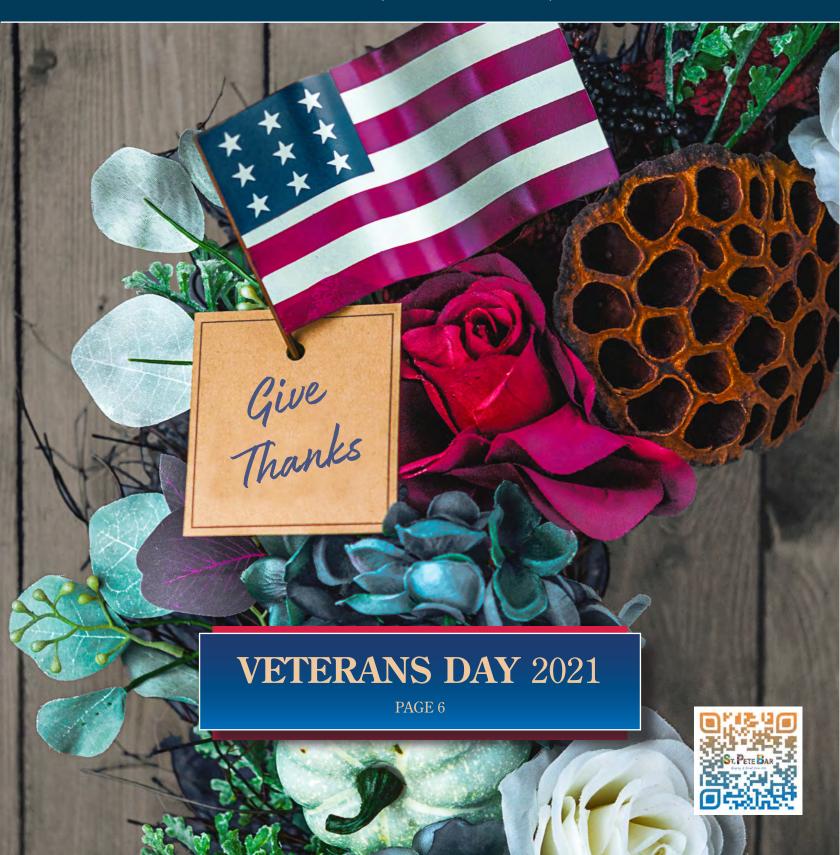
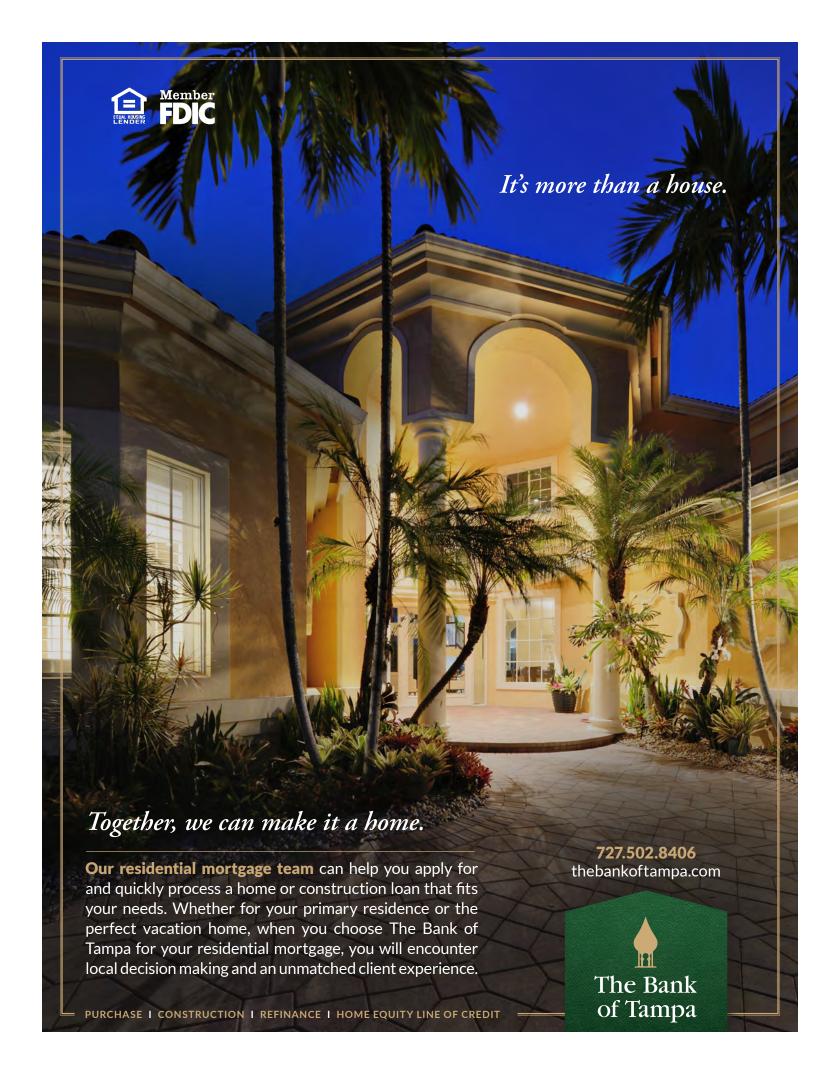
ST. PETERSBURG BAR ASSOCIATION

PARACLETE

THE SPIRIT OF TRUTH

The Magazine For The Legal Professional | Honoring Our Veterans | November/December 2021





ST. PETERSBURG BAR ASSOCIATION

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PARACLETE: THE SPIRIT OF TRUTH

NOVEMBER/DECEMBER 2021

THIS ISSUE:

HONORING OUR VETERANS



St. Petersburg Bar Association P. O. Box 172, St. Petersburg, FL 33731

Phone: 727.823.7474

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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PRESIDENT'S MESSAGE

Wow. It is hard to believe the holidays are already here. This fall, I truly feel the St. Petersburg Bar Association (SPBA) has embraced what has become our new normal. I am proud of the hybrid programming that our leadership has been able to organize and execute. I am so thankful for the opportunity to see so many of you, face-to-face, at the August Kick Off Event at the St. Petersburg Museum of History, at our

By Lauren Christ Rubenstein









September Luncheon, at the Mid-Week Mixers at Trophy Fish, at the October Mayoral Meet & Greet, and under the bright lights cheering on the Rowdies. I am as equally blessed to have connected with the judiciary via Zoom during our monthly Java with the Judges and saw so many of my colleagues and friends on the virtual October membership luncheon. Of course, we have continued to offer substantive law CLEs both in-person and virtually to meet the needs of our members. As the landscape continues to change, we will continue to adapt. Thank you to each of you for your continued support and dedication to the Bar.

The SPBA Board of Directors has been hard at work supporting our Bar and our profession. One of the many important opportunities that has been discussed at length is the possibility of the Second District Court of Appeals (DCA) relocating to Pinellas County, and possibly to St. Petersburg. The Board agreed that having the Second DCA in our backyard would be a huge asset to our local legal community, and something that the SPBA should actively support. In September, we submitted a letter to Tallahassee voicing our support for the Second DCA to be relocated to downtown St. Petersburg. As you all know, and have experienced during this year's theme—We Are St. Pete Bar–Keeping It Local Since 1925,

St. Petersburg is truly an amazing place to work and play, and I cannot think of a better location for the Second DCA to lay its head. The complete letter can be read on the next page.

Another important issue that arose this fall was the final report from the Special Committee on the Delivery of Legal Services. We, along with the Clearwater Bar Association, hosted an important townhall with Sixth Circuit Board of Governors representatives Josh Chilson and Sandra Diamond to discuss the report. Our members provided valuable feedback on whether they supported the suggested revisions to the rules governing the practice of law in Florida to allow for non-lawyers to own law firms and/or split fees with lawyers. This is an extremely important issue, and I was proud to see our members engage and offer vital feedback. If you were not able to attend, I would encourage you to request a copy of the recording and submit your feedback directly to The Florida Bar.

As this year comes to an end, I hope that each and every one of you take a moment to slow down and enjoy some quality time with family and friends. I look forward to celebrating the season at our annual holiday party at the Vinoy – Sunset Ballroom. This was one of the events I missed the most in 2020, but I know we will make up for it this year! As we get ready for 2022, I look forward to seeing you, growing with you, and connecting with you. **We are St. Pete Bar!**

St. Petersburg Bar Association Post Office Box 172 St. Petersburg, Florida 33731

September 23, 2021

Kurt Micheels Real Estate and Development Management 4050 Esplanade Way, Suite 335.9X Tallahassee, FL 32399

Re: Relocation of the Florida's Second DCA to downtown St. Petersburg.

Dear Mr. Micheels,

As President of the St. Petersburg Bar Association, I write to you today to express our organization's support for the relocation of Florida's Second District Court of Appeals to downtown St. Petersburg. While the Legislature designated Pinellas County as the new home for the Second DCA, we believe downtown St. Petersburg is the best location in Pinellas for the Court to call home.

As you may be aware, downtown St. Petersburg has experienced a renaissance in the last 15 years. Dozens of new upscale condominium buildings, hundreds of new small businesses, and thousands of new residents all add to what many of us have known about St. Petersburg for decades; it is a unique, diverse, equitable, and dynamic city. There is something special about our city and we are proud to live here. In addition to the new development, St. Petersburg ranks as a top arts and cultural destination among cities its size and is home to world-famous museums.

In addition to the intangible benefits, St. Petersburg also offers logistical advantages. Our downtown is located along Interstate 275, providing easy accessibility to travels from our South via I-75/I-275, and via I-4/I-275 for those from our North and East. Additionally, our community is in the process of securing inter-city ferry service from East Hillsborough and downtown Tampa to our waterfront by 2025.

Lastly, there are several prime city and/or state-owned locations in downtown St. Petersburg to locate the Court that would reduce the overall cost to the State.

In closing, I want to express my appreciation for your consideration of these items as the Second DCA location is determined. Further, the St. Petersburg Bar Association, established in 1925, and its 1,100+ members eagerly stand by to support and assist with the Court's relocation. The St. Petersburg Bar Association and its members look forward to welcoming the Court's judges, judicial assistants, staff, and employees into our legal community. If you have any questions or if you would like to speak further, please do not hesitate to contact me.

Sincerely,

Lauren C. Rubenstein

Lauren C. Rubenstein, Esq. President, St. Petersburg Bar Association

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2021 VETERANS DISABILITY COMPENSATION UPDATES

This past year has seen some notable changes for the U.S. Department of Veterans Affairs (VA) service-connected compensation program, particularly for Vietnam-era veterans. Here are three developments that could affect tens of thousands of veterans.

By John V. Tucker



NEW PRESUMPTIVE AGENT ORANGE DISABILITIES

Congress overrode President Trump's veto of the 2021 National Defense Authorization Act at the end of December 2020, which resulted in bladder cancer, hypothyroidism, and Parkinson's-like symptoms being included on VA's presumptive list for Agent Orange. A veteran typically must establish a medical connection between an event that occurred in service and a current disabling condition. However, since the 1980s, Congress has been expanding a list of conditions which afford a presumption of service-connection to veterans that were exposed to Agent Orange in Vietnam and a limited number of other locations.

It is estimated that these and other conditions that are being considered for the presumption of service connection could add as much as \$15 billion in disability payments to



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~ Alexis Dion Deveaux, Gunster Associate & St. Petersburg Bar Association Member



veterans over the next ten years. The addition of these three conditions is expected to impact approximately 35,000 veterans. There is currently a push to add hypertension to the presumptive list which could add up to 150,000 more veterans with presumed Agent Orange disabilities.

BLUE-WATER VETERAN AGENT ORANGE CLAIMS WILL BE AUTOMATICALLY REVIEWED

In May 2021, the VA announced that it would re-adjudicate claims for veterans who served in the offshore waters surrounding the Republic of Vietnam during the Vietnam war. In the past, these so-called "blue water Navy veterans" were previously denied service connection for herbicide-related presumptive conditions because they lacked the required "boots on the ground" aspect of physically being in Vietnam. The recognition in 2020 by the VA that these veterans were exposed to Agent Orange allowed these veterans to benefit from the presumption of a medical condition for those conditions that are on the presumptive list. This newest action by VA will allow the claims of those veterans who have been denied to be automatically re-adjudicated. Naval veterans can learn more at the following website: https://www.va.gov/ disability/eligibility/hazardous-materials-exposure/agentorange/.

K2 SLUDGE BASE IN UZBEKISTAN TO BE STUDIED FOR DISABILITY LINKS

There are growing concerns about disabilities arising from chemical exposure at Karshi-Khanabad Air Base in Uzbekistan —also known as K2—for those who served there between 2001 and 2005. The U.S. Army, Air Force, and Marines deployed more than 15,000 service members to the base which lies close to the Afghanistan border over that four-year period. On January 19, 2021, President Trump signed one of his final executive orders directing the Secretary of Defense to carry out a detailed investigation of the conditions at K2 and to prepare a report within one year about the presence of toxic substances at K2 and a possible link between exposure and medical conditions observed in Karshi-Khanabad veterans.

John Tucker is the Principal of Tucker Law Group, P.A. based in St. Petersburg. The firm has a national practice handling the appeals of veterans service-connected disability compensation claims before the VA, the Board of Veterans Appeals, and the U.S. Court of Appeals for Veterans Claims. John served as President of the St. Petersburg Bar Association in 2002-2003. You can reach him at Tucker@TuckerDisability.com.





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NOVEMBER/DECEMBER 2021

n September 11, 2021, our nation observed the twentieth anniversary of the deadliest terrorist attack on our soil. And we remembered. We remembered how we felt when someone ran into our offices that day telling us to quickly turn on the television. Some of us may be young enough



to remember a teacher turning the television on at school and crying. We remembered trying to call our friends and loved ones to make sure they were safe. We remembered the heroism of the passengers of United Flight 93. We remembered our anguish for those innocent lives lost and families left behind. And we remembered how our nation came together as one, united by the values and characteristics we share.

At the same time that we observed the twentieth anniversary of September 11, we watched a heartbreaking situation in Afghanistan unravel in real-time on our screens. It seems like we have been at war in Afghanistan for forever -which sometimes makes it hard to remember that the events in September 2001 launched America's entry into her longest war to date. The war in Afghanistan cost us the lives of 2,461 American servicemembers—a number marked by the sad addition of thirteen servicemembers killed while evacuating the airport in Kabul in August. The war also led to the loss of life for almost 4,000 US contractors; 66,000 Afghan national military and police; over 47,000 Afghan civilians; 1,144 members of our allied forces; 444 aid workers; and 72 journalists. Add this toll to the billions of dollars spent and it's easy to feel overwhelmed by numbers too large to comprehend in real terms.

With the end of the conflict in Afghanistan, we as a nation may be ready to exhale a collective sigh of relief and move on leaving these issues in the past relegated to history books. But now is exactly the moment when we need to reevaluate our commitment to those who answer America's call to serve. What have we done right as a nation when it comes to supporting our servicemembers and veterans? Where have we failed? George Washington is often (erroneously) quoted as saying that "[t]he willingness with which our young people





By Stacey-Rae Simcox and Morgan MacIsaac

are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation." Now is the time to consider whether we are continuing to properly care for our veterans from the conflict in the Middle East to encourage a younger generation to serve in our country's Armed Forces. The war is over, but the men and women who fought it still matter.

We wish that this Veterans Day we could discuss how America's withdrawal from Afghanistan will mean the end of our sons' and daughters' service during war in the Middle East. Instead, we are prompted to remember that this ending may just be the beginning of a new chapter in the defense of our nation.

Chairman of the Joint Chiefs of Staff Gen. Mark Milley cautioned in August that the United States anticipates that terrorist groups like al-Qaeda could regroup in Afghanistan much sooner than anticipated due to the Taliban's rapid takeover of the area. The possibility that America's servicemembers will be called upon to again defend our nation from attacks out of the Middle East grows with each passing day. While many of us were not alive when America last utilized the ability to involuntarily call citizens to service, and some believe that the draft would never occur again, the issue is ever-present. In fact, Congress will soon be voting on a bill that has passed in both the Senate and House Armed Services Committees allowing for the draft of women to military service. This change to the draft may alter the makeup of America's veterans, bringing new challenges to meeting their needs.

We cannot become complacent and believe veterans' concerns are a thing of the past. Nor can we become too comfortable with peacetime. As our government keeps a close eye on foreign threats, we must watch over our veterans and servicemembers and ensure that America remembers.

Stacey-Rae Simcox is a Professor of Law at Stetson University College of Law in Gulfport, Florida. She is also the Director of the Veterans Law Institute and Veterans Advocacy Clinic and a veteran of the US Army Judge Advocate General's Corps. Morgan MacIsaac is the Staff Attorney in Stetson University College of Law's Veterans Advocacy Clinic.

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Hidden Hazards of Recent War By Luz A. Bastos

Too many American soldiers survive combat, but unknowingly bring a hidden enemy home. This is particularly true for veterans of the Gulf War Era (August 2, 1990-today).¹ There is a common misconception that the Gulf War was short and ended in 1991. It is only just now ending.² So, veterans of Operation Desert Shield and Desert Storm (August 2, 1990 - July 31, 1991) and Operation Enduring Freedom, Iraqi Freedom, and New Dawn are all veterans of the Gulf War Era. For three decades, American soldiers persevered through the dangers of America's longest war.

Like the infamous Agent Orange during the Vietnam War, the conflicts in the Middle East exposed our heroes to "Gulf War Syndrome" and burn pits.

Gulf War Syndrome

It has been an uphill battle for veterans of the Gulf War Era claiming their hard-earned and well-deserved disability benefits. Specifically, an overwhelming number of veterans returning from deployments report chronic

multi-symptom illnesses—that is, a cluster of chronic symptoms with no medical explanation which remain undiagnosed. The Veterans Administration (VA) categorizes these clusters as "Gulf War Syndrome" when awarding service-connected disability compensation.

Nobody knows the exact cause of Gulf War Syndrome. Yet, medical research shows some level of correlation between known environmental and chemical hazards and the symptoms Gulf War veterans endorse only after, or sometimes during, their service. Accordingly, the VA presumes these symptoms to be service connected.³

Our troops in the Middle East are exposed to numerous environmental and chemical hazards, including oil fire smoke; diesel and jet fuel; depleted uranium; anthrax and botulinum vaccines; insects; extreme heat; and dead bodies and animals.⁴ Afterwards, they often endorse multiple undiagnosed symptoms, such as joint pains, fatigue, headaches, depression, irritable bowel syndrome, GERD, and other seemingly unrelated symptoms. The VA considers these "unexplained illnesses." Unfortunately, even with these symptoms, disability benefits are not guaranteed.

To qualify for service-connected disability benefits for Gulf War Syndrome, veterans must have been on active duty between August 2, 1990, and December 31, 2021, and deployed to any of the following areas: Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, and the Gulf of Oman. Veterans must also have qualifying illnesses and symptoms, such as those previously mentioned. Only with this exact combination, will the VA presume that these symptoms are due to the veteran's service in the Persian Gulf.

Unfortunately, despite the broad name, not all veterans who served in or around the Persian Gulf with similar symptoms are provided the benefit of presumptive service connection. Specifically, the presumption is not available for veterans who served in Afghanistan, even though they increasingly report similar symptoms.

Burn Pits

Additionally, veterans frequently pursue disability benefits for chronic illnesses caused by burn pit exposure. Our military notoriously burns all waste, including chemicals and

human bowels and remains in burn pits that run for miles. Veterans exposed to these massive burn pits often suffer chronic illnesses, such as respiratory conditions, including asthma, sleep apnea, sinusitis, and rhinitis; skin problems; pulmonary and cardiovascular conditions; cancer; and migraines, among others.

Fortunately, there is legislation that focuses on benefits for illnesses caused by burn pit exposure and

these are available to veterans who served in Afghanistan as well.

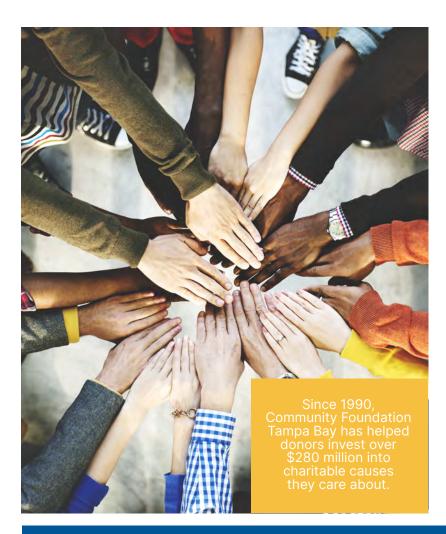
Like Agent Orange, the hazards of the Persian Gulf and burn pits will impact veterans for decades and we will likely never uncover the full extent of the damage to America's heroes. As advocates, we need to know of these hidden hazards and ensure that our heroes get the help and benefits they deserve.



Luz A. Bastos is an Associate Attorney at the Law Firm of Douglas G. Jackson, P.A., based in St. Petersburg, Florida. Luz represents clients across the nation in her practice of VA Disability law, among other practice areas. Luz is admitted to practice law before the Supreme Court of Florida and the United States Court

of Appeals for Veterans' Claims. You can reach Luz at lbastos@ GetYourLegalAction.com.

- 1. The Persian Gulf War and Gulf War are used interchangeably throughout this article.
- 2. 38 C.F.R. § 3.2(i). The Code of Federal Regulations defines the Persian Gulf War has occurring "August 2, 1990, through date to be prescribed by Presidential proclamation or law."
- 3. See 38 U.S. Code § 1117.
- 4. Hernan dez LM, et al., Gulf War Veterans: Measuring Health, 1, Introduction, Institute of Medicine (US) Committee on Measuring the Health of Persian Gulf Veterans Washington (DC): National Academies Press (US) (1999) https://www.ncbi.nlm.nih.gov/books/NBK224715/



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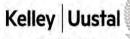


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Doing the Laundry: Probate and Guardianship Edition

By C. Hunter Rawls, Esq.



The term "laundry list" is a ubiquitous term, but how often is a list necessary when doing laundry? Would said list contain an enumeration of the items being laundered, or perhaps the specific steps required to launder particular items?

Merriam-Webster defines the term as "a usually long list of items." While reading long lists of items—like doing laundry—may be a tedious task, as an attorney, it is heartening when uncovering a case, statute, or rule that contains a straightforward list. A recent Third DCA case entitled *Giller v. Giller*, No. 3D20-565, Lower Tribunal No. 11-3672, opinion filed March 31, 2021, is such a case.

In *Giller*, the appellant, individually and as successor trustee of a trust, appealed the trial court's order compelling him to prepare an accounting. Upon review, the appellate court concluded that it lacked jurisdiction to hear the appeal because the trial court's order was nonfinal and nonappealable.

The appellate court cited Florida Rule of Appellate Procedure 9.170(b), which provides that "appeals of orders rendered in probate and guardianship cases shall be limited to orders that finally determine a right or obligation of an interested person as defined in the Florida Probate Code." The court, citing N. Tr. Co. as trustee of Elizabeth W. Walker Tr. v. Abbott, 46 Fla. L. Weekly D87, 88 (Fla. 2d DCA Jan. 6, 2021), stated that "the rule enumerates a nonexclusive list of twenty-three orders that fall under the umbrella of Rule 9.170(b)'s finality requirement."

The court pointed out that the order on appeal concerning the preparation of an accounting was not among the nonexclusive list of appealable probate orders set forth in the Rule, nor did the underlying order finally determine a right or obligation of an interested person. Consequently, the court dismissed Mr. Giller's appeal as it failed to terminate judicial labor or provide finality as to any issue or party in the case.

The following *nonexclusive* "laundry list" falls under the umbrella of Rule 9.170(b)'s finality requirement.

- determine a petition or motion to revoke letters of administration or letters of guardianship;
- determine a petition or motion to revoke probate of a will;
- determine a petition for probate of a lost or destroyed will;
- grant or deny a petition for administration pursuant to section 733.2123, Florida Statutes;
- grant heirship, succession, entitlement, or determine the persons to whom distribution should be made;
- 6. remove or refuse to remove a fiduciary;
- refuse to appoint a personal representative or guardian;
- determine a petition or motion to determine incapacity or to remove rights of an alleged incapacitated person or ward;
- determine a motion or petition to restore capacity or rights of award;

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"The courts of this country shall not be the places where resolution of disputes begin. They should be the places where the disputes end after alternative methods of resolving disputes are considered and tried" – Sandra Day O'Connor

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- 10. determine a petition to approve the settlement of minors' claims;
- 11. determine apportionment or contribution of estate taxes;
- determine an estate's interest in any property;
- determine exempt property, family allowance, or the homestead status of real property;
- authorize or confirm a sale of real or personal property by a personal representative;
- 15. make distributions to any beneficiary;
- 16. determine amount and order contribution in satisfaction of elective share;
- determine a motion or petition for enlargement of time to file a claim against an estate;
- 18. determine a motion or petition to strike an objection to a claim against an estate;
- determine a motion or petition to extend the time to file an objection to a claim against an estate;
- determine a motion or petition to enlarge the time to file an independent action on a claim filed against an estate;
- settle an account of a personal representative, guardian, or other fiduciary;
- discharge a fiduciary or the fiduciary's surety;
- 23. award attorneys' fees or costs; or
- 24. approve a settlement agreement on any of the matters listed above in (b)(1)-(b)(23) or authorizing a compromise pursuant to section 733.708, Florida Statutes.

As a probate or guardianship attorney, it would be wise to review Florida Rule of Appellate Procedure 9.170(b) when contemplating an appeal, recalling that the underlying order must finally determine the right or obligation of an interested person. Otherwise, the appellate court may hang your carefully crafted appeal out to dry.

C. Hunter Rawls is an attorney at Battaglia, Ross, Dicus & McQuaid, P.A., focusing his practice on estate planning, probate and trust law. Mr. Rawls presented this case to the Real Property Probate & Trust Law Section of The Florida Bar, Probate & Trust Litigation Committee, on April 23, 2021.

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Congratulations St. Petersburg Bar Association Executive Director Melissa Byers!

Recently, Melissa Byers was recognized by the Voluntary Bar Leaders section of The Florida Bar. The recognition stated the following:

"All who know Melissa Byers, Executive Director of the St. Petersburg Bar Association, will tell you she is an excellent communicator and one of the most creative leaders in the voluntary bar circle of professionals. She makes a splash by diving into every project she manages, passing on many of her innovative strategies, particularly when it comes to enhancing association value, generating income, and mentoring future leaders.

On many occasions Melissa has shared her secrets to successful bar sponsorships with others. Continuous improvement in this program and others has made this Sixth Circuit bar a strong partner with its 1100 members.

And there are no boundaries to sharing her success. She took the lead and revamped the Voluntary Bar Leaders Conference sponsorship materials and marketing plan, resulting in the highest revenue and involvement of legal partners in the past decade. This effort also provided the opportunity to keep the registration fee affordable so more voluntary bar leaders could attend.



The 2020 Marshall Cassedy award recipient, Melissa joined the cadre of bar leaders who have been recognized for extraordinary service. And she is not resting on her laurels. This year she has taken the lead in a campaign for the Voluntary Bar Liaison Committee to help fellow teammates through a new Leadership Coaching program. Quarterly game time coaching events on various leadership topics began in October, followed by a virtual social happy hour for those who participate in the informal discussion forum. This will provide time for bar leaders to connect, let off some steam, network and share ideas.

For many hours of sharing and caring about the success of Florida's voluntary bars, we are happy to recognize Melissa Byers as a "splash-maker." We are thankful for all you do to enhance Florida's voluntary bars! Few people equal your energy and enthusiasm and leave such a continuing and spreading effect on others. We appreciate you!!"





St. Pete Bar members enjoyed meeting Mayoral Candidates Robert Blackmon and Ken Welch at the Mayoral Meet & Greet held Friday, October 1, 2021 at Trophy Fish!

























The Transformation of Transgender Law

Statutes touting fairness in women's sports have been in the news lately. These statutes address whether transgender females should be allowed to participate in women's sports. Even Caitlyn Jenner f/k/a Bruce Jenner, who is a former Olympic champion, has given her opinion on the subject. She stated that allowing transgender females to compete in women's sports is unfair.¹

Who are the transgenders and how has the law changed in dealing with them? We must first define some words.

"Sex" is defined as the anatomical and psychological processes that lead to or denote male or female. Typically, sex is determined at birth based on the appearance of external genitalia.

"Gender" is a "broader societal construct" that encompasses how a "society defines what male or female is within a certain cultural context." A person's gender identity is their subjective, deep-core sense of self as being a particular gender. "Cisgender" refers to a person who identifies with the sex that person was determined to have at birth. The term "transgender" refers to a person whose gender identity does not align with the sex that person was determined to have at birth. A transgender boy is therefore a person who has lasting, persistent male gender identity, though that person's sex was determined to be female at birth. A transgender girl is a person who has lasting, persistent female gender identity though that person's sex was determined to be male at birth.

Approximately 1.4 million adults - or 0.6 percent of the adult population in the United States - identify as transgender. Transgender individuals may experience "gender dysphoria," which is characterized by significant and substantial distress as a result of their birth-determined sex being different from their gender transition and physical interventions such as puberty blockers, hormone therapy, and sometimes surgery.

"Social gender transition refers to steps that transgender individuals take to present themselves as being the gender they most strongly identify with. This typically includes adopting a different name that is consistent with that gender and using the corresponding pronoun set, wearing clothing



By William D. Slicker

and hairstyles typically associated with their gender identity rather than the sex they were determined to have at birth, and using sex-segregated spaces and engaging in sex-segregated activities that correspond to their gender identity rather than their birth-determined sex. For transgender individuals, an important part of social gender transition is having others perceive them as being the gender the transgender individual most strongly identifies with. Social gender transition can help alleviate gender dysphoria and is a useful and important tool for clinicians to ascertain whether living in the affirmed gender improves the psychological and emotional function of the individual."

"Policies that exclude transgender individuals from privacy facilities that are consistent with their gender identities 'have detrimental effects on the physical and mental health, safety, and well-being of transgender individuals.' These exclusionary policies exacerbate the risk of anxiety and depression, low self-esteem, engaging in self-injurious behaviors, suicide, substance abuse, homelessness, and eating disorders among other adverse outcomes. The risk of succumbing to these conditions is already very high in individuals who are transgender. In a survey of 27,000 transgender individuals, 40% reported a suicide attempt (a rate nine times higher than the general population). Yet, when transgender students are addressed with gender appropriate pronouns and permitted to use facilities that conform to their gender identity, those students reflect the same, healthy psychological profile as their peers."2

"The legal needs of transgender and other gender nonconforming people are varied and diverse. Gender transgressive people often experience harassment and discrimination that results in social marginalization, including denial of education, employment, housing opportunities, and health care. Because of this, transgender people are disproportionately affected by poverty and frequently rely on programs such as welfare, Medicaid, and foster care. Additionally, the combination of poverty and employment discrimination leads to a disproportionate number of transgender people participating in criminalized economies; therefore, gender nonconforming people

In earlier cases, the courts did not recognize transgenders as a protected class. ⁴ It was held that transsexuality had not been established as an immutable characteristic determined by accident of birth, such as race or national origin, but rather was a choice. ⁵

However, all of that changed when the U. S. Supreme Court rendered its decision in *Price Waterhouse v. Hopkins*⁶ in which the court held that Title VII prohibited discrimination against "sexual stereotypes."

Since then, courts have held that transgenders are protected under Title VII from discrimination at work;⁷ under Title IX from discrimination at education,⁸ under Title VIII against discrimination in housing;⁹ under the Equal Credit Opportunity Act against credit discrimination;¹⁰ under the Gender Motivated Violence Act against gender motivated violence;¹¹ under the Patient Protection and Affordable Care Act, Sec. 1557 against discrimination in health care.¹²

The current issue is whether to allow transgender females

to compete against cisgender females. On one side, 16 states and the District of Columbia have enacted laws that allow transgender females to compete on female teams. Both the International Olympic Committee and the NCAA allow transgender women to compete in women's athletics after undergoing hormone suppression treatment. Allowing transgender females to participate in female sports is seen as one way to treat gender dysphoria (distress resulting from the conflict between one's gender identity and one's sex at birth).

On the other side, over 30 states and the U. S. Congress have introduced bills that would prohibit transgender females from participating in female sports. At least six legislatures, including Florida, passed the bills. World Rugby excludes transgender women from competing in contact rugby because hormone suppression treatment only makes small reductions in strength and lean body mass with no loss of bone mass. 13 Some 300 female athletes from Idaho signed a petition objecting to allowing transgender females competing in women's sports. Allowing transgender females to participate in female sports is seen as unfair to cisgender females because males have physiological advantages (men are taller, have greater muscle mass, have larger hearts, can run faster due to pelvic construction). We know that muscle

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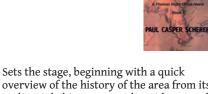
The Thomas Night Crime Novel series spans over a century of Florida history, from the mid 1800s to the late 1970s.



Paul Casper Scherer graduated from law school at Stetson University in 1973 and has practiced law for over 40 years throughout the state of Florida and the Caribbean. The author became interested in Florida history and the people and industries of the state and those topics provided material for his first five novels.

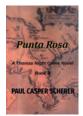
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Book I: La Florida



overview of the history of the area from its earliest inhabitants up to the mid 1800s. The reader then meets two families that settle in the state, and Thomas Night is introduced a century later, working for their descendants in corporate law.

Book II: Punta Rosa



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Book III: The Oar House



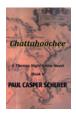
The action shifts back to Florida and the law practice of Thomas Night. Criminals emerge and murders paint the state a deep red. The criminal justice system bares its flaws, and Night moves from corporate to criminal law.

Book IV: Indian Hollow Road

A tale of depredation, book 4 explores the evil in men and how the criminal justice system creates them.



Book V: Chattahoochee



Book 5 concludes the career and life of Thomas Night. It covers the subject of insanity and how it was managed in the 1970s. The drug trade with Belize is another highlight of this series.

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mass and stature matter. Although Blacks compose about 13% of the U.S. population,¹⁴ they make up about 74% of NBA basketball players¹⁵ and about 70% of the NFL.¹⁶ Would women's basketball and volleyball teams become dominated by transgender women?

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These colliding arguments, inclusiveness vs. fairness have come to a point in Idaho. The State of Idaho was the first state to enact a law that provides that sex in sports shall be recognized based solely on a person's reproductive biology and genetics at birth. It was quickly attacked by the ACLU of Idaho and various amicus groups. The trial court granted a temporary injunction pending a full hearing.¹⁷ The trial court found that there was no evidence of cisgender females being displaced by transgender females, that transgender females that undergo hormone suppression therapy to lower testosterone, or have puberty blockers so they never have high levels of testosterone, have been beaten in sports by cisgender females, and both the International Olympic Committee and the NCAA allow transgender females to complete in women's athletics after undergoing hormone suppression treatment. That decision was timely appealed to the 9th Circuit.¹⁸

Since this transgender case is different from prior transgender cases in that this case pits one protected class (transgender women) against another protected class (cisgender women, including lesbian women), it is not as

simple as the prior cases that only dealt with protecting one class. As the trial judge lamented, no matter what the final decision is, there will be many people who are not happy with the decision. And no matter what the 9th Circuit decides, the issue will no doubt be submitted to the U. S. Supreme Court.

Author bio: William D. Slicker served as a law clerk to the Honorable Steven H. Grimes at Florida's Second District Court of Appeal and as a law clerk to the Honorable Warren H. Cobb at Florida's Fifth District Court of Appeal. He has received the Florida Bar President's Pro Bono Award for the Sixth Circuit, Ms. JD Incredible Men Award, the St. Petersburg Bar Foundation's Heroes Among Us Award, the Community Law Program Volunteer of the Year Award, and the Florida Coalition Against Domestic Violence Lighting the Way Award.

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The Changing Landscape of Summary Judgment Appeals in Florida

By Nicole Ziegler



The last two years have been most unusual. It would be easy to overlook several notable amendments to the Florida Rules of Appellate Procedure and Florida Rule of Civil Procedure 1.510, the summary judgment rule. The amendments to the appellate rules are certainly important but appellate practitioners must be familiar with the amendment of Rule 1.510 as an increase of summary judgment appeals is likely.

The amendment of Rule 1.510 was significant as the Florida Supreme Court adopted an entirely new summary judgment standard and revised procedural summary judgment requirements.² Effective May 1, 2021, the strict standard precluding summary judgment if there were issues of fact and "the slightest doubt remains" is gone.³ In its place is a new, more lenient standard, dictating that summary judgment cannot be granted only if "the evidence is such that a reasonable jury could return a verdict for the nonmoving party."⁴

Florida cases discussing what facts are material to a claim or defense remain applicable, but certain authority will no longer apply. While Florida caselaw develops, any void created may be filled by federal caselaw as the amendment brings Florida into line with the federal summary judgment standard. Fractitioners may also look to Florida's directed verdict caselaw as the same standard applies thereto. 6

Practitioners must also be aware that where the court could not truly weigh the evidence under the old standard as the merest "scintilla of evidence" defeated summary judgment, it must do so under the new standard to determine if a reasonable jury could return a verdict for the nonmovant. The court must also now "state on the record" the reasons for granting or denying the motion. Thus, the form and sufficiency of the order will be a potential issue on appeal.

Certain procedural components of the rule have also been amended. The movant must now serve its motion and supporting factual position at least forty days prior to the hearing. While the nonmovant was formerly only required to serve a *notice* of the evidence upon which it relied and ensure that the evidence was in the court file, 10 it must now file a *response* that includes its supporting factual position at least twenty days prior to the hearing. 11 Compliance with the time requirements has been and will continue to remain a potential issue on appeal. The requirement that the nonmovant file a response will likely create the additional potential for preservation arguments on appeal.

Practitioners should also ensure that the court has applied the proper standard. A rehearing of a motion decided under the former standard must be decided under the former standard; however, a party may renew its motion at which point the new standard must be utilized.¹² The more lenient nature of the new standard should result in more renewed motions than motions for rehearing, but there is the potential for an issue as to which standard was applied.

The coming years will certainly be interesting as Florida's state courts adapt to the new standard and procedural requirements. Practitioners will be well-served to stay informed of developing caselaw to competently represent their clients on appeal.

Nicole Ziegler is an attorney with Emerson Straw PL in St. Petersburg, Florida handling civil appeals and personal injury claims throughout the state of Florida.

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- 3. Fla. R. Civ. P. 1.510 (2020).
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- 5. Fed. R. Civ. P. 56.
- 6. See Wald v. Grainger, 64 So. 3d 1201 (Fla. 2011) (holding directed verdict shall be granted only if under no view of the evidence could a reasonable jury render a verdict for the nonmovant).
- 7. See Anderson, 477 U.S. at 248; Carnes v. Fender, 936 So. 2d 11, 14 (Fla. 4th DCA 2006).
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- 9. Fla. R. Civ. P. 1.510(b) and (c)(5).
- 10. Fla. R. Civ. P. 1.510(c) (2020).
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St. Pete Bar members enjoyed cheering on the Rowdies at the St. Pete Bar Pop Up Event Friday, October 15, 2021.

Scan the code at right with the your phone's camera feature to view upcoming events.



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"Two Halves = A Whole" New Kind of Florida Trust

On July 1st of this year, through the haze of the pandemic and Florida summer humidity, a new Florida trust planning option became a reality with the enactment of Florida's Community Property Trust Act, Sections 736.1501-736.1512, Fla. Stat.

(2021). For the first time in Florida, a married couple can convert all or any part of their property into community property by using the property to fund a Florida Community Property Trust (CPT).

To understand the implications of the new Act, consider the basic attributes of community property:

- Each spouse owns an undivided one-half interest in the property.
- Generally, creditors of a debtor spouse can reach the debtor spouse's one-half interest in the community property, thus eliminating the creditor protection afforded by an alternate tenants by the entireties ownership.

Attorneys -

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- Upon divorce, each spouse receives one-half of any asset that qualifies as community property.
 - Upon death, each spouse has the power to direct disposition of his or her one-half of any community property. The deceased spouse's interest in community property does not pass automatically to the surviving spouse by right of survivorship, but instead passes according to the terms of the deceased spouse's estate plan or by intestacy.

• One-half of the total value of the community property is includable in the deceased spouse's gross estate for estate tax purposes. Both the deceased spouse's one-half interest and the surviving spouse's one-half interest in the community property receive a new basis tax cost equal to the fair market value of the property at the date of death of the deceased spouse. If the property had instead been owned as joint tenants or tenants by the entireties, there would only be a basis "step-up" for one-half of the property passing by survivorship. If the couple owns highly appreciated assets, the income tax consequences of a single step-up versus a double step-up at the death of the first spouse could be significant.

Obviously, the decision to convert joint or tenants by the entireties property to community property using a Florida CPT is not one to be undertaken lightly. If, after careful consideration, a married couple wants to utilize this planning, the Act provides some mandatory drafting rules. The trust must:

- Include the language provided in Section 736.1503, Fla. Stat. at the beginning of the trust warning the grantors of the extensive consequences of execution of the trust;
- Expressly declare that it is a community property trust within the meaning of the Florida Community Property Trust Act;
- Have at least one "qualified trustee," defined by the Act as a natural person who resides in Florida or a company authorized to act as a trustee in Florida; and
- Be executed by both grantor spouses in a manner consistent with the formalities for execution of a trust under Chapter 736, Florida Statutes.

Additionally, to be consistent with the Act, the trust must operate as follows:

 If the trust is revoked by the grantor spouses, the trust property loses its community property status, unless the property was previously classified as community property in a community property jurisdiction, in which case the property retains its character as community property to the extent provided in

ST. PETERSBURG BAR ASSOCIATION PARACLETE

the Florida Uniform Disposition of Community Property Rights at Death Act.

- The one-half share of a deceased spouse shall become irrevocable at his or her death, with such one-half share subject to the deceased spouse's testamentary disposition or the laws of intestacy.
- Upon a divorce of the grantor spouses, the community property trust terminates, and the trustee must distribute one-half of the assets in the trust to each spouse (subject to certain limitations in Section 736.1508, Fla. Stat.).
- The spousal homestead property maintains homestead status in the trust. Spousal real property acquired as trust property qualifies as homestead if the property would qualify as homestead outside the trust.
- A Florida community property trust is considered a "trust under the community property laws of the State of Florida" for purposes of Internal Revenue Code §1014(b)(6) (basis "stepup").

Beyond these requirements, drafters maintain significant discretion regarding issues such as: how the share of each spouse will be disposed of upon death; whether the trust is revocable or irrevocable; and how trust property will be managed and controlled.

Florida now joins nine other US states that follow a community property approach to marital property. Practitioners who wish to explore this brave new world should fully discuss the consequences of community property ownership with their clients and consult the Act throughout the drafting process.

Erica Smith is a Senior Counsel at Trenam Law in St. Petersburg and a Past President of the St. Petersburg Bar Association. She practices in the areas of estate planning, probate and trust administration, and quardianships.

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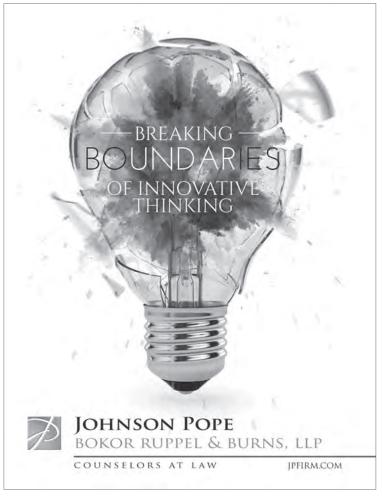


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How to Leverage the Equity in Your Home

By Owen LaFave



{Thank you Annual Corporate Sponsor Bank of Tampa for providing this valuable information.}

The U.S. housing market is exceptionally strong. In the Tampa Bay area, home values were up more than 23 percent in August 2021 year-over-year, according to figures by Florida Realtor. Low interest rates, combined with an increase in work-from-home opportunities; an influx of relocations to our area; and a scarcity of supply, have fueled the surge in housing demand. Increased home values are leading to additional opportunities for homeowners who plan to stay put, but are looking to utilize the increased equity in their home.

Cash-Out Refinancing

Throughout the pandemic, as rates dropped to record lows, many sought to refinance their home loans. And while that trend has decreased slightly as rates have slowly begun to rise, now is still a great time to consider locking in a lower interest rate. Last year, we saw the increased home values and low mortgage rates spur many homeowners to refinance their mortgage with cash

out for a variety of purposes. According to government-sponsored enterprise Freddie Mac, homeowners leveraged more than \$150 billion in equity through

cash-out refinances in 2020, an increase of nearly 42 percent from 2019, the highest since 2007.

Home Equity Line of Credit

Homeowners may also benefit from increased home values by considering a home equity line of credit (HELOC). HELOCs are

offered as a revolving line of credit—as you repay your outstanding balance, your line availability is replenished. With a HELOC, your payments are based on the amount drawn on your line, not the total credit available to you. Additionally, lenders typically offer HELOCs at a better interest rate than an unsecured line of credit because they are secured by your home. Like using the equity from

a cash-out refinance, the use cases for a HELOC are nearly endless—use your line of credit for home renovation projects, to fund education costs, or even to pay



down high interest debt.

The Bank of Tampa Mortgage Products

The Bank of Tampa offers both residential mortgages, including construction-to-permanent loans and lot loans, as well as HELOCs to qualified borrowers*. In addition to our core mortgage products, we also offer bridge HELOCs,

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that allow you to take the equity in your current house in order to make a down payment—or outright purchase—of your next home. This program may be a good option if you are interested in purchasing a new home before your current home has sold. While this may be a good option, ensure you are financially prepared if your current house does not sell right away as you may be responsible for two mortgages until your current home is sold.

At The Bank of Tampa, we portfolio our loans, meaning we don't sell anything off to larger banks. When you bank with us, you get community bank service through the life of your loan. Additionally, we offer local decision-making and access to your full banking team throughout any loan process and beyond.

If you are interested in learning more about The Bank of Tampa's residential mortgage and HELOC products, please contact our St. Petersburg office at (727) 502-8400. We would be happy to connect you with a specialist.

Owen LaFave serves as Pinellas County Market President at The Bank of Tampa. He has more than 20 years of experience in banking, all of which has been spent in the Tampa Bay area. He is a graduate of the University of South Florida and holds a Bachelor of Arts in business finance. Owen serves on the board of the St. Petersburg Chamber of Commerce, the Neighborhood Lending Partners, Inc., the Tampa Downtown Partnership, as well as First Housing, Inc. In 2016, he was selected as an Up & Comer by the Tampa Bay Business Journal in the 40 under 40 category. Additionally, he is a graduate of the Greater Tampa Chamber of Commerce's Leadership Tampa Class of 2015. * Subject to credit approval.





Welcome New Members

ATTORNEY MEMBERS

Daniela Carrion
Hannah Choi
Lynna Comunale
Leo D. Gomez
Oxalis Garcia
Cynthia Hernandez
Alvin K. Brown
Bobby L. Reynolds
Christina Langlois
Nerizza Miyamoto
Karmika Rubin
Alicia Whiting-Bozich

ASSOCIATE MEMBERS

Nolan Herslebs Catherine Martin William J. Brown

LAW STUDENTS

Hope A. Corbit Michelle Ammon Kayla B. Albritton Chase B. White Elizabeth E.McCluskey Skyler G. Jackle Hilleary Gramling Caroline K. Blidar Jesus Lozano Melissa MacNicol Richard Morrow Jesica P. Fico Soteria Roberson **Chad Taylor** Walter V. Gray Jessica Valentin Ionathan W. Burton Taylor Zuberer

What's Up & Who's New

Jeeves Law Group, P.A. is pleased to announce that we have moved our office in St. Petersburg to 2132 Central Avenue. Come by our new space for any of your personal injury, insurance disputes, or class action needs.

Bar Babies



Marlowe Rose Greene Megan and Billy Greene
(and grandfather/SPBA Past
President Lee Greene)
welcomed Marlowe Rose
Greene to the world
September 9th! Big Brother,
Raleigh, is ready to show
her the ropes.
Congratulations!!



Gavin Harens Paraclete Committee
member Mary Howard
welcomed baby Gavin
during hurricane Elsa on
July 7th.



Why Access to Justice Matters in Family Law and How You Can Make a Difference

By Kimberly Rodgers



While it's probably no surprise to anyone that family law is the greatest legal need of the poor, what I think

might be a surprise is how few legal resources there are to address the need. According to a Pinellas County Justice Odyssey Case Management Report, there were 9,352 family law cases filed in Pinellas County in 2020. In those cases, only 10.6% of petitioners were represented by counsel, and only 6% of respondents were represented by counsel. While it is true that not every pro se litigant is indigent, the vast majority of them lack the financial resources to hire private counsel.

family law proceedings. While no one disputes that individual and family safety is paramount and that survivors



Most legal aid organizations in Florida provide assistance in family law only if the applicant for services is a victim of violence, and many, but certainly not all legal aid organizations prioritize representation in injunction return hearings over representation in divorce, paternity actions, and other

of abuse are the most vulnerable, the need for a level playing field when issues of child custody and support are involved is also critically important.

Before I started working at Community Law Program (CLP) exactly 17 years ago as of November 1st, I handled my fair share of family law cases both pro bono and at substantially reduced cost. I experienced firsthand the difference that having a level playing field in high stakes family law cases can make to a litigant, who otherwise would not have been able to hire me. I'll be the first to admit, however, that not all of my pro bono family law cases were rewarding. In fact, a couple of them were downright draining, and some of the clients I represented didn't appreciate the financial sacrifice I had made to represent them or the good fortune they had been given by getting a free attorney. Nonetheless, it only took that one case, that one Sampson vs. Goliath win, that

one truly grateful client that, to this day, continues to inspire me through all the struggles I have experienced both personally and professionally. Luckily for me, I have two such cases.

One involved a former wife/mother who was raising her two children (one of whom had special needs) with absolutely no child support from the father/former husband, despite the fact that he was working as an engineer at the time of their divorce. In their divorce decree, the issue of

child support was specifically reserved, and within weeks after the divorce, the former husband promptly quit his engineering job. In the end, the former husband was found to be voluntarily underemployed, and my client ended up recovering over \$60,000 in child support arrears (the former husband actually had thousands of dollars stashed in a brokerage account), along with ongoing support. As you can imagine, this outcome dramatically improved her life and the lives of her children. In my other case, I represented a former wife and mother of a 7-year old, whose newly married former husband filed an action to domesticate and modify a final judgment that had awarded primary custody (now called timesharing) to my client. My client was very soft spoken, very timid, and her only shortcoming was that she was poor and had had a

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nervous breakdown during their marriage. Legally speaking, she was not in much danger of loosing custody. Her daughter was thriving in school and very happy, but had I not been there to counsel her and talk her off the ledge when needed, she would have run with the child out of fear. In the end, and after a two-day final hearing with former husband leveling all sorts of attacks against her, she prevailed.

In both of these cases, I am certain the outcomes would have been different had these litigants had to represent themselves against opposing parties represented by attorneys. These types of cases are why I have dedicated so many years to working for an organization like CLP. CLP is very unique in its broad range of assistance to vulnerable people in our community who need help in family law. Through advice clinics, pro se forms assistance, and representation (primarily in cases where the other side is represented), CLP offers free legal services to eligible clients regardless of whether or not they are victims of violence.

For the past two years, CLP has been extremely fortunate to have on staff long-time local attorney, Thomas McGowan, who has represented over 80 clients in high stakes family law cases. Tom will be the first one to tell you that his time at Community Law Program has been the most rewarding of his legal career, which spans nearly 45 years. Like me, he has had his share of frustrating cases, but he's also had the life-affirming cases and it's because of those cases and those clients that our community needs our collective voices beside them in the courtroom (or on zoom)!

We've been able to employ Tom, because of an Engle Grant awarded to us by The Florida Bar Foundation. Funding from this grant, however, runs out on December 31, 2021, and we don't have any new funding to replace it. Governmental funding for assistance in family law where the client being represented is not a victim of violence is almost non-existent.

We are hopeful that we will be able to obtain new funding from The Florida Bar Foundation for this work starting in July 2022, but we need some sort of lifeline for at least the next six months.

This is where you can help make a difference. By the end of this year, we anticipate having at least 28 ongoing family law cases. We don't want to abandon these clients, and in many cases can't ethically do so! Please consider helping us by adopting a case this holiday season. You can adopt a case by taking it on pro bono with Tom McGowan as your mentor; or making a monetary contribution so that we can continue handing as many cases as possible.

If you can help, please contact me at krodgers@ lawprogram.org, or to make a monetary contribution, please go online at www.lawprogram.org/donate, or send a check to 501 First Avenue North, Suite 519, St. Petersburg, Florida 33701.



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D'arcy R. Clarie - On the Case

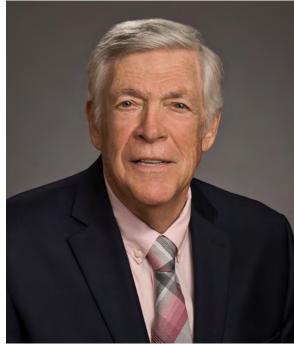
By Charles M. Samaha

In May, 2021, D'Arcy R. Clarie celebrated his 51st anniversary as a member of The Florida Bar.

D'Arcy was born in 1943 at Providence, Rhode Island, though he was raised in the town of Killingly, Connecticut. His mother was a teacher and his father was a lawyer and federal district judge who regaled the family about the law and his cases. D'Arcy has a fraternal twin, Thomas, who is a librarian and author of many books. His sister, Marylin Clarke, is an attorney in Connecticut. D'Arcy completed his primary and secondary education in Killingly and graduated from Providence College and the University of Connecticut School of Law. In August, 1968, he was admitted to the Connecticut Bar Association.

In 1968, he and his wife, Joanne, whom he married in 1966 in Zanesville, Ohio, moved to St. Petersburg where D'Arcy started as a trust officer at the First National Bank. In 1973, he joined the firm of Harris, Barrett, Mann, & Dew as an attorney in the probate department and was later appointed administrative manager partner of the firm. In 1998, he opened a new practice with attorneys William Reischmann and Thomas Graves. In 2003, he opened his own practice Clarie Law Offices, P.A., with his oldest daughter Peggy in Pasadena. In 2010, D'Arcy opened a branch office in Tampa with his son Matthew. D'Arcy noted he

gets great satisfaction from helping all persons, no matter their means, and ensuring they receive the highest quality service he can provide.



D'Arcy has been board certified in Wills, Trusts, and Estates (WTE) since 1985. In the 1990s, he served as an adjunct professor at St. Petersburg Junior College teaching moral ethics and taught WTE at the school's legal assistant program. He also taught WTE at Stetson Law School with Judge Irene Sullivan. Through Judge Penick he served on several guardianship committees.

D'Arcy reflected upon how there was a camaraderie among the bar's members and everyone was congenial

and assisted each other. The community attorneys were always willing to help each other and opposing counsel worked to promote settlement wherever

possible. He fondly remembered attorney U. C. Barrett, who stayed active until his retirement at 90 years old. D'Arcy noted that the Pinellas County probate judges, such as Lauren McLaughlin, Richard A. Miller, and Irene Sullivan, were always professional and exceptional in dealing with attorneys.

In 2015, D'Arcy was the recipient of the St. Petersburg Bar Professionalism Award. According to his children, it was the reflection of a noted value he passed on to them—"The truth is a sacred thing."

D'Arcy has been privileged to serve as a long-standing soccer coach for St. Petersburg Catholic

High School for twenty years before he retired and served as a soccer referee for the Florida High School Athletic Association for ten years.

D'Arcy and Joanne have been married for 55 years. They have six children: Peggy, an attorney; Matthew, an attorney; Katharine, a registered dietician; Jennifer, a speech language pathologist, Anna June, an occupational therapist; and Joanne, a state attorney in Arkansas. There are nineteen grandchildren with number twenty on the way. D'Arcy is semi-retired, but works at least three hours each day at the office. Traveling and his family occupy the remainder of his time.

Hats off to you D'Arcy Clarie, for all your continued service to our community!

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Celebrating Holiday Traditions with the Judiciary



Members of the local judiciary were asked to relay a favorite holiday memory or tradition. We hope it inspires everyone to embrace and reflect on the personal traditions that make the holidays special.

Twice The Fun Judge George M. Jirotka



My parents being political exiles from

communist Czechoslovakia, we celebrated holiday traditions much as was and is still done in Europe. We enjoyed two gift giving and receiving days; a smaller one on the evening of December 5th (starting the Feast of St. Nicholas)

Ch. Nicholas

which involved chocolates, candies and other sweets, and then the major one on the evening of December 24th (Christmas Eve) which culminated in going to Midnight Mass. Concerning the latter, gifts were opened on that evening after a day of abstinence from meat, and not on December 25th, which was reserved for a traditional, sumptuous meal at midday.



Advent

The Honorable Linda Babb



Our family truly has always celebrated Advent. We put up the Christmas Tree on 12/12, on Santa Lucia's Day 12/13 – Father Christmas leaves each of the kids and ornament for the tree, going forward from that day to 12/24 the kids get one gift a day from Father Christmas. Many of the gifts are notes from him that tell the family to do something (a gift of time) for example;

tell your mom and dad that today is "Bon Fire Night", Children's Cookie Baking Day with all the cookie cutters under the tree, time

to go look at the Christmas Lights, etc. On Christmas Eve they get their clothes for church on Christmas Day. We also have our entire family over and have a huge Christmas Eve dinner. We pick a place from around the world and make a dinner



that represents that place including all the drinks. The youngest child, that can read, reads the Christmas Story before we eat. On Christmas morning we just have stockings to open and we go to church. We come home and have a wonderful brunch. That is our Christmas. The tree stays up until Epiphany January 6th.

Making Precious Memories

Judge Keith Meyer



Nancy and I have alot of traditions we like to regularly engage in with the girls in December. (Elf on Shelf is one that was foisted upon us and we don't like it!)

The girls get a detailed reply letter to their letters to Santa Claus that touches on current events in Christmastown, their lives, as well



as the rest of the world. I have been told they are humorous and if you make the cc list you are definitely an A-lister/big cheese. We have tried to save these over the years.

We go together to pick out our Christmas tree. We put money in the Salvation Army kettles and support "angel" trees. We pick out some charitable cause to give extra support to and discuss it with the girls. We read "The Night before Christmas" and "How the Grinch Stole Christmas" on Christmas Eve. (I don't care if



they think they are "too grown up.") We have stone crab claws at the grandparents' house on Christmas Eve after church. Nancy and I watch "Scrooged" and "Christmas Vacation" at some point during the run up to the 25th. I watch part of the Pope's mass (although I

am Presbyterian) and all of "A Christmas Carol" movie starring George C. Scott after everyone goes to bed. This has led to the tradition of the kids being irritated with me sleeping too late and delaying opening of presents under the tree.





It's Not The Holiday Season Until You Meet Ebenezer Scrooge!

Judge Elizabeth Jack



This isn't really a "tradition" but it is how I spent my holiday time. I grew up working in a flower shop and nursery on the North Shore of Massachusetts. The holidays meant long hours in and out of hot greenhouses filled with Christmas plants, decorating countless wreaths and having sore fingers from making bows (if anyone wants a lesson, let me know... like riding

a bike), and tying Christmas trees to the roofs of cars in heavy snowfall. One frequent annual customer was Henry Cabot Lodge, Jr. I tied many a tree to his old woody wagon while he watched, and I clearly recall that he never tipped me!

On the Go

As we continue to celebrate this year's theme, "We Are St. Pete Bar ~ Keeping It Local Since 1925!", we want to highlight you, our members! This issue features bar member Jennifer Jenkins. Recently, Jennifer took a road trip to the North Georgia Mountains to hike the Appalachian Trail. She also hiked to Blood Mountain, Brasstown Bald, Bell Mountain, and enjoyed lodging in an Airbnb Airstream on the Hiwassee River in Hiawassee, GA. She then headed to the Valley of Fire in Nevada. She also befriended Desert Bighorn Sheep in Grand Canyon West Rim, Arizona. We encourage all members to get out of the office and head out on your own adventure! Please send your photos of recent travels, hobbies, families, pets, and accomplishments to Melissa Byers at Mbyers@stpetebar.com.



















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Keeping it Local Since 1925

St. Pete Hot Spot

Looking for a new St.
Pete hot spot? Recently,
Paraclete committee member Shannon



Zetrouer enjoyed St. Pete's latest culinary delight—Lingr, a Nordic-Asian inspired restaurant by St. Pete's Jeffrey Jew. Jeffrey is a well-known local chef who helped establish Bella Brava and Stillwaters Tavern. Jeffrey is a prior competitor on Bravo's Top Chef and study of Gordon Ramsey and Angela Hartnett. Lingr's food, dessert, and cocktail menus were exciting with mouthwatering and unusual ingredients! Shannon sampled all of the vegetarian items on the menu as well as the fresh catch. According to Shannon, "The atmosphere and music was a perfect compliment to the amazing food options!"



Preparing Your IT Services to Transition Back to the Office

By Nate Ginter

{Thank you to Annual Corporate Sponsor Vine IT for providing this valuable information.}

The COVID-19 pandemic has dramatically affected the world of business and commerce. For many months, hybrid work environments and remote work-from-home structures required employees to be flexible and face various unique challenges.

As the dangers of the COVID-19 pandemic slowly recede and employees return to the workplace environment, new challenges arise for businesses. In addition to health and safety concerns, addressing issues of efficiency and security should become a priority. As a business, it is vital to support the strength of your employees with technology systems that ensure a successful return to in-office work.

Managed IT services are a necessity for businesses, and your firm's IT support plays a crucial role in preparing your team for a transition back to the office. To do this, managed IT services must also prepare, to review the workplace status and integrate newer security and safety protocols to keep all systems running safely and efficiently.

Managed IT services offer a variety of benefits specifically for law firms. Managed IT services help firms to maintain compliance with government regulations for security. They can also provide the most advanced cybersecurity technology, such as Remote Monitoring and Management (RMM), which continuously monitors the security of confidential client information. RMMs detect and resolve security flaws before they result in lost data or company downtime. All of this can be provided for a fixed fee, often resulting in managed IT services being cheaper than an in-house IT department.

Safety and Security

As a business, your firm's priority is to protect your staff. Your HR staff has likely implemented many changes to keep employees healthy and safe. As employees return to in-office work, other types of safety measures and considerations must be established to make the return to in-office work seamless.

Managed IT services ensure that the work environment tools and systems you use are prepared for returning employees. This includes, but it is not limited to:

- Checking all power sources through the workplace.
- Evaluating and testing emergency systems.
- Performing general maintenance on all the technological systems.

During the months out of the office, your employee rosters may have changed. Personnel lists must be up to date, with all authorized and unauthorized lawyers, clerks, and assistants accurately recorded.

IT services should also double-check any electronic codes, cards, or other means of access provided to employees to ensure that employees who are authorized to access secure areas can do so.

Updating Technology, Policy, and Procedures

For many law firms, the pandemic meant abruptly changing the technology in use to ensure remote security and accessibility. This likely required the use of Cloud-based solutions to facilitate remote access and real-time collaboration through multi-program software suites like Microsoft 365.

Workplace Technology

Managed IT services evaluate all the technology in your firm, assessing it for safety and efficiency and updating or upgrading software or hardware as needed. Having the latest workplace technologies ensures that your clients' information is private and secure and that your work environment is safe and efficient.

If your firm used loaned hardware for remote access to continue working during the pandemic, accounting for those loans is a priority. Before your company returns loaned equipment, you must clear all personal data from it to ensure the privacy of the employees and the firm.

Items that may need to be returned to the law office include: desktops or laptops, if used as a primary workstation; any secondary computers or devices; printers and scanners; and computer accessories, including power cords, power strips, docking stations, speakers, keyboards, and wireless mouses.

Before these or any other technology items on loan are returned, they must be cleaned and properly sanitized. Managed IT services can advise on the best way to clean and disinfect the electronics without damaging them. Managed IT services also can recommend:

- Updating the workplace technology policies and procedures as needed to ensure continuing compliance and security.
- Updating cybersecurity software.
- Training for all employees in-office and working remotely.
- Accommodating hybrid work arrangements.

Finally, managed IT services ensure that all employees have reliable access to the office network. They check connectivity at all network access points throughout the workplace, wired and wireless, and ensure that employees can access the network as permitted.

Exploring New Opportunities for Refreshing Your Business

While your firm transitions to hybrid or in-office work, the necessity of remote solid work connectivity remains essential. Managed IT services can maximize your firm's technological productivity and performance, upgrade the entire network, and improve connectivity wherever your staff works.

Though the transition to remote work forced by the pandemic was an abrupt one, a slow return to the office offers you a unique opportunity to strategize and prepare your law firm for a more productive, efficient, and flexible future.



Nathan Ginter is an IT Security professional with over 15 years of experience implementing, securing, and supporting small-to-medium business networks. He is an ISACA certified Cybersecurity Auditor and has performed ground up development of IT Security Programs ranging in scope from small independent law firms up to entire multi-hospital medical

organizations. He currently serves as the Chief Technology Officer for Vine IT, an IT Managed Service and Cybersecurity provider based in St. Petersburg.

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