trust. Under Section 736.0602, Fla. Stat. (2025), the terms of the trust control revocation and amendment. Absent clear direction in the trust, the Florida Trust Code provides a default rule that each spouse may only revoke or amend the trust with regard to his or her separate contributions to the trust.⁹ Ambiguous drafting can lead to competing interpretations—particularly where the trust contemplates the division and distribution of separate shares at the first spouse's death. Disputes often arise when the survivor alters dispositive provisions affecting the deceased spouse's intended beneficiaries (such as in blended families where the first deceased spouse intends to benefit children from a prior marriage in the estate plan).

3. Administrative Complexity at First Death:

Although joint trusts may seem “simpler” to clients, they can become more complicated to administer at the first death—especially if the plan contemplates dividing the trust into separate shares, funding credit shelter or disclaimer trusts, or allocating separate property interests. Determining what constitutes each spouse's “share” can be difficult if records and drafting are imprecise, and the logistics of dividing trust accounts and achieving accurate step-up in cost basis as to only the deceased spouse's share can be tricky.

In contrast, separate revocable trusts often make ownership and allocation clearer from the outset and especially after the first spouse's death.

Conclusion

While joint revocable trusts are often easier for clients to understand and offer unique tax planning opportunities through Florida's Community Property Trust Act, they also present meaningful creditor, administration, and litigation risks. Advising clients must include an analysis of creditor risk, tax objectives, and long-term legacy planning to determine whether a joint revocable trust, separate trusts, or hybrid strategies best serve their goals.

Rachel N. Barlow is an attorney with The Diamond Law Firm, P.A. She focuses her practice on estate planning, probate and trust administration, and probate and trust controversies and litigation. Rachel is Board Certified by The Florida Bar in Wills, Trusts and Estates. She currently serves as the Vice Chair of the St. Petersburg Bar Association Probate Section, the Clearwater Bar Association, and the Suncoast Estate Planning Council.



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1. § 736.1501-736.1514, Fla. Stat. (2025).
2. § 736.1505(1), Fla. Stat. (2025).
3. IRC § 1014(b)(6); § 736.1511, Fla. Stat. (2025).
4. IRC § 1014(b)(9) and § 2040(b)(1) (joint and TBE property of spouses is presumed to be owned one-half by each spouse).
5. See *Beal Bank, SSB v. Almand & Assocs.*, 780 So. 2d 45 (Fla. 2001) ("However, when property is held as tenancy by the entireties, only the creditors of both the husband and wife, jointly, may attach the tenancy by the entireties property; the property is not divisible on behalf of one spouse alone, and therefore it cannot be reached to satisfy the obligation of only one spouse.").
6. See *In re Givans*, 623 B.R. 635 (Bankr. M.D. Fla. 2020) (finding a trust cannot hold real property as tenants by the entireties); But see *In re Romagnoli*, 631 B.R. 807 (Bankr. S.D. Fla. 2021) (holding TBE creditor protection was not lost on property transferred to joint trust because neither spouse had the ability to alienate the property of the trust "without the joinder of the other.").
7. See Alan Gassman, *Designing Trust Systems for Florida Residents: Planning Strategies, Things You Should Know, and Traps for the Unwary*, 97 Fla. B.J. 28 (July/August 2023) (summarizing the current landscape of Florida law regarding tenancy by the entirety property and joint trusts and discussing recent conflicting Florida bankruptcy court cases on the issue).
8. *Id.*
9. § 736.0602(2)(b).

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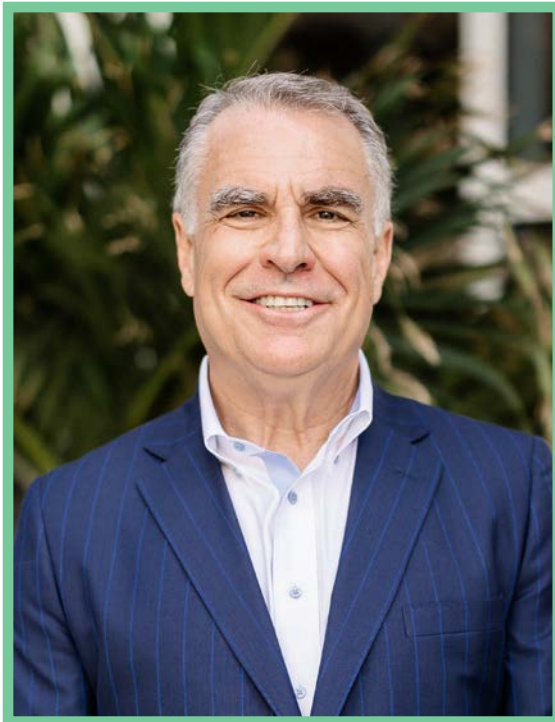
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Bills with the Bar: Exploring Florida's 2026 Legislative Session

"But the fact is, the laws we make have lasting consequences on Floridians — they have profound and sometimes permanent impacts on families, on businesses, and on our economy."

– Florida Senate President Ben Albritton during his opening remarks to the 2026 Florida Legislative Session

Florida's 2026 Regular Legislative Session convened in January and will run through mid-March. As always, this session has introduced a range of proposals, some of which may impact legal practitioners. This article is oriented towards legislation that creates new causes of action and modifies existing procedures, highlighting emerging bills in three areas: (1) artificial intelligence, (2) employers' obligations in hiring and employment litigation, and (3) civil litigation in the areas of property claims and sovereign immunity.

Artificial Intelligence (AI):

Senate Bill 482, "Artificial Intelligence Bill of Rights," would govern the rights of AI users and emphasize informed participation. Enumerated rights include the ability to use AI to improve one's own life, know when they are interacting with AI, and know whether AI companies are collecting, using, or sharing their personal information.

The proposed legislation creates rights that protect minors, including parental rights to supervise and manage a child's access to artificial intelligence systems. Additionally, minors would be prohibited from entering into contracts, becoming account holders, or maintaining an account with chatbots absent parental consent. Penalties include monetary damages with court costs and attorney fees may be available for actions brought within a year. Additionally, knowing and reckless violations may be tried as deceptive and unfair trade practice violations.

A cause of action for civil remedies is carved out for those who use AI intelligence to appropriate the name, image or likeness of others for commercial purposes without consent, or alter existing images for sexual purposes. Further, civil penalties, as well as deceptive or unfair trade practice violations, may be found when an operator fails to pop up a message that the user is interacting with a human at least once every hour, or if AI companies sell or disclose personal information that is not deidentified.

Beyond articulating guiding principles, the Legislature has proposed targeted measures governing the use of AI in areas that include insurance and state agencies. Specifically, Senate Bill 202, "Mandatory Human Reviews of Claim Denials," prohibits algorithms from serving as the sole basis for an insurance claim denial, which ensures that humans

By: Somerlyn Oxendine



remain involved in the decision-making process. Along similar lines, Senate Bill 146, "Use of Artificial Intelligence by State Agencies" requires the Florida Digital Service to prepare a written report on the procurement, implementation, and operation of artificial intelligence-powered technologies used by state agencies.

Employers' Obligations in Hiring and Employment Verification:

Senate Bill 1278, "Employment Eligibility," proposes requiring private employers and public agencies to use the E-Verify system to confirm employment eligibility. Similarly, Senate Bill 1380, "Unauthorized Aliens," imposes civil and criminal penalties on employers who knowingly hire undocumented workers. Penalties increase based on the number of violations, and employers who knowingly hire more than 50 undocumented workers may be prosecuted for a third-degree felony. Additionally, this proposed bill addresses workers' compensation. Specifically, it precludes an employer who does not verify an employee's eligibility before submitting a claim from receiving indemnity or medical coverage and renders the employer personally liable for all costs and benefits that would otherwise have been covered.

Civil Litigation: Property Claims:

Several proposed bills add procedures for property insurance disputes. Senate Bill 108, "Resolution of Disputed Property Insurance Claims," requires a formal administrative process as a condition precedent to the litigation process.

Finally, Senate Bill 1366, "Claims Against the Government," proposes increasing statutory caps on judgments against the state or its agencies. For claims arising between October 1, 2026, and September 30, 2031, the caps would rise from \$200,000 per person and \$300,000 per incident to \$500,000 and \$1,000,000, respectively.

We will continue to monitor the legislative session as it progresses, and a follow-up article will continue tracking developments and introduce additional legislation.

Somerlyn Oxendine serves on the Paraclete Editorial Committee and currently works as the Assistant School Board Attorney for Pinellas County. Previously, she worked in civil defense litigation and criminal defense.

Networking for Lawyers: A Bar 101 Fundamental

Networking is often dismissed as secondary for lawyers, separate from the “real work” of practicing law. In reality, it is a Bar 101 fundamental. The law does not operate in isolation. Justice happens in communities, and lawyers cannot meaningfully pursue it without relationships throughout those communities.

Law is also a business. We can be excellent lawyers, make compelling arguments, and know the law thoroughly, but without clients, none of that matters. Networking is where justice and sustainability intersect. It is how we stay connected to the people we serve and how our practices survive long enough to serve them.

Networking is counterintuitive to how lawyers are trained. Legal education rewards analysis, precision, skepticism, and risk avoidance. Those skills are essential in advocacy, but they can work against us in human connection. We are trained to look for flaws, anticipate problems, and critique ideas, which can make informal conversation feel awkward, inefficient, or even unnecessary. Many lawyers are far more comfortable evaluating arguments than engaging in small talk.

As a result, we limit our networking or keep it confined to other lawyers and judges. We limit it to what feels familiar and safe. Those relationships matter, but they are incomplete without including non-lawyers. Non-lawyers are the reason justice exists. They help us understand what actually matters to real people, how legal disputes grow out of everyday life, and why laws are written in the first place. If justice is about serving people, then community connections are essential.

Networking Is a Learned Skill:

Networking is a learned professional skill that can be improved. In fact, it is a skill that I had to learn. In the past, I was awkward and avoided networking. With a focused effort, I have elevated my networking as part of my personal goal of bettering and advancing the St. Pete Community.

I am now proud to serve on the board for both the St. Petersburg Bar Association and the St. Petersburg Chamber of Commerce, President of the EDGE District Business Association, and was formerly the Chair of the Ambassadors for the St. Petersburg Chamber of Commerce. If I can learn to be proficient, so can you. To help, I want to share some of the tips and tricks that I have picked up along the way.

One practical tip is to develop your own short list of go-to benign questions to avoid awkward silences and reduce pressure. They do not need to be profound. They can be as simple as talking about the weather, a local event, or familiar community touchstones like the Rays or the Rowdies. Other easy options include:

- “What brought you here tonight?”
- “What kind of work do you do?”
- “How did you get into that?”
- “What’s been keeping you busy lately?”



By Doug Jackson

The goal is not to impress. It is to invite conversation and keep it going when the other person has run out of things to say. Trust is built by asking questions and listening. People connect when they feel heard. As a general rule, ask questions and listen to the answer more than you talk.

Practical Bar 101 Networking Strategies:

Commit to repetition. One event rarely builds a relationship. Plan to attend the same networking event at least three times. That is usually enough to figure out who the regulars are, who is just passing through, and how the group really functions. Consistency is how you become part of the community instead of just a visitor.

Set realistic goals. Aim for three good connections at each event. Fewer than that and you are not maximizing your time. More than that and you likely did not build real rapport. Networking is a numbers game to a degree, but relationships still matter.

Arrive early. Going early feels uncomfortable, but it works. Groups have not formed yet, hosts are available, and early arrivals naturally become greeters. Introducing people as they arrive positions you as a connector and often, without effort, as a leader.

Use open body language. Avoid closed circles. Keep your posture open, invite others into conversations, and introduce newcomers to everyone present. Most people appreciate help in making connections, even if they never say so.

Follow up. A short message referencing something specific from the conversation goes a long way. Relationships are built over time, not at a single event.

Networking, Leadership, and Community:

Leaders are often good networkers. Leadership requires visibility, trust, and the ability to bring people together. Lawyers who want to influence their communities, grow their practices, or meaningfully serve others must invest in relationships beyond the legal profession. Leadership is merely the process; building a strong community is the result.

The best networking mindset is service. Look for ways to help, connect, and support others. When you do that consistently, it will not only come back full circle but will also bring greater joy to you and others.

Douglas G. Jackson is the founder of The Law Firm of Douglas G. Jackson, P.A. in St. Petersburg, Florida. He focuses on civil litigation, business law, veterans' advocacy, and estate planning, and believes that strong legal communities are essential to meaningful justice.

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On February 12, 2025, the St. Petersburg Bar Association's Young Lawyers Section received an exclusive behind-the-scenes look at the brewhouse and operations of Green Bench Brewing Company. Their guide for the evening was Khris Johnson, co-founder and head brewmaster of Green Bench and founding faculty member of USF St. Petersburg's Brewing Arts program, whose passion for the craft was on full display throughout the tour.

Khris provided insight into the daily labor of love that is brewing excellent beer: from sourcing malt and hops, to the science behind the delicate fermentation process, attendees got to see a more technical side of an industry that has blossomed in the Tampa Bay region over the past two decades. The evening offered a rare opportunity to step outside

By Tyler Caley



the courtroom and into the brewhouse, reminding attendees that craft and precision are not unique to the practice of law. Green Bench's story, built on community, creativity, and an uncompromising dedication to quality, resonated with a room full of young professionals who know something about building a career from the ground up.



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Permission to Be Human: Impostor Syndrome in Early Career Professionals

For many early career legal professionals, success is defined by survival, a good grade is dismissed as luck, and a positive review becomes a sigh of relief, not accomplishment. In law school, I recall avoiding asking legitimate questions for fear of sounding incompetent. As a young lawyer, I've shied away from new opportunities to handle a hearing, a deposition, or cross examination of a witness. Even if you muster the strength to take on a new challenge, negative nervous energy and doubt can turn into sleepless nights of endless preparation to compensate for a perceived inadequacy. Whether it's graduating law school, passing the bar exam, or attaining some form of career success, many of us repeatedly fail to give ourselves credit. Instead, success is characterized as fraudulent, or "faking it until making it."

This psychological condition, known as impostor syndrome, is experienced by many law students and young lawyers alike. This should come as no surprise—lawyers are trained perfectionists and competitors, which happen to be two symptoms of impostor syndrome. Law school trains the brain to be an expert "issue spotter" with the ability to critically analyze and deduce fact and law. Young lawyers are then trained to become masters of detail, identifying opponent's weak arguments, and perfecting writing skills. Competitiveness intensifies perfectionist tendencies. Law school creates a competitive environment that pits students against each other through curved class rankings and competitive recruiting. Later on, young lawyers are surrounded by high performers, evaluated constantly, and often given limited feedback from partners. While perfectionism and competitiveness are indeed key traits to becoming an experienced and successful attorney, they often operate as a double-edged sword by worsening impostor syndrome tendencies. For example, in a competitive legal environment, it is easy to assume that everyone else understands more, works faster than you, or belongs more fully. Young lawyers especially become their own worst enemy by scrutinizing their own work product, second guessing creative solutions, and over-working themselves to prove worth.

Impostor syndrome symptoms left unchecked can lead to professional consequences. It can discourage asking questions or seeking clarification from partners in exchange for spending hours going down a rabbit hole. Unattainable expectations and extreme competitiveness results in poor work product, little rest and recovery, and ultimately burnout.

There are two ways legal professionals can stifle the effects of impostor syndrome—reframing negative mindsets to growth mindsets and trusted mentorship. Law students and



By Chris Perrigan

young lawyers should strive to reframe their mindset as to what being a successful lawyer looks like. Not knowing everything does not mean incompetence but is rather an opportunity to learn. New challenges should not be met with fear of failure, but as exciting opportunities to grow. It is important to give yourself permission to allow for this mindset. It is ok to ask "dumb" questions, or step into an uncomfortable position despite fear of the outcome. As Wayne Gretzky famously said, "You miss 100% of the shots you don't take" and having a positive growth mindset can give you the confidence to take those shots head on and avoid the impostor syndrome trap.

Law firms and experienced lawyers also play a valuable role in addressing impostor syndrome through mentorship. Mentorship is not simply demanding resilience and toughness from young lawyers without addressing the accompanying negative psychological components. Good mentorship creates space for associates to ask questions, receive meaningful feedback, and build a relationship outside of client matters. Good mentorship fosters confidence in young lawyers to continue to grow into their practice. For example, at my firm, associates are assigned a mentor, a shareholder within the firm, to meet monthly and discuss anything from formal matters to general life experiences. On many occasions, I have been surprised at how relatable my mentor's experiences felt to my own, despite our decades difference of professional experience.

Addressing impostor syndrome through these methods should not be mistaken for promoting lower standards. To the contrary, the legal profession demands confidence and tenacity, and eliminating the self-doubt and the fear of failure opens the doors for long-term growth. When we are granted permission to be human by ourselves and those more experienced—to learn openly and make mistakes within reason and without fear of exposure—we become better advocates and better colleagues.

Chris Perrigan, Esq., is an associate attorney at Lewis, Longman & Walker, P.A., in its St. Petersburg Office. He is a member of the firm's Administrative, Civil and Appellate practice group and Environmental and Natural Resources Law practice group. Chris is a graduate of Florida State University College of Law and is a member of the St. Pete Bar Young Lawyers Section. In his pastime he enjoys playing tennis and exploring St. Pete with his wife, Katharine Perrigan, and miniature dachshund, Roger.

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Choosing a Corporate Trustee: An Act of Compassion for Your Loved Ones

By Matthew Livesay



When planning for the future, most people focus on the tangible—assets, investments, and inheritances. But one of the most compassionate and forward-thinking decisions you can make is choosing a corporate trustee to manage your trust. It's not just a financial decision; it's a deeply personal one that can spare your loved ones time, money, and emotional distress during one of the most difficult periods of their lives.

The Emotional Toll of Being a Trustee

Appointing a family member or close friend as trustee might seem like a natural choice. After all, they know you and your wishes. But what many don't realize is that serving as a trustee is a demanding and often overwhelming responsibility. It involves navigating complex legal, financial, and administrative duties—often while grieving.

Imagine asking your spouse, sibling, or adult child to manage your estate while they're still processing your loss. They'll be expected to interpret legal documents, manage investments, file taxes, communicate with beneficiaries, and possibly mediate disputes. It's a heavy burden to place on someone already dealing with emotional upheaval.

The Practical Advantages of a Corporate Trustee

A corporate trustee—typically a bank or trust company—brings professional expertise, impartiality, and continuity to the role. These institutions are staffed with experienced professionals who understand fiduciary law, tax reg-

ulations, and investment management. They are equipped to handle the complexities of trust administration efficiently and accurately.

A Corporate Trustee can make a Difference:

- **Expertise and Efficiency:** Corporate trustees are well-versed in the legal and financial intricacies of trust management. They ensure that your trust is administered according to your wishes and in compliance with all applicable laws. Oftentimes corporate trustees also offer robust professional asset management services because they are backed by institutions with deep expertise in investment management, risk analysis, and portfolio diversification. Their fiduciary role is complemented by access to sophisticated financial tools and seasoned investment professionals, ensuring that trust assets are managed with both precision and strategic foresight.
- **Impartiality:** Family dynamics can be complicated. A corporate trustee acts as a neutral third party, helping to prevent conflicts and ensuring fair treatment of all beneficiaries.
- **Continuity and Stability:** Unlike an individual trustee who may become ill, move away, or pass on, a corporate trustee offers long-term stability. Your trust will be managed consistently, regardless of life's uncertainties.
- **Time and Cost Savings:** While corporate trustees charge fees, their efficiency often results in cost

savings over time. They can help avoid costly mistakes, delays, and even litigation that might arise from mismanagement by an inexperienced individual.

A Gift of Peace of Mind

Choosing a corporate trustee is ultimately an act of love. It's a way of saying, "I want to protect you—not just financially, but emotionally." It lifts the administrative burden from your family's shoulders, allowing them to focus on healing and honoring your memory.

It also sends a clear message to your heirs: that you took the time to plan thoughtfully and responsibly. That you cared enough to ensure your legacy would be preserved and your wishes respected—without placing anyone in the difficult position of having to "figure it all out."

Final Thoughts

Estate planning is about more than distributing assets. It's about creating a legacy of care, compassion, and clarity. By choosing a corporate trustee, you're not just making a smart financial decision—you're making a deeply human one.

In a world where so much is uncertain, this one choice can offer your loved ones the greatest gift of all: peace of mind.

Matthew Livesay, J.D., LL.M is Executive Vice President at Florida Trust Wealth Management, Florida's largest employee-owned independent trust company and works out of the downtown St. Petersburg office. You can reach Matt at MLivesay@FloridaTrust.com



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The Importance of Written Patent Assignments: What Employers Need to Know About Owning Their Employees' Inventions



By Justin P. Miller

Employers who file patent applications must ensure that they own the resulting patent by confirming the use of present-tense assignment language in a written agreement with any inventor, whether or not the inventor is an employee.

Advanced Video Technologies LLC v. HTC Corp. serves as a reminder of this requirement. In 2018, the Federal Circuit held that a co-inventor had never transferred her leadership rights to her employer because her employment agreement used the phrase “will assign” rather than “hereby assigns.”¹ As a result, Advanced Video lacked complete ownership of the patents at issue in the litigation. Because the missing inventor was not a party, Advanced Video lacked standing, and the case was dismissed.

This case serves as a reminder that in patent law, the default rules of ownership favor the individual inventor, not the employer. Without specific language in employment or

assignment agreements, employers may find that they do not own the inventions they funded.

Ownership starts with the inventor

Unlike in copyright law, where the “work made for hire” doctrine vests authorship in the employer for works created within the scope of employment, patent law places ownership with the individual inventor or inventors.

Interpreting Florida law, the Federal Circuit in *Teets v. Chromalloy Gas Turbine Corp.*, found that even in the absence of a written agreement that transfers invention ownership, an employer can claim ownership of an employee’s invention if the contract “by express terms or unequivocal inference shows that the employee was hired for the express purpose of producing the thing patented.”²



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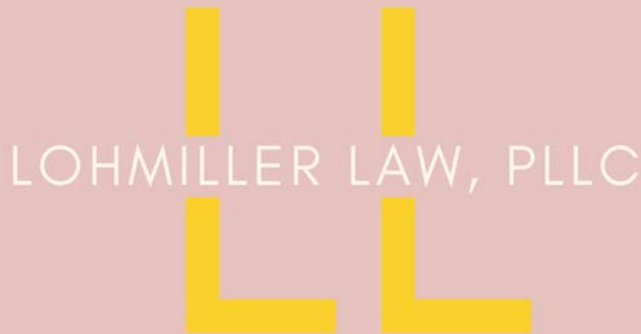


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But as a practical matter, the plan should never be to assert ownership by arguing the express purpose of employment—such ownership assertions are an expensive distraction in infringement litigation. Rather, patent ownership should be expressly stated in a manner that avoids ambiguity.



The solution is a written invention assignment

To avoid relying on the fact-intensive “hired to invent” inference, a written invention assignment is required. But the agreement must include particular assignment language to ensure it is a present assignment, rather than an agreement to assign.

As in *Advanced Video* discussed above, federal cases have repeatedly held that an agreement stating an employee “agrees to assign” creates only a promise to transfer rights in the future. It vests the employer with equitable title, with legal title remaining with the employee until a formal assignment is executed. If that employee assigns the patent to a third-party using present-tense language before the employer secures the formal assignment, the third-party holds the ownership rights.

The effective language is “hereby assigns” as in “employee hereby assigns to employer all right, title, and interest in [defined intellectual property].”

Patent Office practicalities

Securing a present interest within an invention assignment agreement also streamlines prosecution before the United States Patent and Trademark Office when an

inventor becomes unavailable or uncooperative. Under 35 U.S.C. § 118, a person to whom the inventor has been assigned may file a patent application as the applicant.³ As a practical matter, such an interest is proven to the Patent Office using an invention assignment agreement. As an aside, I prefer that these agreements are separate from the employee agreement because when recorded as assignments they become public documents.

With the assignment in-hand, the employer, rather than the inventor, then possesses the authority to file the application, guide its prosecution, and ultimately enforce the resulting patent against infringers.

Conclusion

To ensure your employer-clients own their patents:

Use invention assignment agreements: Ensure specific patent assignment clauses are present, whether within an employee agreement, or as a separate invention assignment agreement.

Use present tense: Confirm that contracts use “hereby assigns” not “will assign” or “agrees to assign.”

Do not rely on implied contracts: While Florida recognizes the “hired to invent” doctrine, it is a headache. Express contracts avoid uncertainty.

Justin Miller is the only Board Certified IP attorney in Saint Petersburg, Florida, and the owner of Distinct Patent Law. His practice focuses on patent prosecution, noninfringement review, and foreign filings. When he is not preparing patent applications, he is turning perfectly good lumber into sawdust and regret.

1. *Advanced Video Technologies LLC v. HTC Corp.*, 879 F.3d 1314 (Fed. Cir. 2018).
2. *Teets v. Chromalloy Gas Turbine Corp.*, 83 F.3d 403 (Fed. Cir. 1996).
3. 35 U.S.C. § 118 (2011).

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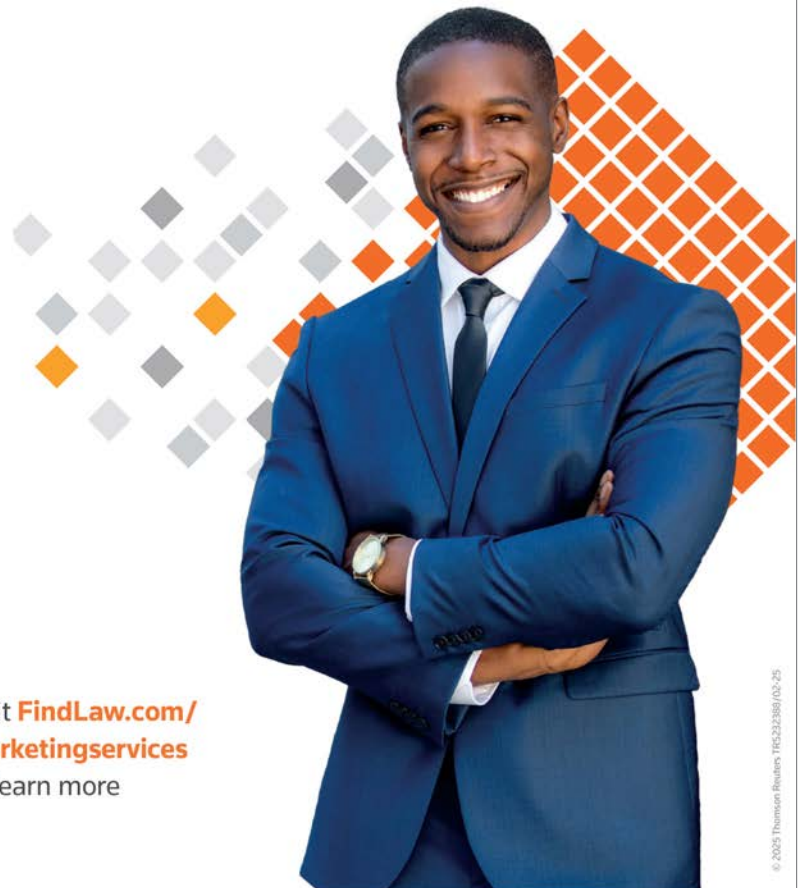


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Understanding Hospice Care and Why It Matters for Attorneys

Hospice care is often misunderstood. Many assume it is only for the final days of life. In reality, hospice is a comprehensive approach to comfort-focused care that supports patients and families, often for months. For attorneys practicing estate planning, elder law, probate, or health law, understanding hospice is essential. It equips you to guide clients through decisions about dignity, planning, and legacy.

What Hospice Is and What It Is Not

Hospice serves individuals with a life-limiting illness who are no longer pursuing curative treatment. Eligibility typically begins when a physician certifies a prognosis of six months



or less. Care is delivered by an interdisciplinary team that includes physicians, nurses, social workers, counselors, and spiritual care professionals. The focus is on comfort, quality of life, and support for both patients and caregivers wherever the patient calls home.

Hospice does not mean someone is confined to a bed or that death is imminent. Families receive emotional and practical support, including bereavement services after death. Attorneys are often among the first professionals to help clients understand these options and document wishes clearly.

Not-for-Profit and For-Profit Hospice

All hospices operate under the Medicare Hospice Benefit and meet the same federal standards, but their structures differ.

Not-for-profit hospices such as Suncoast Hospice reinvest surplus revenue into programs beyond what Medicare



By Rachel Lewis

reimburses. These programs include grief counseling for children, dementia support, and care for uninsured patients. Philanthropy and community partnerships make this expanded support possible.

For-profit hospices may also provide excellent clinical care but often offer fewer non-reimbursed services because they operate within a profit distribution model.

Understanding these distinctions helps attorneys guide clients toward providers that align with their values and needs.

Where Estate Planning Meets Hospice

A serious diagnosis often prompts individuals to revisit legal documents and consider charitable giving. Planned gifts and bequests are vital to not-for-profit hospices, which depend on philanthropy to fund services that Medicare does not cover. Attorneys advising on wills, trusts, charitable remainder trusts, or donor-advised funds can help clients align their estate plans with causes that matter, often organizations that cared for loved ones.

Your Role as a Trusted Partner

Members of the St. Petersburg Bar Association frequently counsel clients during life's most complex moments. Advance directives, powers of attorney, and health care surrogate designations directly influence when and how hospice becomes involved. Attorneys also assist with guardianship, long-term care planning, and practical considerations at end of life.

By understanding hospice care and the differences between not-for-profit and for-profit models, you strengthen client guidance and support organizations that rely on both clinical expertise and charitable partnerships. Hospice care invites thoughtful conversations about how individuals and families are supported during life's most vulnerable times, and attorneys remain essential partners in that work.

Rachel Lewis is the Director of Philanthropy at Suncoast Hospice Foundation, where she leads fundraising and community engagement efforts that support compassionate hospice care and grief services throughout the Tampa Bay region. She works closely with donors, volunteers, and professional advisors to strengthen not-for-profit impact and community partnerships.



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Know Your Rights During Police Encounters in Florida



By Rory G. Safir

Florida residents regularly encounter law enforcement during traffic stops and other brief interactions. While many people know they have constitutional rights, fewer understand how those rights operate during different types of police encounters. Florida law recognizes distinct levels of police-citizen interactions, each carrying different rights and obligations.

I. Florida Courts Recognize Three Levels of Police Encounters.

The first level is a consensual encounter which usually involves minimal police contact. An officer may approach



a citizen, ask questions, and request identification without any suspicion of criminal activity. The defining feature of a consensual encounter is that the citizen is free to decline any cooperation and leave. If a reasonable person would feel free to end the interaction, the encounter remains consensual.¹

The second level is an investigatory detention, commonly referred to as a Terry stop, which occurs when an officer temporarily detains a person based on reasonable, articulable suspicion that the individual has committed, is committing, or is about to commit a crime.² During this level of encounter, the citizen is not free to leave, but the detention must generally be somewhat brief and limited in scope.

The third level is an arrest which is the most intrusive encounter and generally requires probable cause that a crime has been committed and that the person arrested committed

it.³ Once arrested, the individual is taken into custody and is no longer free to leave.

Understanding which level of encounter is occurring is critical because constitutional protections attach differently at each stage.

II. Florida's Stop and Frisk Statute

Florida's Stop and Frisk Law, § 901.151, Fla. Stat., codifies investigatory detentions. The statute authorizes a law enforcement officer to temporarily detain a person when the circumstances reasonably indicate that the individual has committed, is committing, or is about to commit a criminal offense.

Probable cause is not required for an investigatory stop. The officer must be able to point to specific and articulable facts supporting reasonable suspicion.⁴ Courts evaluate the legality of such detentions using a two-part analysis: (1) whether the stop was justified at its inception and (2) whether the scope of the detention was reasonably related to the circumstances that justified the stop.⁵

If the initial detention is unlawful, evidence obtained as a result of that illegal detention would be subject to suppression.⁶

III. Is Florida a "Stop and Identify" State?

Florida is sometimes described as a "stop and identify" state, but only in a limited sense. Florida law does not require a person to identify themselves during a consensual encounter. Absent reasonable suspicion justifying a detention, a citizen may decline to provide identification and may leave.

During a lawful investigatory detention under § 901.151, however, an officer may request identifying information as part of the investigation. The obligation to identify oneself arises only after a valid level two detention has occurred.

IV. Traffic Stops in Florida

A traffic stop constitutes a seizure under the Fourth Amendment and must be supported by a lawful basis. Most traffic stops are justified by observed traffic infractions, but an officer does not always need to personally observe a violation.

Florida courts recognize that officers may initiate a traffic stop based on reasonable suspicion of driver impairment, unfitness to drive, or vehicle safety issues, even in the absence of a specific traffic violation.⁷ Unusual driving patterns, such as weaving within a lane or erratic speed changes, may justify a stop to investigate whether the driver is impaired or in need of assistance.⁸

During a lawful traffic stop, a driver is generally required to provide a driver's license, registration, and proof of insurance. Beyond those requirements, a driver is not obligated to answer investigative questions unrelated to the purpose of the stop.

V. Searches and Scope of the Stop

An officer may not prolong a traffic stop beyond the time reasonably necessary to address the purpose of the stop unless additional reasonable suspicion develops or the driver consents. Extending a stop to investigate unrelated matters without legal justification violates the Fourth Amendment.⁹

If an officer requests consent to search a vehicle, the driver may refuse. Refusal to consent does not create probable cause and does not, by itself, justify a search.

VI. Conclusion

Florida law balances public safety with constitutional protections by carefully defining the scope of police authority during citizen encounters. While officers may initiate consensual encounters freely, investigatory detentions and traffic stops require reasonable suspicion, and arrests require probable cause. When those standards are not met, suppression of evidence remains the primary remedy. Understanding these distinctions helps clarify what citizens may be required to do, what they may decline, and when an encounter must legally end.

Rory Safir is a Florida criminal defense attorney practicing in St. Petersburg, Florida, and the founder of Safir Injury & Criminal Defense Law PLLC. He primarily focuses on DUI defense and regularly handles Fourth Amendment suppression motions in Florida courts.

1. *United States v. Mendenhall*, 446 U.S. 544 (1980); *Popple v. State*, 626 So. 2d 185 (Fla. 1993).
2. *Terry v. Ohio*, 392 U.S. 1 (1968).
3. *McMaster v. State*, 780 So. 2d 1026 (Fla. 5th DCA 2001).
4. *Baggett v. State*, 849 So. 2d 1154 (Fla. 2d DCA 2003).
5. *Frazier v. State*, 789 So. 2d 486 (Fla. 2d DCA 2001).
6. *Ottney v. State*, 571 So. 2d 20 (Fla. 2d DCA 1990).
7. *Hurd v. State*, 958 So. 2d 600 (Fla. 4th DCA 2007); *Esteen v. State*, 503 So. 2d 356 (Fla. 5th DCA 1987).
8. *Bailey v. State*, 319 So. 2d 22 (Fla. 1975); *Brown v. State*, 595 So. 2d 270 (Fla. 2d DCA 1992).
9. *Rodriguez v. United States*, 575 U.S. 348 (2015); *State v. Diaz*, 850 So. 2d 435 (Fla. 2003).

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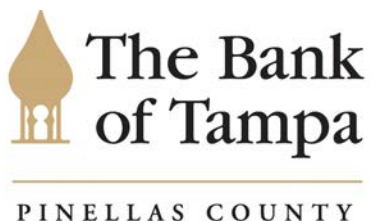
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Support Productivity and Work-Life Balance with Remote-Ready Legal Software

By David Morgan



{Thank you to Annual Corporate Sponsor LEAP for submitting the article below. Members are encouraged to connect with valued partner LEAP representative Lynette Reynolds via email or at an upcoming event.}

The shift from on-premises solutions to cloud-based platforms has changed how law firms operate. But remote-ready legal technology is about more than just working from home—it's about creating flexibility that supports both productivity and work-life balance.

When implemented effectively, remote technology can help attorneys work more efficiently throughout the day. This can translate into more billable hours captured, greater scheduling flexibility, and the ability to stay connected to clients and colleagues even while away from your desk. Mobile tools can also help reduce end-of-day administrative catch-up, making it easier to wrap up work sooner and reclaim more personal time.

Let's explore three ways that remote-ready legal technology can support a more productive and balanced workflow at your law firm.

1. Enhanced Collaboration Beyond the Office

Effective communication remains fundamental to legal practice. Remote technology allows legal professionals to collaborate with colleagues and clients through:

- Video conferencing
- Document collaboration
- Client portals
- Instant messaging
- eSignature services

Software designed specifically for legal work extends these capabilities by giving you quick access to matters, documents, and client data from anywhere. For example, join a client call from home or schedule meetings from the coffee shop. Remote collaboration tools also reduce workflow friction—minimize scheduling conflicts for in-person meetings or waiting on document changes or signatures. This efficiency can help you complete work faster while maintaining quality, freeing up more time for personal priorities.

2. Improved Data Accessibility and Security

Compared to on-premises setups, cloud platforms typically experience fewer disruptions and recover more quickly from outages. Hardware failures in traditional environments can lead to extended downtime and operational delays that directly impact your practice. Reputable cloud systems also typically deliver stronger security and faster recovery than most firms can maintain internally.

When evaluating providers, look for clear service availability commitments and well-defined disaster recovery processes. This reliability offers greater peace of mind, allowing you to step away from work knowing systems will be available when you return.

Built-in safeguards such as automatic backups, encryption, and continuous monitoring help protect sensitive data and would be hard to replicate internally. Industry-recognized certifications like AICPA SOC 2 or ISO 27001 can signal a provider's commitment to security standards.

3. Greater Productivity While on the Go

Reliable mobile access is a critical component of any remote-ready strategy. While you're likely familiar with managing emails through your phone, specialized, mobile-friendly, legal tech tools can help attorneys and legal professionals to complete meaningful work, not just monitor it, while away from their desks. They can also help minimize administrative catch-up at the end of the day. For instance, you can log billable hours between court appearances or review documents while working from a coffee shop.

When assessing mobile functionality for legal software, consider:

- Does the platform offer a dedicated mobile app?
- Is the interface designed thoughtfully for smaller screens and touch interactions?
- Will the software work with your preferred system (iOS or Android)?

Mobile technology should enhance your flexibility, not create pressure to be constantly available. Set clear boundaries about when you'll check work communications. The goal is to improve efficiency during work hours rather than extend your workday indefinitely.

Start Building a Truly Remote-Ready Law Firm

Legal technology should enhance your ability to work productively while maintaining healthy boundaries. The right tools let you handle urgent matters from anywhere, improving your efficiency during work hours and giving you more freedom to truly disconnect during personal time.

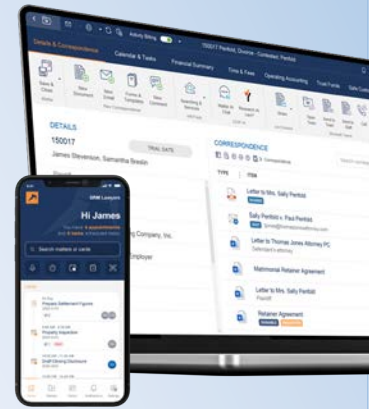
By adopting cloud-based legal practice management software thoughtfully, you can build a practice that supports both professional excellence and personal well-being—whether you’re in court, working from home, or taking a well-deserved break.

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David Morgan is the Head of Product for LEAP US. David has 15 years of experience working in legal tech. Starting his career in a company that went by the name of Perfect Software, he now fervently believes that there is no such thing. Instead, product development is a constantly iterating cycle of improvement, testing, and client feedback. He is passionate about innovation and developing new solutions to help attorneys to be more productive, profitable, and to help them achieve the best outcomes for their clients.



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