

ST. PETERSBURG BAR ASSOCIATION PARACLETE

THE SPIRIT OF TRUTH

The Magazine For The Legal Professional | November/December 2023





Your expertise secures your clients' success.

Who secures yours?

We excel in helping law firm owners enhance the value they derive from their firms. We understand the economics of your practice and the business models for different areas of the law. Each model presents unique opportunities to convert your time and talent into the lifestyle you desire. Call us to discuss the best strategies for your situation.

Delivering value beyond investments.

Michael C. Funsch, CFA, CPFA™

First Vice President – Private Client Group
Financial Advisor – Senior Portfolio Manager

100 Second Avenue South, Suite 800
St. Petersburg, FL 33701

(727) 502-3668 | michael.funsch@rbc.com



**Wealth
Management**
Funsch Wealth Group

Investment and insurance products offered through RBC Wealth Management are not insured by the FDIC or any other federal government agency, are not deposits or other obligations of, or guaranteed by, a bank or any bank affiliate, and are subject to investment risks, including possible loss of the principal amount invested.

RBC Wealth Management does not provide tax or legal advice. All decisions regarding the tax or legal implications of your investments should be made in connection with your independent tax or legal advisor.

contents

FEATURES

- 4** President's Message — It's About Time
By Ryan Griffin
- 6** Diversity, Equity, and Inclusion Spotlight
- 8** Cozzi Creed – Lawyers Second... Humans First
- 9** Cozzi Creed – Meet Matt Greetham
- 10** Artificial Intelligence and the Legal Protection of Ai-Generated Creative Works
By David Roy Ellis
- 12** It's OK to Say No
By Bruce Denson
- 14** Post 9/11 GI Bill Benefits and Estate Planning (A Little Known Pitfall)
By Rebecca Deming
- 18** Florida's Live Local Act – A Summary of Key Provisions of the New Law Incentivizing Affordable Housing
By Kaley Johnson and Bryan Dion
- 22** Unfair Real Estate Fee Agreements
By William D. Slicker
- 28** Trust Agreement Lessons from Michael Jackson, Heath Ledger and James Gandolfini
By Todd Cordell
- 30** Build Your Business – Diversification Through Real Estate Investments
By Jeffrey Borham
- 32** Build Your Business – Coffee Collaboration Corner
By Doug Jackson
- 36** Build Your Business – 10 Factors to Help Maximize Financial Success
By Aaron Komarek and Cynthia Stenberg

ALSO IN THIS ISSUE

- | | |
|----------------------------------|-----------------------------|
| 31 SPBA Business Partners | 38 SPBA Foundation |
| 34 PFAWL | 40 I'm With the Band |
| 35 I'm With the Band | 42 Backstage Pass |
| 37 You Are A Rock Star! | |



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.

Editor & Advertising

Melissa Byers, Executive Director

727.823-7474

mbyers@stpetebar.com

Editorial Committee

Douglas G. Jackson

Nicole J. Poot

Mercy Roberg

Charles M. Samaha

Christina E. Stokes

John V. Tucker

Emily K. VanOosting

Nick B. Vargo

Shannon L. Zetrouer

Design & Production

Martin Friedman

727.481.4985

mdesign@tampabay.rr.com

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.

Advertising copy is reviewed, but publication herein does not imply endorsement of any product, service, or opinion advertised. Advertising rate cards are available upon request by calling 727-823-7474 and may be downloaded at www.stpetebar.com. © 2023 St. Petersburg Bar Association.



PRESIDENT'S MESSAGE

It's About Time

By Ryan Griffin



In my previous President's Message, *It's Building Time*, I referenced that the end goal of this year's theme (*Build Your Brand, Build Your Business, Build Your Bar*) is to make your



practice more efficient and/or more profitable so that, as a result, you have more **time**. Whether that be more time to address more clients' matters, more time to pursue a passion, more time to spend with loved ones, more time to make memories, more time to retire early, or more money to

buy time. (There is an interesting article regarding "buying" time, which I will not touch on in this message, called *The Value of Time: How Much is Your Time Really Worth* written by New York Times bestselling author James Clear that is worth a read.)

While last month's article touched on the topic of time, after speaking with the St. Petersburg Bar Association (SPBA) September member luncheon keynote speaker, Kelly Abanda, I thought it important to focus more on this concept. Kelly asked me what the biggest challenge for lawyers is when it comes to implementing changes to their practices. One answer



immediately came to mind, that I have heard from lawyers my entire career, "There is not enough time." Which is interesting since, it takes time to make time. Which is even more interesting when you realize that we are in the business of selling time. Hence, if we took time to make more time—we could sell more time.

With that said, I want to encourage you to consider making changes in your practice and/or in your life, which could have meaningful results later. To this end, I found these quotes that framed the value of time in a unique way:

Imagine there is a bank account that credits your account each morning with \$86,400. It carries over no balance from day to day. Every evening the bank deletes whatever part of the balance you failed to use during the day. What would you do? Draw out every cent, of course? Each of us has such a bank. Its name is TIME. Every morning, it credits you with 86,400 seconds. Every night it writes off as lost, whatever of this you have failed to invest to a good purpose. It carries over no balance. It allows no overdraft. Each day it opens a new account for you. Each night it burns the remains of the day. If you fail to use the day's deposits, the loss is yours. There is no drawing against tomorrow. You must live in the present on today's deposits. Invest it so as to get from it the utmost in health, happiness and success. The clock is ticking. Make the most of today.

— UNKNOWN

Win AT WORK AND LIFE

I help you & your team maximize results with less stress so you can enjoy life in and out of the office.



BOOK A
COMPLIMENTARY
CONSULTATION

- Improve Performance & Satisfaction
- Reduce Stress
- 1:1 Coaching
- Team Training
- Keynotes & Workshops



Kelly Abanda, M.A.
Success & Life Coach
Neuroscience Trained

hello@designyourdetour.com 213.221.9375 Designyourdetour.com

and...

Time is the greatest gift you can give to someone. It's giving a portion of your life that you'll never get back. – UNKNOWN

Hopefully, looking at time through the context of these quotes, motivates you to implement changes to get the most out of life. With that said, ask yourself these questions: "Is what I am doing right now worth my time?", "Is how I am practicing law the best way to spend my valuable time or is there a better way to run my practice?" "What am I waiting for to implement change?"

I challenge you to keep this in mind this year as members share best practices that could be applied to your practice. Be open to new ideas. It is okay to try something new in your practice. If it doesn't work, move on to another idea. Find out what works best for you. One size does not fit all in the practice of law. At the October luncheon, we heard from

members about many challenges facing their practices. We also learned numerous ways they met and conquered those challenges. I believe collaboration and sharing information within our bar is the key to a stronger, healthier, and more collegial legal community. As an entrepreneur and attorney, I often wear many hats. I am often asked how I build and grow investments outside of the law. Including, where do I find the time? I look forward to sharing these details at an upcoming luncheon and in my next President's Message.

Until then, I look forward to seeing you at an SPBA mixer, coffee meeting, annual event, Build Your Business networking seminar, or at a member luncheon as we continue to "get under the hood" and guide one another.

Yesterday is history, tomorrow is a mystery. Today is a gift. That is why we call it "the Present." – ELEANOR ROOSEVELT



RECOVERY OF INVESTORS' LOSSES

Representing individuals and entities that have suffered losses as a result of the negligence, fraud or other wrongdoing of their stockbroker, investment advisor, or other financial professional.

SCOTT C. ILGENFRITZ

Board Certified Business Litigation Attorney

SCOTTI@JPFIRM.COM

WWW.FLORIDASECURIITIESFRAUDLAWYER.COM



JOHNSON POPE
BOKOR RUPPEL & BURNS, LLP

COUNSELORS AT LAW

401 E. JACKSON ST., SUITE 3100 TAMPA, FL 33602 ■ (813) 225-2500

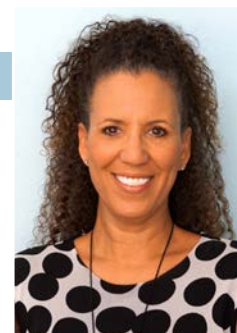
Member of the Public Investors Arbitration Bar Association (PIABA) since 1997. Past President of PIABA. Member of PIABA's Board of Directors 2008-2017.



Diversity, Equity, and Inclusion Spotlight

Welcome DEI Committee Chair David Moran

By Melissa Byers



In a time when Diversity, Equity, and Inclusion (DEI) programs are being pulled, the St. Petersburg Bar Association (SPBA) is committed to continuing its efforts in furthering relevant DEI initiatives. These initiatives include continuing to support the Journey to Esquire program and the SPBA DEI Committee.

Journey to Esquire Scholarship

In 2018, the St. Petersburg Bar Association was pleased to partner with the Journey to Esquire program,



formally the Diversity Access Pipeline, created by Founder Joseline Hardrick. This valuable program provides annual scholarships, leadership skills, mentorship, bar exam preparation, and networking opportunities to law students of diverse backgrounds. The St. Pete Bar has supported this program since its inception by providing a \$2,000 annual scholarship and mentorship to recipients. To date, the St. Pete Bar has provided a scholarship to five recipients: 2018-19 Scholar Tiffany Colon, 2019-2020 Scholar Forest Sutton, 2020-2021 Scholar Shannon Walker, 2021-2022

Scholar Leah LeVell, and 2022-2023 Scholar Logan Jackson. As a result of SPBA's continued support, the SPBA was presented with the first Journey to Esquire Leadership Award in October.

Diversity, Equity, and Inclusion (DEI) Committee Chair

The SPBA is also proud to announce that SPBA member, David Moran, has been selected to serve as the 2023-24 SPBA DEI Committee Chair. This decision was thoughtfully considered after the deeply upsetting loss of DEI Chair Steve Cozzi. We will continue to honor Steve's service and legacy through the new feature, the *Cozzi Creed* (see page 8), and the leadership award, the *Cozzi Champion*.

To be fully transparent, we know that some may ask, "Why was a straight, white, male selected to serve as the DEI Committee Chair?" Fair question. David has served on the committee for several years. He has led diversity book discussions, written book reviews of the diversity books, provides relevant updates, and rarely misses a committee meeting. David is engaged in meeting discussions and provides in-depth feedback regarding the history of St. Petersburg related to diversity as well as changing laws, current challenges, etc. Bottom line? He is engaged and passionate about diversity and inclusion.

Prior to being selected for the chair role, he registered to attend the National Association of Public Defender's Racial Justice Conference in Montgomery, Alabama. The conference is designed to enhance one's understanding of



racial justice and the ability to fight for it as a public defender. David has fantastic leadership skills... he shows up, he serves, he rolls up his sleeves, and provides continual feedback. He was selected based upon his time serving on the committee and his sensitivity and understanding of DEI challenges. To provide further understanding, I have asked David to share more about his background to help others get to know him better.

I was born in Fayetteville, NC, while my father was stationed at then-Fort Bragg (now Fort Liberty). He was an enlisted soldier the entire time of active duty so we always lived on cul-de-sacs full of little apartment buildings. While my paleness stood out, I never once questioned why my brother and I were hanging out with black kids, Hispanic kids, and mixed-race kids as we traversed the South (Fort Liberty and Ft. Stewart (Ga)) and Hawaii (Schofield Barracks). My DNA is 50% percent Lebanese from my mother and a decent mixture of England, Northwestern Europe, Norway, Southern Italy, Scotland, Wales, and Ireland from my father (pre-Ancestry.com, I thought it was 50% Lebanese, 50% Irish...turns out, just 1% Irish). If you ask anyone I grew up with, they will tell you I truly embraced my Lebanese heritage. I always enjoyed listening to my grandmother speak Arabic, French, Portuguese, and Spanish. Sunday dinners and holidays meant a full array of very traditional Lebanese fare: raw kibbe, rolled grape leaves filled with meat and rice, homemade hummus, and certainly every meat and fish. I saw my grandparents active in both the larger community as a whole and the Syrian Lebanese Society. Throughout my life, my ears were never too full of music. I love a variety of music but my true love is roots reggae. I own every single Marley Family song and other original Jamaican artists.

When we moved to St. Petersburg, I was too young to understand what was happening in places like the former Gas Plant Neighborhood or South St. Pete. As I got older and began playing sports with kids who came from those neighborhoods, like Jordan Park and Childs Park, I saw their struggles and knew they had it rougher than me and my West St. Pete friends. I will never forget watching *Boyz in Da Hood* and seeing just how much that movie not only portrayed life in South Central Los Angeles, but it could also have been Brooklyn, the Bronx, or quite literally Childs Park. Watching the movie *Stand and Deliver*, about teacher Jaime Escalante who taught Mexican American high school kids in East Los Angeles calculus for the first time, inspired me in 5th grade to want to do the same. I did my senior year, although it did help that my aunt was teaching calculus and Algebra II Honors at Lakewood High School. My aunt would



later become the first-and-only female Superintendent of Pinellas County Schools to date. It was my aunt's husband that always pushed me to be a lawyer. My grandparents had 8 children and I had 17 first cousins. I am the only attorney. As an attorney/public defender and a member of society as a whole, I have always believed in pursuing justice and "Standing Up" for people's rights.

Although I grew up here, I didn't delve into the history of St. Petersburg and Pinellas County because it wasn't taught. Fortunately, I met and became friends with Josette Green and Reverend J.C. Pritchett. Josette is a historian, and with the approval of Elihu and Carolyn Brayboy, she started the St. Pete Black History Bike Tour. The tour is offered free of charge to the community. I have done the tour three times now. The tour provides an on-sight history lesson as Josette guides riders to where the first African Americans lived (Methodist Town), to where John Evans was lynched, and along the Deuces/Manhattan Casino where famous jazz and other black musicians would come to town, and the sight of the first hospital for blacks. The tour finishes in the Jordan Park Housing Neighborhood, Florida's oldest federal public housing project and shares about the namesake, Elder Jordan. Through Reverend J.C. Pritchett, I have come to understand the perspective of a black member of the faith community that grew up here, has lived its history, and envisions what is to come with the Gas Plant District with our new stadium and development there. St. Petersburg Mayor Ken Welch grew up there as well.

Years ago, I joined the DEI Committee Book Club, then headed by Lisa Brody. I then met DEI Committee member Steve Cozzi. It was Lisa and Steve, along with a few others, that made me decide to join the committee. Steve was then selected to serve as the 2022-23 DEI Committee Chair. No words can describe the loss of Steve, and by no means can I fill his shoes in this role. I can only hope to help keep the torch lit so that our current and future members of color, LGBTQ Community, various nationalities and origins can continue to thrive, enhance, and lead the St. Pete Bar Association, our legal profession and judiciary, and our city and county.

Cozzi Creed

Lawyers Second... Humans First



The charge speech at right was presented by Steven Cozzi to the 2016 Stetson University College of Law graduating class. Steve served as the St. Petersburg Bar Association (SPBA) Diversity Committee Chair and as a valued member of the Paraclete Committee. Since Steve's untimely passing March 21, 2023, we have continued to honor Steve's life, his passion for the law, and his overall joy of life that emanated through his witty, transparent, honest connection with others. This year, the SPBA will further honor Steve's memory by encouraging members to embrace his charge to "remember that you are lawyers second and humans first." We encourage you, our members, to submit a brief paragraph that summarizes how you personally embrace this charge. Please include what you "do for others" (as a parent, a volunteer, as a "force of good") and submit to SPBA Executive Director Melissa Byers at Mbyers@stpetebar.com. Submissions will be shared in the new regular feature titled, "Cozzi Creed."

When Student Life asked me to give the Charge Speech to the graduating class, I immediately said yes. Then I had a quick follow up question: "What's a charge speech?"

I think I might have figured it out.

I'll start with this: I wish I had known three years ago when I entered my first law school classroom that I would be talking to you today. I would have taken some notes on that first day of school: the excitement, the trepidation, and all that jazz. Honestly, these notes probably would have been more helpful to me than any of the actual notes I took for the class.

I can't remember what my first class was. I do remember this: that it didn't take long for the 1L section to become a community, almost a family. Then as we entered into our second and third years, we all truly became part of the larger family that is Stetson Law.

That's part of what I want to talk about today. For many of us graduates, the future may seem like a dark chasm of uncertainty. A yawning, gaping hellmouth of questions and doubt waiting to swallow us whole. The good news is you don't have to worry about that until Saturday. Today: brunch. Saturday: Hellmouth.

The reason I bring that up is because even when things aren't clear and there is uncertainty for you, remember that you're part of the Stetson Law Family. You have somewhere to go and a friendly face to turn to. Look around this room. Every person in this room is rooting for every other person in this room because we're all part of Stetson and we're going to support each other, lift each other, be there when there's trouble, and celebrate our accomplishments. We are a team. We are friends. We are a family.

That family is going to be really important because as we go into the world, I can promise you only one thing: there will always be someone who will look at the work you did, the cause you championed, the time you put in and say it wasn't good enough, it was stupid, it was a waste. There's always someone who wants to tear you down. This is why you need your own standards for success. Because having your own standards for success allows you to perceive success where others see failure.

On Saturday, when we walk across that stage, we will begin our journey of success. We will have access to: a legal education. Our education is something that no one can ever take away from us. Take a moment to think about how lucky we are to be in such a position. Think of all the people for whom law school isn't even a pipe dream, the people who won't even be able to go to college.

So, this is my charge: remember you are lawyers second and humans first. I charge us to use our legal education to be a voice for the voiceless and to be a force of good in your community. It's going to be very easy to get lost in the rat race, the desire to get ahead, to bill the hours, buy the car, buy the house. So, take a moment as we sit here for one of our last moments as a class together and remember why you came to law school and what kind of lawyer you want to be.

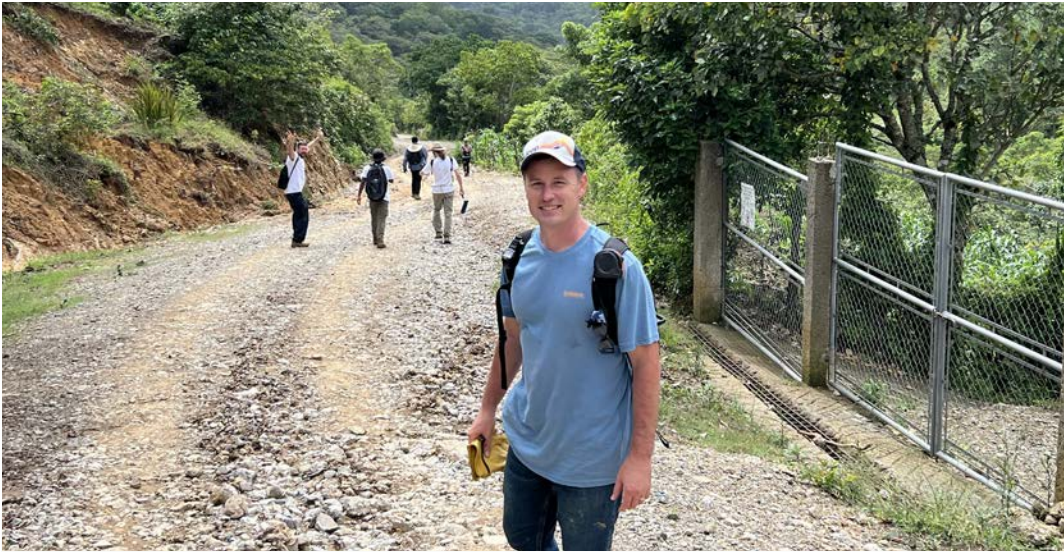
Get a picture of the lawyer you want to be. And when you've got that picture, keep it in your heart. As we leave Stetson, take with you your hopes and dreams and apply them not just to your lawyer life but to your life life. I charge us to remember that we were put on this Earth to do for others and let others do for us.

Cozzi Creed

Lawyers Second... Humans First

This feature honors the life of St. Pete Bar Member Steve Cozzi who stated in his charge speech, **“So, this is my charge: remember you are lawyers second and humans first. I charge us to use our legal education to be a voice for the voiceless and to be a force of good in your community. I charge us to remember that we were put on this Earth to do for others and let others do for us.”**

This issue we feature Attorney Matt Greetham. Matt is a Florida Board Certified Law attorney with Moyer Law Group.



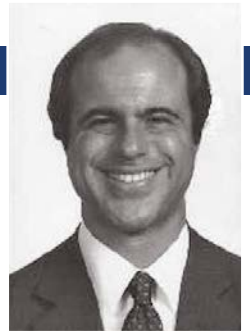
I took my first trip down to Guatemala as a teenager where I was able to have a hand in building a feeding center in a remote mountain village in eastern Guatemala. I returned several more times after that, and on my 21st birthday I arrived to spend the better part of a year delivering food and supplies to the various feeding centers.

Since then, life and the law got busy and before I knew it over a decade passed without a single trip

back to Guatemala. In January 2023, I decided that billable tasks could wait, and I was going to get back to Guatemala. This time, the task was to build homes for families in the most remote parts of eastern Guatemala. While in Guatemala this July I was able to take part in constructing four homes and had the opportunity to serve food at a feeding center that I had helped build over a decade ago. I'm not sure why I waited so long to get back, but I've already got my calendar blocked off for next year.

Artificial Intelligence and the Legal Protection of Ai-Generated Creative Works

By David Roy Ellis



Early this year, I attended an exhibition at the Creative Pinellas Gallery at the Florida Botanical Gardens in Largo featuring artwork created by University of South Florida professors McArthur Freeman II and Elizabeth Hordge-Freeman, husband and wife, using artificial intelligence (AI) techniques to generate museum quality images. The artwork was excellent, and could not be distinguished from works created in a conventional manner solely by humans. At right is an example of one of their images displayed at the gallery.

As I looked at these works, the question came to me, as an intellectual property attorney: who are the true creators of these works, who should get credit for them, and who owns the intellectual property rights, and particularly the copyrights, in these works?

Since at least the beginning of the industrial revolution, people have used machines, devices, and other technology to generate creative works, going back to the weaving loom, still and movie cameras, typewriters and word processors, and computer-aided design (CAD) programs. In most cases, these technological devices and systems were seen as aids to the creative process of the human user, and not as the creator itself. That may now be changing with the advent of Artificial Intelligence.

What is the law regarding ownership and copyrightability of works generated through AI technology? The U.S. Copyright Office ("the Office") has recently weighed in on these questions, issuing a policy statement regarding the right to copyright and register expressive works created through the use of AI technology. The Office focused on AI technologies that "train" on vast quantities of preexisting human-authored works and use inferences from that training

to generate new content. Some of these systems operate in response to a user's textual instruction, called a "prompt." The resulting output may be textual, visual, or audio, and is determined by the AI system based on its design and the material on which it has been trained.



These technologies, often described as "generative AI," raise questions about whether the material they produce is protected by copyright, whether works consisting of both human-authored and AI-generated material may be registered with the Copyright Office, and what information should be provided to the Office by applicants seeking to register them.

According to the Office, copyright protects only material that is the product of human creativity. Under the provisions of the Copyright Act, copyright protects "original works of authorship fixed in a tangible medium of expression." Constitutional, statutory, regulatory, and judicial precedent all lead to the conclusion that the term "author," is limited to humans. In its current edition of guidance in its Compendium of Copyright Office Practices, the Office states that "to qualify as a work of 'authorship' a work must be created by a human being," and that it "will not register works produced by a machine or mere mechanical process that operates randomly or automatically without any creative input or intervention from a human author."

These questions are now becoming important because the Office is receiving and examining a variety of applications for registration that claim copyright in AI-generated material. In one case, for example, the Office received an application for a visual work that the applicant described as "autonomously created by a computer algorithm running on a machine." The application was denied because, based

on the applicant’s representations in the application, the examiner found that the work contained no human authorship. This determination of unregistrability was upheld by a federal court because the work was generated entirely by the machine without any creative contribution from a human actor. See *Thaler v. Perlmutter*, No. 1:22-cv-01564 (D.D.C. Aug. 18, 2023).

The Office further addressed works that contain AI-generated material consisting of “mechanical reproduction” instead of creation by an author’s own original mental conception. If a work’s traditional elements of authorship are produced by a machine, the work lacks human authorship and the Office will not register it. For example, when an AI system receives solely a prompt from a human and produces complex written, visual, or musical works in response, the “traditional elements of authorship” are determined and executed by the technology, not the human user. Thus, if the user does not exercise the ultimate creative control over how such systems interpret prompts and generate material but instead, the prompts function more like instructions to a commissioned artist, then the human is only providing ideas rather than creative expression, and therefore it is the machine that has determined how those instructions are implemented in its output, not the human.

The Office cited the example of a user instructing a text-generating technology to “write a poem about copyright law in the style of William Shakespeare.” The user can expect the system to generate text that is recognizable as a poem, mentions copyright, and resembles Shakespeare’s style. But the technology will decide the rhyming pattern, the words in each line, and the structure of the text. When an AI system determines the expressive elements of its output, the generated material is not the product of human authorship. As a result, that material is not protected by copyright and must be disclaimed in a registration application.

In other cases, however, a work containing AI-generated material may contain sufficient human authorship to support a copyright claim. For example, a human may select or arrange AI-generated material in a sufficiently creative way that “the resulting work as a whole constitutes an original work of authorship.” Or an artist may modify material originally generated by AI technology to such a degree that the modifications meet the standard for copyright protection. In these cases, copyright will only protect the human-authored aspects of the work, which are independent of and do not affect the copyright status of the AI-generated material itself.

This does not mean that technological tools cannot be part of the creative process. Authors have long used such tools to create their works or to recast, transform, or adapt their expressive authorship. For example, a visual artist or photographer who uses Photoshop to edit an image will be considered the author of the modified image. In such a case,

what matters is the extent to which the human had creative control over the work’s expression and “actually formed” the traditional elements of authorship.

Undoubtedly, the Copyright Office’s policy statement will not be the last word on the subject of the interrelationship between AI technology and intellectual property law. Like other technology, AI will develop and change, and like many new technologies before it, the law will struggle to keep up, continually being tested in the legislatures, administrative agencies, and the courts. It should be an interesting ride!

David R. Ellis is a Largo attorney practicing trademarks, copyrights, patents, trade secrets, and intellectual property law; computer and cyberspace law; business, entertainment and arts law; and franchise, licensing and contract law. A graduate of M.I.T. and Harvard Law School, he is a registered patent attorney and Board Certified in Intellectual Property Law by the Florida Bar. He is the author of the book, A Computer Law Primer, and has taught Intellectual Property and Computer Law as an Adjunct Professor at the law schools of the University of Florida and Stetson University. He can be reached at 727-531-1111 and ellislaw@alum.mit.edu. For more information, see www.davidellislaw.com.

Copyright © 2023 David R. Ellis. All rights reserved.



Serving the Greater Tampa Bay area for over three decades

Collaborative Divorce

- Asset Identification & Validation
- Business Valuation
- Equitable Distribution Analysis
- Audit & Assurance
- Income & Lifestyle Analysis
- Alimony & Child Support

Litigation Services

- Discovery
- Expert Testimony
- Case Strategy
- Settlement Negotiation
- Mediation

Other Services

- Insurance Defense
- Damage Evaluation
- Contract Disputes
- Personal Injury

Read more about our litigation support services at:
mbacpallc.com/services/litigation-support

150 Second Ave. N., Ste. 600, St. Petersburg, FL 33701 | 727.894.1040

It's OK to Say No

Choice, not chance, determines your destiny.

– ARISTOTLE

By Bruce Denson



I was recently asked to represent a client and I said no. To be honest, I was rather flattered by the ask. It was not a referral that was made to me lightly, and it was potentially very lucrative. But after sleeping on it, I knew I was not the right attorney for the case.

It was a short, uncomfortable phone call to say no, but it was the right call for me and the potential client. I also let the referring attorney know that I appreciated being asked.

As the economist Tim Harford put it, "Every time we say yes to a request, we are also saying no to anything else we might accomplish with the time." Once you have committed to something, you have already decided how that future block of time will be spent. As a lawyer, our time and advice are the only things we have to sell.

I will admit, saying no is easier at this point in my career. I am more comfortable with the idea that there will be another potential client calling tomorrow and I have a bigger safety net. I also have the experience of having taken on cases I should have said no to and seeing the result. But saying no should not be just the privilege of successful lawyers, it is also the best strategy to build a successful practice.

How To Turn Down Cases

Turning down cases is tough. First, get your mind set on why you are turning down a case. There are two questions you can ask yourself if you think you should turn down a case, but are hesitant—the first question by Tim Harford, the British economist mentioned earlier, is,

"If I had to do this *today*, would I agree to it?" It's not a bad rule of thumb, since any future commitment, no matter how far away it might be, will eventually become an imminent problem."

The second question is the "Hell yeah or No" method from Derek Sivers. If someone asks you to do something and your first reaction is "Hell yeah!", then do it. If it doesn't excite you, say "No."

After you have your mind made up that the case is not

right for you, communicate that quickly and directly. Don't put off the rejection and don't dance around it.

One Final Thought

The Oath of Admission closes with the following principle:

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God.

This does not prohibit you from declining representation. It simply dictates the reasons for rejecting certain cases.

This article borrows liberally from <https://jamesclear.com/saying-no>

Imperfect Professionalism

I don't know that I have ever driven back to the office from a hearing or trial where I haven't thought of a better reply, answer or argument. I do this even when I win!

Last week at the St. Petersburg Bar Association Lunch I was asked what my "brand" is. Even though it is something I have given a great deal of thought to, I was a little stumped when put on the spot. I managed to stammer out, "Professionalism," but I'm not satisfied with that answer. It needs a modifier.

Perhaps "Unpretentious Professionalism" but that sounds pretentious, so not that.

Perhaps "Approachable Professionalism" would be better. Less stuffy. The idea of professionalism comes with a lot of baggage and expectations. While I have my moments, I don't think I am stuffy and I like to think I am easy to reach out to. Professionalism is something I like to talk about and write about even though sometimes it feels a little stilted.

Maybe "Imperfect Professionalism" is best, because Lord knows I fall short from time to time. I have rushed and filed sloppy pleadings. I have continued to argue when I should have stopped. I know the Bar changed the standard of professionalism to be an expectation and not merely aspirational. But to me, it is both. It is a standard I set for myself and a goal to keep working toward on those days when I don't quite hit that mark. "Imperfect Professionalism"



takes a little weight off me. It gives a little space. "Imperfect Professionalism" acknowledges that reality in which, on occasion, we are all uncool.

I know a lot of lawyers struggle with perfectionism. I used to think I was not one of them, but now I think I may struggle more than most! I have been in denial. I think it is a result of our schooling and how we do our jobs. The law tends to have very binary outcomes when life is, in reality, a little more grey and requires more flexibility. The stakes are high, client expectations are through the roof, and anything less than perfect can feel like absolute failure.

So, next time you are driving back from court and you think of that great response, don't beat yourself up for not making it in the moment. The reality is it likely would not have made a difference. And if it is so powerful that it would have, well, that is what a Motion for Rehearing is for. If you find yourself burning out in your quest to hit every mark at 100%, you might want to try to consciously dial it back to 85%. You may find this gives you the relaxed confidence you need in life.

Bruce Denson is a criminal defense lawyer in St. Petersburg, FL. If you like this article you can subscribe to his (mostly) monthly newsletter at <https://substack.com/@bruceversus>. The newsletters are short and hopefully inspirational. They cover legal news, professionalism tips, mental health issues, and other lawyer specific content.



NICK FIORENTINO
PROTECTING CLIENTS' RIGHTS
CIARCIAGLINO, GELL & FIORENTINO, P.A.

NICK GRADUATED FROM THE UNIVERSITY OF SOUTH FLORIDA ST. PETERSBURG, AND STETSON UNIVERSITY COLLEGE OF LAW. NICK IS THE MANAGING PARTNER AT THE LAW FIRM OF CIARCIAGLINO, GELL & FIORENTINO, P.A. WHERE HE PRACTICES IN THE AREAS OF FAMILY LAW, PERSONAL INJURY, PROBATE, AND CRIMINAL LAW. NICK CURRENTLY SERVES ON THE BOARD OF THE ST. PETERSBURG BAR ASSOCIATION WHERE HE WAS PREVIOUSLY CHAIR OF THE MARITAL AND FAMILY LAW SECTION. NICK IS ALSO ACTIVELY INVOLVED IN SERVING THE COMMUNITY AND IS ON THE BOARD OF THE ROTARY CLUB OF SEMINOLE LAKE AND HERO TO A CHILD.

- Personal Injury
- Wills and Probate
- Critical Incident Attorney for Sun Coast and Florida Police Benevolent Associations
- Family Mediator
- Parent Coordinator
- Arbitrator (FL Supreme Court Qualified and FINRA)



727-898-8000
10225 ULMERTON RD. #12B, LARGO, FL 33771
WWW.THETAMPABAYLAWYERS.COM

CHARLES W. ROSS, ESQ.

CERTIFIED CIRCUIT AND FEDERAL MEDIATOR

- Florida Supreme Court Certified Mediator for Circuit Civil, Federal, and Appellate Mediations
- Civil Trial Lawyer since 1979; Martindale-Hubbell attorney rating—AV
- Graduate of Harvard Law School Advanced Mediation Program for Lawyers (2001)
- Selected for Membership in Florida's Legal Elite and Best Lawyers in America
- Member of National Academy of Distinguished Neutrals and American College of Civil Trial Mediators
- Handled over 4,000 mediations including commercial litigation, construction claims, employment disputes, business torts, personal injury lawsuits, and general civil litigation matters

CHARLES W. ROSS, ESQ.

(727) 502-5000 – www.rossmediations.com – cwross@tampabay.rr.com



Post 9/11 GI Bill Benefits and Estate Planning (A Little Known Pitfall)

By Rebecca Deming



If military training teaches anything, it teaches contingency planning. Any good plan should cover the most likely (enemy) course of action, and the most catastrophic (enemy) course of action. In other words, our servicemembers are taught to plan for likely eventualities and for the worst-case scenario. These principles should carry over into planning for the wellbeing of their family and loved ones. When creating an estate plan for veterans and their families, practitioners should be aware of what benefits the family members can access, and how to access them. An accredited attorney or Veteran Service Organization (VSO) can be instrumental in helping a family navigate accessing VA benefits after a veteran passes. They can also be a huge resource in helping the veteran and their family understand what bucket of benefits they can access before a death, to better inform decisions about life insurance coverage and trust and estate planning.



This short piece is focused on one possibly serious loophole that could significantly impact access to some of the veteran's hard-earned benefits. Post 9/11 GI Bill benefits pays for the costs of higher education for eligible veterans and their eligible dependents. For a veteran's dependents to use the Post 9/11 GI Bill benefits, the veteran must have transferred at least one month to that dependent during active duty, within an eligibility window. So long as the servicemember had transferred at least one month of benefits to a given dependent, the veteran can redistribute the benefits as needed between those dependents. After separation from service, though, the veteran cannot typically add a new dependent for GI Bill benefits.

A common practice is for service-members to transfer one month into each beneficiary's name, and then reallocate as needed. If one child ages out, or decides not to go to college, the veteran can log in to milConnect to cancel or revoke that allocation, and then either use the benefit personally, or assign it to another eligible dependent.

However, if the veteran dies, any benefits that remained in the veteran's name essentially die with the veteran. The

surviving dependents cannot access benefits that remained in the veteran's name, they can only reallocate benefits that had already been distributed to the surviving family members. The converse is not true though. If a dependent dies before the veteran, or if the veteran gets divorced, or changes his or her mind about how to allocate the benefits, the veteran can simply log into milConnect and revoke or redistribute the remaining benefits.

A True Case Study: Veteran assigned one month of GI Bill benefits to his wife, and one month to each of his three sons, and kept the remaining 32 months in his name. His intention was not to use the benefits himself, but to distribute them to his wife and kids depending on where life took them, and which kids ended up going to college. When the veteran passed suddenly from COVID, his widow could not access the 32 months of benefits that were left in the veteran's name. She and the boys only have access to the four months he had already assigned to them.

What is the solution? Of course, in the long-run, we likely need to lobby Congress to close this loophole that leaves the veterans' survivors out in the cold. From an individual planning perspective, veterans and service-members can transfer all but one month to their eligible dependents, and then reallocate as needed. If they do as most veterans do, and only transfer one month to each dependent, those hard-earned benefits could be lost in the worst-case-scenario that the veteran passes away before the benefits are used. Another option may be understanding entitlement to Dependents Education Assistance (DEA) Program, or Chapter 35 benefits. While DEA does not pay as much each month, if the dependent family qualifies for the benefit, there are fewer limits on the number of months that can be used. A little planning and a solid understanding of the eligibility to use VA and DOD benefits can go a long way to protecting veteran families.

As an accredited attorney with the Veterans Benefits Administration, Rebecca Deming founded ProVet Legal, P.A. to provide top-notch customer service to veterans and their families seeking disability and survivor benefits from the VA. She recognizes the important contribution service members play in our national security and is passionate about helping veterans get the benefits they deserve.



**THE LAW FIRM OF
DOUGLAS G. JACKSON**

GET YOUR LEGAL ACTION AT THE LAW FIRM OF DOUGLAS G. JACKSON
WWW.GETYOURLEGALACTION.COM



**Business Law,
Estate Planning,
and more**

1-800-704-6045
4437 Central Avenue
St. Petersburg, FL 33713



kevinmediation.com

**Non-Binding Arbitration
Binding Arbitration
Mediation**



THE NATIONAL ACADEMY OF
DISTINGUISHED NEUTRALS

**Anne Kevin, Esq.
Mediator | Arbitrator
Florida Bar Member Since 1992**

- Recognized by *Best Lawyers* for Insurance Law
- Martindale-Hubbell AV "Preeminent" Attorney Rating
- Certificate in Mediation and Conflict Management from Harvard Law School Program on Negotiation
- Florida Qualified Arbitrator
- Florida Supreme Court Certified Circuit Civil Mediator
- Member, National Academy of Distinguished Neutrals
- Member, Florida Association of Women Lawyers

**Virtual or In-Person
Convenient Online Scheduling
Credit Cards Accepted**

727.404.4855

200 Second Avenue South #730
St. Petersburg, FL 33701

anne@kevinmediation.com

kevinmediation.com



We take an active role - We never give up!



HOLDING VIRTUAL SESSIONS FOR CASES PENDING IN ANY COUNTY

- Florida Supreme Court Certified Circuit Civil Mediator
- Florida Supreme Court Qualified Arbitrator
- Board Certified Civil Trial Lawyer (1998)
- AV Preeminent Rating by Martindale Hubbell
- Has arbitrated and mediated 2,000+ cases to conclusion

**Quality mediation and arbitration
services at a reasonable price**



**BOOK YOUR
APPOINTMENT ONLINE**
DonnaLugar.com

Visit our website for more information
on rates, travel, and other details



941.600.9431



DonnaLugar.com



donna@donnalugar.com



5020 Clark Road #514
Sarasota, FL 34233



LEGACY
PROTECTION
LAWYERS, LLP

10
YEARS
Founded 2013



We're Proud to Announce Our Newest Partner Nicole Bell Cleland

Florida Super Lawyers® Rising Star
2019-2022

Real Property, Probate and Trust Law Section
of the Florida Bar Fellowship
2020-2022

Florida Association for Women Lawyers Leader in the Law
2020

Past Chairperson – Pinellas County Chapter
Florida Association for Women Lawyers
2020– 2021

Board Member & Treasurer – Suncoast Estate Planning Council
2023

LegacyProtectionLawyers.com • 727.471.5868



DivineIntel

We Find Answers



Do you love spending valuable time collecting evidence?



Do you know how to find hidden accounts?

Do you know how to extract or interpret evidence from digital sources?



Do you think your client is telling you the truth?

Are you a digital ninja?

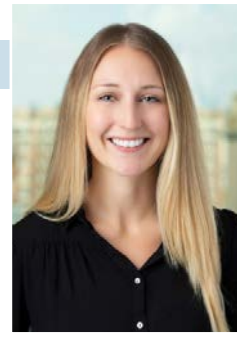
No? We can help!



CONTACT US TODAY!

877-909-5590 | www.divineintel.ninja | info@divineintel.ninja

Florida's Live Local Act – A Summary of Key Provisions of the New Law Incentivizing Affordable Housing



By Kaley Johnson and Bryan Dion

2023 Florida Senate Bill No. 540, Florida is One Hundred Twenty-Fifth Regular Session—or the “Live Local Act”—was made effective on July 1, 2023. This law made numerous changes to statutory sections of Chapters 125, 166, 196, 201, 212, 213, 215, 220, 253, 288, 420, 553, and 624, Florida Statutes. This article summarizes some of the key provisions that were made to the above-referenced chapters of the Florida Statutes.

Chapters 125 and 166, Florida Statutes

The changes to Chapters 125 and Chapter 166, Florida Statutes, are almost identical except for the fact that Chapter 125, F.S., concerns counties and Chapter 166, F.S., concerns municipalities. The revisions remove the prohibition on laws that impose rent controls in certain circumstances and added a strict prohibition on rent controls.

The Live Local Act (the “Act”) specifies that affordable housing developments may include mixed-use residential developments, and also eliminated the reference to residential zoned parcels. Developments will be deemed affordable housing under these sections if at least 10% of the units in the project are designated as affordable. Additionally, the Florida Legislature adopted laws that require counties and municipalities to administratively approve residential uses in areas zoned as commercial, industrial or mixed use, provided they meet certain criteria. Density of these developments cannot be restricted below the highest allowed density on any unincorporated land in the case of a county, or any land in such municipality in the case of municipalities, and the height of these developments cannot be restricted below the highest currently allowed height for a commercial or residential development within one mile of the proposed development or three stories, whichever is higher. Parking requirements must be considered if the developer is located within one-half mile of a major transit stop that is accessible from the development. The provisions above do not apply to property defined as recreational and commercial working waterfronts in Section 342.201(2)(b), F.S., in any area zoned industrial and expire October 1, 2033.

Chapter 196, Florida Statutes

Chapter 196, F.S., now allows for ad valorem tax exemptions for certain eligible multifamily projects under

the Florida Housing Finance Corporation and pursuant to ordinances that may be adopted by a county or municipality.

Chapter 212, Florida Statutes

Certain building materials used in the construction of affordable housing units may receive an exemption from tax imposed by Section 212.08, F.S.

Chapter 420, Florida Statutes

Section 420.50872, F.S., was added to allow tax credits of between 75% and 100% for all eligible contributions made to the Live Local Program (see Section 420.50872, F.S.).

Chapter 420, Florida Statutes

Section 420.0003, F.S., provides for the framework for Florida's strategy to implement policies to promote and implement affordable housing. This includes incentives that will be provided on the state and local levels, including:

- Utilization of public land to develop affordable housing;
- Flexible zoning and redevelopment of commercial property for mixed use
- Increased density and building height allowances; and
- Innovations of modern housing concepts like manufactured homes and tiny homes.

Florida is setting strict funding parameters for local governments only willing to adhere to specific state standards for affordable housing, and is promoting public-private partnerships to coordinate between local governments and developers.

The Act emphasizes the need to help those who require aid the most, including those with special needs and the elderly. To do so, data driven funding is used to determine the areas of need and to ensure the state and local governments are creating viable policies to achieve those goals.

The Act funding will be utilized directly for attainable housing, including 70% of funds that will be earmarked for affordable housing development to address urban infill, provide mixed use in traditionally non-residential zones and build housing in military installations. Additional funds are allocated for leasing public lands and for providing housing

for known needs, like young adults aging out of foster care, the elderly, and rural areas.

The Act also creates the framework for tax credit for contributions to the Live Local Program and provides incentives to homebuyers by lowering down payment requirements and closing costs and loan opportunities directly through Florida at decreased interest rates.

Chapter 624, Florida Statutes

In accordance with Section 420.50872, F.S., developer tax credit is available for up to 100% of contributions made to the Live Local Program.

In sum, the statutory changes appear to provide increased incentives for development of affordable housing throughout Florida through expanded land use and tax incentives to developers.

Kaley Johnson, Esq. and Bryan Dion, Esq. are attorneys at Johnson, Pope, Bokor, Ruppel & Burns, LLP. Kaley primarily practices in the area of commercial real estate and serves as the St. Petersburg Bar Association 2023-24 Real Property Section Chair. Bryan primarily practices in the areas of commercial real estate and land use.

STEVENS & STEVENS INC.
BUSINESS RECORDS MANAGEMENT
Today's solution for yesterday's business

Records Management

Data Storage

Secure Shredding

Imaging Solutions

Information Securely Managed.

(727) 573-3900
ST. PETERSBURG/CLEARWATER, FL
(813) 231-0900
TAMPA, FL
(864) 392-0900
GREENVILLE/SPARTANBURG, SC
(855) 573-3900
TOLL FREE
SSBRM.com

28th YEAR ANNIVERSARY
AAA NAID CERTIFIED
ISO 27001 PRIVACY

— WE ARE —
CELEBRATING
50
YEARS

**JOHNSON
POPE**

JPFIRM.COM

ST. PETERSBURG BAR ASSOCIATION PARACLETE

**BOARD
CERTIFIED
APPELLATE
PRACTICE**

**CIVIL,
BUSINESS,
& COMMERCIAL
LITIGATION**

Timothy W. Weber, ESQ.
Founding Partner

5453 CENTRAL AVE.
ST. PETERSBURG

727-828-9919

PROUDLY
SPONSORING
THE
ST. PETERSBURG
BAR ASSOCIATION

WEBER CRABB WEIN
ATTORNEYS AT LAW



**PARTNER WITH A CERTIFIED
PROBATE PROPERTY
SPECIALIST**

WE ASSIST YOUR CLIENTS THROUGHOUT THE ENTIRE REAL ESTATE PROCESS.



PROPERTY ANALYSIS



ESTATE SALE



GET PROPERTY SOLD

GET IN TOUCH
TAHISIA SCANTLING, MSA
Broker, SFR & Instructor
727-688-5659





THE RIGHT TURN FOR REALTY!

Tahisia@RTurnRealty.com | @RTurnRealty | www. RTURNREALTY.com
6591 70th Ave N., Pinellas Park, FL 33781



**GREENE & GREENE
ATTORNEYS AT LAW**

Solution Oriented, Trial Tested®
Your Tampa Bay Attorneys for:

Family Law
Collaborative Law

Probate Litigation
Trust Litigation

Fiduciary Disputes
Will Contests



(727) 821-2900
401 Fourth Street North, St. Petersburg, FL 33701
GreeneLegalFirm.com



"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."

RENEW YOUR
MEMBERSHIP
TODAY!



WILLIAM SARON

MEDIATION SERVICES

Alternative Dispute Resolutions

"In the middle of every difficulty lies opportunity."
– Albert Einstein



- **Florida Supreme Court Certified for Circuit Civil Matters**
- **32 years experience as a Civil Trial Attorney**
- **AV rated by Martindale-Hubbell**

*Personal Injury • Automobile Accidents
Slip and Falls • Product Liability
Commercial Litigation*

Tax/Estate Disputes and Real Property Matters

Serving the Tampa Bay Area

*No charge for travel in the Tampa Bay area including
Pinellas, Hillsborough, Pasco, Hernando,
Polk, Manatee and Sarasota counties*

Phone: (727) 345-4566 • Cell: (727) 692-8410

Fax: (727) 345-5075

6560 1st Avenue North, St. Petersburg, FL 33710

Email: wks@saronlaw.com • Web: www.saronme.com

Unfair Real Estate Fee Agreements

In 2014, Amanda Zachman founded MV Realty headquartered in Delray Beach, Florida. MV Realty provides a service that it calls a Home Benefit Program.¹ By the end of 2022, MV Realty was operating in 33 states and had over 800 agents.² It averages 3,480 new contracts a month and is on target to have over 100,000 contracts by August, 2023.³

MV Realty offers homeowners \$300 to \$5,000 in exchange for an agreement to use the company as an exclusive listing broker.⁴ However, what most homeowners do not understand is that MV Realty records a lien on the home so that if at any time within 40 years the home is foreclosed upon or transferred to heirs upon the owner's death, or if the homeowner wishes to cancel the deal, MV Realty is entitled to 3% of the home's value.⁵

The fact that many people did not know what they were contracting for and they filed consumer complaints about MV Realty caught the attention of several state attorney generals. The first one to react was Florida's attorney general who filed a complaint against MV Realty on November 29, 2022.⁶ The attorney generals of both Pennsylvania and Massachusetts filed lawsuits against MV Realty in December, 2022.⁷ The attorney general of Ohio filed a complaint against MV Realty in February, 2023.⁸ North Carolina became the fifth state to sue MV Realty in March, 2023.⁹

MV Realty is not the only company offering such agreements. Sell Whenever headquartered in Richardson, Texas¹⁰ and Home Options headquartered in Tampa, Florida¹¹ also offer them.

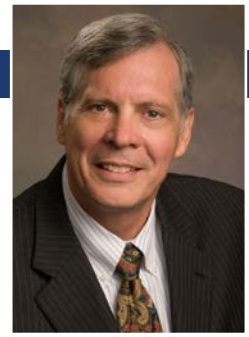
The fact that an agreement for this length of time creates title problems and probate administration problems caught the attention of the American Land Title Association and the National Board of Realtors.¹²

The American Land Title Association decided to fight against these agreements through legislation. ALTA drafted a Prohibition of Unfair Service Agreements Model Act.¹³ Variations of that Model Act have been adopted by Florida,¹⁴ Idaho¹⁵, North Carolina¹⁶, North Dakota¹⁷, Tennessee¹⁸, and Utah.¹⁹ Basically, these statutes provide that a residential property service agreement for longer than one year is void and not enforceable. However, variations of the legislation provide for different penalties, such as revoking real estate licenses or criminal penalties.

Similar bills have been introduced in other states, including California²⁰, Iowa²¹, and Washington.²²

Some U.S. Senators are also looking into this issue.²³

By William D. Slicker



It appears that legislation is going to limit these fee agreements to one year after some future date, but since MV Realty has made more than 9,123 public record filings that cloud homeowners' titles in Florida²⁴, we may be dealing with those agreements already in place for many years.

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.

1. <https://mvrealty.com/about>
2. *ibid*
3. *ibid*
4. www.myfloridalegal.com/newsrel.nsf/newsreleases/E9E4A281415eE85258909007259EC
5. *ibid*
6. www.myfloridalegal.com/newsrel.nsf, *supra*
7. <https://www.attorneygeneral.gov/takingaction-against-MV-Realty>; <https://www.cbsnews.com/boston/news/mv-realty-attorney-general-lawsuit>
8. Walker, The Columbus Dispatch, Feb. 15, 2023, <https://www.dispatch.com/story/business/real-estate/2023/02/15/ohio-sues-MV-realty>
9. <https://ncdoj.gov/attorney-general-josh-stein-sues-mv-realty>
10. <https://www.sellwhenever.com>
11. <https://homeoptions.us/sellmyhome>
12. Han, Real Trends, February 14, 2023, <https://www.realtrends.com/articles/real-estate-right-to-list-agreements>
13. <https://alta.org/media/pdf/advocacy/prohibition-of-unfair-service-agreements>
14. Sec. 695.26, Fla. Stat. effective July 1, 2023
15. Chap. 20 Title 48, Idaho Code
16. North Carolina General Statute 93A-85.2
17. Sec. 41-04-25, N.D. Cent. Code
18. Tennessee Code Sec. 66-33-103
19. Utah Sec. 57-30-201
20. California Assembly Bill 1345
21. owa H.F. 475
22. Washington SB 5399
23. <https://www.alta.org/advocacy/ntraps.cfm>
24. <https://www.inman.com/2022/12/07/florida-first-state-to-sue-mv-realty-over-40-year-homeowner-contracts/>

**LLW****LEWIS
LONGMAN
WALKER***See things
differently.*

LLW is a statewide law firm with 33 attorneys and over 25 years of experience practicing in the areas of environmental, land use, local government, real estate, litigation, legislative and governmental affairs. LLW has the experience to navigate complex local, state, and federal laws and regulations. For more detailed information on our qualifications, visit our website at www.LLW-LAW.com

www.LLW-LAW.com**JACKSONVILLE | ST. PETERSBURG | TALLAHASSEE
TAMPA | WEST PALM BEACH**

For more information, contact Kevin Hennessy
727.245.0820 • khennessy@llw-law.com

100 Second Avenue South, Suite 501-S, St. Petersburg, Florida 33701

INJURY LAW**Dennis Hernandez****HARVARD LAW GRADUATE****727-697-0000**

No Fees or Costs Unless We Win
We pay referral fees



Office
St. Petersburg

5363 Central Ave.
St. Petersburg, FL 33710

**Call or visit our website for a
free case evaluation.**

www.dennishernandez.com

**Se Habla Español**

Lori A. Heim
Practice Group
Leader

Marjorie S. Hensel
Firm President

BUSH | ROSS

ATTORNEYS AT LAW

**Successfully defending
professionals in civil and
administrative proceedings**



Ranked a Tier 1 Firm for
Professional Malpractice Law,
Defendants for 2022 by
U.S News, Best Lawyers

LAWYERS FOR FLORIDA PROFESSIONALS

ATTORNEYS | ACCOUNTANTS | ARCHITECTS | REAL ESTATE

1801 N. Highland Avenue, Tampa, FL 33602 | (813) 224-9255 | bushross.com



Build Your Brand Membership Luncheon



A photograph of two men in business suits. The man in the foreground is older with grey hair, looking towards the right. The man behind him is younger, smiling, and also looking towards the right. They appear to be in an office or meeting setting.

**1 IN 4 LAW FIRMS
HAS EXPERIENCED
A DATA BREACH.**

VINE
IT + CYBERSECURITY

**WE HELP YOU STAY ON THE
RIGHT SIDE OF THE STATS.**

Preferred IT Partner for the SPBA.



Working with families after the death of a loved one.

Estate Administration

.....

Trust Administration

.....

Wrongful Death
Administration

lohmillerlaw@gmail.com

Erin Whittemore Lohmiller, Esq.

727.643.3818



We operate on the simple principle that achieving success for our clients is paramount. That means phone calls get returned, questions get answered and problems get solved. We are sensitive to our clients' needs to minimize expenses without forfeiting the quality of service they deserve and we deliver.

Litigation & Dispute Resolution ♦ Corporate Law ♦ Estate & Trust Planning ♦
Bankruptcy ♦ Health Care ♦ Mediation ♦ Technology ♦ Data Privacy ♦
Employment Law ♦ Construction ♦ Insurance ♦ Real Estate



St. Petersburg | Tampa
trenam.com

Serving Florida's legal needs since 1884



Macfarlane, Ferguson
& McMullen

TAMPA • CLEARWATER • WWW.MFMLEGAL.COM

CORPORATE
FINANCE
HEALTH CARE
FAMILY MARITAL
LITIGATION
LABOR & EMPLOYMENT
TAX & ESTATE PLANNING
REAL ESTATE & LAND USE
IMMIGRATION
EDUCATION
PROFESSIONAL LIABILITY

Trust Agreement Lessons from Michael Jackson, Heath Ledger, and James Gandolfini

By Todd Cordell



Developing an estate plan is an important piece of a comprehensive financial plan. Estate plans are instructions for what happens to a person's assets when they pass away. They can also provide instructions on how a person's assets should be used for their benefit, or others, while they are living, but incapacitated. Constructing a complete estate plan takes time and expertise. It can be an exhausting exercise, as thinking about one's own mortality can be a difficult subject. When complete, the experience can be rewarding and can provide a sense of relief.

Estate plans are not exciting until something goes wrong. This is especially true when it comes to celebrities. Those outside of the industry may only hear about an estate plan from celebrity estate plans gone awry, and unfortunately, there is no shortage of examples. Michael Jackson, Heath Ledger, and James Gandolfini are only a few of the celebrity estate plans that ran into trouble. When problems arise, there are disruptions and delays that can lead to additional costs. Incomplete estate plans can also result in unintended heirs or beneficiaries. When a celebrity is involved the delays, costs and potential for unintended heirs increase due to the wealth at stake.

Naming a Corporate Trustee and conducting a pre-acceptance review may have identified the issues that occurred in more recent and famous estate plans gone wrong:

Michael Jackson

He had a will and a trust, but he never funded the trust. His entire estate then went through probate. Part of the pre-acceptance review conducted by bank trust departments and trust companies includes a review of assets. Along with providing a copy of a trust, a statement of assets that is titled in

the name of the trust should be part of the review. In Michael Jackson's case, he and his advisors would not have been able to produce a statement of assets titled in the name of his trust. The lack of a statement of assets is the identifier that the trust may not be funded. The issue could have been corrected during Michael Jackson's lifetime, as opposed to being discovered after he passed.

Heath Ledger and James Gandolfini

Both had estate plans, but they were outdated. In Heath Ledger's case, he created his will before his daughter was born. There were no updates to his will prior to his passing and the result was that his daughter did not directly inherit any part of his estate. Periodic reviews of Heath Ledger's estate plan could have identified that his daughter was not named, and changes could have been made before he passed.

James Gandolfini's estate plan was never updated to take advantage of changes to the tax laws resulting in one-half of his estate being paid to the IRS. Periodic reviews of an estate plan is necessary to preserve the goals of the plan.

When a Corporate Trustee is named as a Successor Trustee, it generally will keep copies of the documents on file. Those files can be periodically reviewed when certain life events take place or when changes to trust and tax laws occur. If circumstances, such as the birth of a child or changes to the tax laws occur, the estate plan can be adjusted during the owner's lifetime and possibly avoiding unintended results later.

Unfortunately, there isn't one simple solution to prevent all estate planning problems. There are, however, estate plan reviews that can help identify or

eliminate common issues. Nominating a Corporate Trustee (bank trust department or trust company) to act as the Executor and/or Successor Trustee is one way to get a comprehensive review of an estate plan, and it brings with it several benefits including expertise and experience, access to various resources for tax preparation, investments and trust account systems and the duty to be objective.

One less obvious benefit is the pre-acceptance process used by bank trust departments and trust companies. Banks and trust companies prefer to review estate plans that have named them as an Executor and/or Successor Trustee. The review is necessary to help identify any potential language or instructions that may not be clear and difficult to administer. If there is an issue, the bank will request that language be amended to provide more clarification.

In addition, if one has a good relationship with their trust team, periodic reviews of the estate plan can be conducted. The ongoing review can help identify portions of an estate plan that need to be updated due to changes in circumstances or changes to law. Establishing a relationship with the Corporate Trustee provides clients with an extra set of eyes, ears and expertise potentially resulting in the identification issues in their estate plan.

Todd W. Cordell serves as trust director at The Bank of Tampa. With a career spanning nearly 29 years, Todd has extensive knowledge in wealth management and trust. The majority of Todd's career has been in community bank environments where he focused on building relationships with clients and internal banking partners. He most recently served as senior vice president/senior trust officer for Bank of America, N.A./Merrill Lynch in Chicago.

Where Are You in Your Financial Journey?



WORKING FAMILIES



APPROACHING RETIREMENT



BUSINESS OWNERS

Westshore Financial Group is a premier destination for financial success—your trusted resource to help build great financial habits. Contact Aaron Komarek or Cindy Stenberg to learn more.

- ◆ Comprehensive Protection Analysis
- ◆ Cash Flow and Investment Recommendations
- ◆ Specific Debt Management Strategies
- ◆ Business Planning to Help Protect, Build, and Transfer Wealth
- ◆ Unique Post-Retirement Asset Strategies



Aaron R. Komarek, M.B.A.
813-391-6656

aaron.komarek@westshorefinancial.com



4200 W. CYPRESS STREET, SUITE 700, TAMPA, FL 33607



Cindy Stenberg
727-244-8210

cynthia.stenberg@westshorefinancial.com

Aaron is a Registered Representative and Financial Advisor of Park Avenue Securities LLC (PAS). Securities products and advisory services offered through PAS, member FINRA, SIPC. Aaron and Cynthia are Financial Representatives of The Guardian Life Insurance Company of America® (Guardian), New York, NY. PAS is a wholly owned subsidiary of Guardian. Westshore Financial Group is not an affiliate or subsidiary of PAS or Guardian. Aaron's AR Insurance License Number - 19650266. 2023-159532 Exp 8/25



**THE
DIAMOND
LAW FIRM**

Estate Planning | Probate & Trust Administration
Probate & Trust Litigation | Guardianships

Sandra Diamond, Ben Diamond,
Rachel Oliver

150 Second Avenue North, Suite 570
727-823-1400 | DiamondLawFlorida.com

Diversification Through Real Estate Investments

{Thank you to Annual Corporate Sponsor Team Borham at eXp Realty for the providing the valuable tips outlined in this article.}

Why Invest in Real Estate?

Real estate investing is a crucial strategy for wealth creation and financial security. Here are some compelling reasons and statistics that underscore its importance:

Ongoing Income: Real estate investments, especially rental properties, can provide a steady stream of income. This passive income can be a significant boost to your regular earnings.

Appreciation: Real estate is known for its ability to increase in value over time, a process known as appreciation. This potential for long-term growth is a key reason why many people invest in real estate.

Tax Benefits: Real estate investors can benefit from numerous tax advantages, including deductions for mortgage interest, property taxes, operating expenses, depreciation, and more.

High Return Potential: Real estate investing offers the potential for high returns, especially through strategies like buying, renovating, and reselling (often referred to as house flipping).

Diversification: Real estate can be a great way to diversify an investment portfolio, offering a tangible asset that can act as a hedge against market volatility.

According to the National Association of REALTORS®, about 28% of recent home buyers were investors. Moreover, a report by RealtyTrac, a real estate information company, revealed that 1 in every 17 homes sold in the United States in 2021 was bought by a small investor.

Real Estate Investors and the Housing Crisis

Real estate investors can significantly contribute to addressing the housing crisis in several ways:

Investing in New Supply: Real estate investors often finance new developments, thereby increasing the supply of housing units available for rent.

Revitalizing Older Properties: Investors frequently buy older, rundown properties and renovate them, making them suitable for habitation once more. This strategy improves the overall quality of the rental inventory and increases its quantity.

By Jeffrey Borham



Creating More Rental Inventory: By purchasing properties specifically for rental purposes, real estate investors increase the availability of rental homes. This is particularly beneficial in areas where demand for rentals is high.

Stimulating Economic Activity: Real estate investments stimulate local economies by creating jobs and generating income, which can indirectly help address housing issues.

Boosting Local Housing Markets: One study found that real estate investment can greatly contribute to the appreciation of homes in a neighborhood, indirectly benefiting homeowners in the area.

However, it's important to note that while real estate investors can indeed play a significant role in mitigating housing challenges, their activities need to be properly regulated to ensure they are contributing positively to the community.

In conclusion, real estate investing plays a significant role in wealth creation and financial stability for both individuals and businesses. With careful planning and strategic decision-making, it can offer substantial financial rewards.

As the owner of Team Borham at EXP Realty, I have spent many years in the real estate industry, both as an investor and a guide for others looking to enhance their wealth through strategic real estate investments. My expertise ranges from advising new investors on where to begin, to assisting established investors in diversifying or improving their portfolios.

My team is well-equipped to conduct thorough market research and provide insights tailored to your specific investment goals. Understanding the market landscape is fundamental in making informed investment decisions. We are always ready to arrange a lunch or coffee meeting to discuss how we can support your personal and your clients' real estate needs.

Over the years, I have cultivated strong relationships with reliable affiliates, streamlining the entire investment process for clients. This allows my clients to focus on their main occupations while their investments work diligently for them. If this piques your interest, feel free to get in touch. We look forward to potentially collaborating with you.

We Are St. Pete Bar ~ Keeping it Local Since 1925!
Need a Trusted Partner for Your Business Needs?
Contact a St. Pete Bar Sponsor!

ACCOUNTING/FORENSIC/TAX SERVICES

McClanathan, Burg & Associates, LLC
C. Todd Burg, CPA
727-894-1040—todd@mbacpallc.com

BANKING

The Bank of Tampa
Tim Mann, Market Director
727-502-8403 — tmann@bankoftampa.com

Climate First Bank
Matt Miller, Sr. Vice President
630-383-1483 – matt.miller@climatefirstbank.com

CIVIL ENGINEERING & SURVEYING

George F. Young, Inc.
Bill Kent, President
727-822-4317, ext. 1238 - BKent@georgefyoung.com

COURT REPORTERS/VIDEOGRAPHERS

Executive Reporting Service
Diane Emery, CEO— 727-823-4155
demery@executivereporting.com

Huseby Global Litigation
Lynette Reynolds - 813-582-5325
lreynolds@huseby.com

DUE DILIGENCE/THREAT INTELLIGENCE

Divine Intel
Natasha Cox, President/Founder
813-937-9371 - info@divineintel.com

FINANCIAL ADVISING

Funsch Wealth Group/RBC Wealth Management
Mike Funsch, Vice President
727-502-3668
Michael.Funsch@rbc.com

Westshore Financial Group
Aaron Komarek - 813-391-6656
aaron.komarek@westshorefinancial.com

HOME HEALTHCARE

EasyLiving FL
Alex Chamberlain, Owner — 727-447-5845
akc@easylivingfl.com

INSURANCE

Wallace, Welch & Willingham
Ken Jones, Business Development Coordinator
727-522-7777— kjones@w3ins.com

IT SUPPORT

Vine IT
Michael Thackrey, CEO
727-710-4887— mthackrey@vineit.com

**LAB TESTING (GENERAL HEALTH,
DNA, DRUG & ALCOHOL TESTS)**

Any Lab Test Now
Brittney Roy, Owner
727-513-2305 - broy@anylabtestnow.com

LEGAL RESEARCH

LexisNexis
Mark Crockett, Account Executive
813-390-7304
mark.crockett@lexisnexis.com

**MALPRACTICE/PROFESSIONAL
LIABILITY INSURANCE**

FirmPro from C & R Insurance
Matthew Read - 800-637-7543
firmpro@crinsurance.com

**MEN'S AND WOMEN'S
CUSTOM CLOTHIER**

BeSpoke Custom Clothier
Erin Wamboldt - 813-545-2700
ewamboldt@bespokeandcofl.com

REAL ESTATE

Right Turn Realty, LLC
Tahisia Scantling - 727-688-5659
tahisia@rtturnrealty.com

Team Borham – Team eXp Realty
Jeff Borham - 727-510-0187
jeff@jeffborham.com

RECORD MANAGEMENT SERVICES

Stevens & Stevens Inc.
727-573-3900
www.ssbrm.com

TITLE SERVICES

Landguard Title Services
Bryan Linn, Closer
727-568-8400 - blinn@lgtitleservices.com

TRAVEL AGENCY

Inspiring Quests Travel Agency
Devika Srivastava, Owner
513-515-9160 - devika.sr@gmail.com

WEBSITE DESIGN

SkyWay Media
Jeremy Cocomise
727-317-6826— jeremy@skyway.media

Coffee Collaboration Corner

On the first Tuesday of October, the St. Petersburg Bar Association (SPBA) enjoyed its first monthly Coffee Collaboration, hosted by Law Practice Management Section Chair Doug Jackson at Karma Juice Bar.

Coffee Collaboration provides an opportunity for lawyers to come together and collaborate about business successes, challenges, and potential solutions. It's an informal, safe, and non-judgment environment, that offers a collaborative and interactive way to better your business. Held on the first Tuesday of each month, you can't get better information about running your law practice than by attending a Coffee Collaboration meeting—designed to foster collaboration not competition.

The first meeting had a strong attendance including, SPBA President Ryan Griffin, Judge Steve Berlin, Law Practice Management Chair Doug Jackson, SPBA Past President Jim Thaler, YLS Vice President Anthony Nunnally, SPBA Past President Bill McQueen, David Meiser, Divine Intel CEO Natasha Cox, and, SPBA Executive Director, Melissa Byers. Topics discussed included the following:



By Doug Jackson



- Recent “wins”/success personally and professionally
- The myth that referral fees can only be given in contingency / personal injury law
- How to counterbalance a new LegalZoom referral initiative that will take a cut of referral fees
- When it's strategic to not ask for a referral fee
- Ways to motivate yourself to do a difficult motion or task and when to refer it to a paralegal or associate to help get you started
- Time blocking for task management to conquer one or two big tasks per day
- Customer service is key to client satisfaction
- Setting realistic expectations for clients to ensure happy clients
- Good relationships grow good businesses
- Fees range from flat fees to \$500 per hour in just our small sample size, but fees seem to be much larger outside of the St. Petersburg market
- Importance of increasing compensation rates based upon market fluctuations
- Understanding that lawyers who keep their rates low inadvertently cap other attorneys both in and outside of their firm

The enlightening topics led to a collaborative and free-flowing discussion. Natasha Cox, an annual corporate sponsor, was also a great collaborator and gave ideas about business from a non-law perspective, which broadened the knowledge of the lawyer participants. Cox stated that she just intended to stop by, but stayed for the entire time because this event “was pure gold.”

Big firms have boards and committees, but smaller practitioners find themselves on an island. This is no longer the case with the St. Pete Bar's Coffee Collaboration, every first Tuesday of the month. Let our collaboration be your board, as we troubleshoot problems and grow our businesses. We'll see you November 7th at 8am! Sign up on the bar the calendar today!



Your local court reporters
Whether your settings are live or via
video conference, Executive Reporting
is here to serve you with two locations
in Pinellas County.

13555 Automobile Blvd., Suite 130, Clearwater, FL 33762
4699 Central Avenue, St. Petersburg, FL 33713

Proud Sponsor of the St. Petersburg Bar Association

Let Our St. Petersburg Criminal Defense Attorneys
Defend Your Future



RATED BY
Super Lawyers®
Lucas Fleming
SuperLawyers.com

Helping the Arrested, Accused & Addicted for Over 25 Years

727.323.4020 | www.fleminglawgroup.com

2701 Fifth Avenue North St. Petersburg, FL 33713

MORGAN & MORGAN®



MORGAN & MORGAN®
AMERICA'S LARGEST INJURY LAW FIRM

DIAL #LAW | FORTHEPEOPLE.COM
Offices St. Petersburg and throughout FL

**LEADING
FLORIDA
FORWARD**

As Florida continues to grow,
so does Gunster.

We are solidifying our
reputation as Florida's law firm
for business by deepening and
diversifying our statewide
capabilities.

And we are serving as leaders
in our home communities,
while serving the needs of our
business clients who call
Florida home.

Gunster. Statewide and state wise.



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Gunster.com | 800.749.1980



Honoring PFAWL Veteran Members and Upcoming Events



By Jovita Kravitz

Fall has been a busy time for the Pinellas County Florida Association of Women Lawyers (PFAWL)! On August 26, we had a very successful self-defense workshop for our members at The Forge Fitness and Martial Arts. PFAWL also held a free CLE called *Connection Over Conflict: How to Negotiate Across the Aisle*. Our annual Membership Drive social was held on September 27 at Luna Lux at the Hilton Carillon. On October 26, we had our annual Shrimp Boil, hosted by longtime PFAWL member and Treasurer Elise Winters.

of our members whose house was completely destroyed by fire during the storm may be made by visiting <https://www.gofundme.com/f/oxalis-burned-house-relief-funds>.

FAWL Lobby Days

PFAWL members are also passionate about advocating for women's rights throughout the state. One recent exemplary product of our efforts in this regard was the opening of two Lactation Rooms at the Pinellas County Justice Center on November 1, 2023. We are working on furnishing the rooms, and we invite you to scan our QR code (available on PFAWL's social media) to view the Amazon Wishlist if you'd like to contribute, or you may contact Joann Burnett at joann@glissonconsulting.com for more information.

PFAWL also recently hosted a webinar on October 13 about FAWL Lobby Days, which provided an overview of FAWL's legislative efforts in Tallahassee. FAWL Lobby Days are typically held in March and include CLE programming as well as meetings with legislators and staff. To learn more, please email Joann Burnett, PFAWL Lobby Days Chair 2023-24, at joann@glissonconsulting.com.

Upcoming Events

If you missed these recent events, there are still opportunities to get involved and join us before year's end. On November 8, 2023, PFAWL is partnering with Tampa Bay Women Certified Public Accountants, the Society for Women Engineers, and the Hillsborough Association for Women Lawyers for its annual ABLE (Accountants, Bankers, Lawyers, and Engineers) reception. The event will be held at the Centre Club, 123 S. Westshore Blvd. in Tampa from 5:30 to 7:30 p.m. Additionally, PFAWL is planning a community service event on November 30 at the Ronald McDonald House by serving dinner to residents there, along with a toy drive.

You can follow us on social media or contact us at pfawlsocialdirector@gmail.com to keep an eye out for more dates and details. We look forward to seeing you soon!



Honoring Our Veterans

Examples of past and current conflicts around the world serve as a sobering reminder of how fragile democracy is and how critical the U.S. military is in defending our country and protecting the freedom of all its citizens. In honor of Veterans Day, PFAWL would like to acknowledge and express our gratitude to our members who have served in the United States Armed Forces. These include The Honorable Diane Croff, Sixth Judicial Circuit, Pinellas County Court Judge, who served on active duty with the U.S. Coast Guard as a JAG with the Maintenance & Logistics Command Atlantic, a military defense attorney with the Naval Legal Service Office in Norfolk, VA, and a Special Assistant U.S. Attorney in Tampa, FL. After leaving active duty, Judge Croff continued to serve as a judge advocate in the Reserves, including as a military judge, until retiring in 2022.

Additionally, PFAWL supporter Honorable Steve Berlin, Sixth Judicial Circuit, Pinellas County Family Law Judge in St. Petersburg, served as a Lieutenant Colonel for the United States Army JAG Corps.

Helping Hurricane Idalia Victims

Please consider supporting our members who were severely impacted by Hurricane Idalia. Donations for one

CLASSIFIED

Office space available. Two large executive offices with personal bathroom and two large clerical offices. Can be subdivided. Furnished or Unfurnished. Use of conference room included. Reception services available. Space for signage. Located at 2101 5th Ave North, off I-275. Plenty of parking. Call Michele at 727-323-8886.

Jovita Kravitz is a partner at Kravitz Law Group, P.A., representing plaintiffs in personal injury and medical malpractice matters in Florida and Massachusetts. Jovita serves as a board member and secretary of Community Law Program, which provides pro bono legal services for the underserved residents of South Pinellas County. She is also active in the St. Petersburg and Clearwater Polish communities. Jovita may be reached at jovita@kravitzlawgroup.com.

I'M WITH THE BAND




MANDARIN MEET UP 50% DISCOUNT EVERY THURSDAY MANDARIN HIDE 5:30-8PM

This is not a hosted event. Show up any Thursday and connect with fellow bandmates (bar members!).

**Begins 10/5/23
Pull up your bar member profile on your phone and show to bartender*

Join us to connect, increase referrals, provide mentorship, and blow off some steam!



MID-WEEK MIXERS TROPHY FISH 5:30 - 8PM

SEPTEMBER 20, 2023
JANUARY 24, 2024
MARCH 27, 2024
MAY 15, 2024 - 99TH ANNIVERSARY!

FREE for St. Pete Bar Members

Board Certified Appellate Team

Allow our appellate experts to assist you with all of your appellate and trial support needs



Amy L. Dilday



Courtney L. Fernald



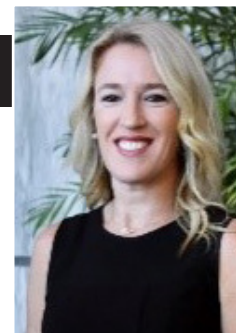
Nicole R. Ramirez



Englander Fischer, LLP
721 First Avenue North St. Petersburg, FL 33701
727-898-7210 eflegal.com

10 Factors to Help Maximize Financial Success

{Thank you to St. Petersburg Bar Association Annual Sponsor, Westshore Financial, for submitting the valuable tips below.}



By Aaron Komarek and Cynthia Stenberg

Rate of Return vs Savings Rate...which is more important to your financial success?

While rate of return garners more attention especially in the media, your savings rate can have the biggest impact on your financial wealth. Generally, one should have a goal of saving 20% of gross household income to replicate your income in retirement.

Investing...where is the best place to put your money?

While there is probably no one best answer or plan for everyone, investing should be geared toward the long game and consist of a well-diversified portfolio. One of the biggest reasons people do not achieve the returns they expect is investor behavior. People often jump in and out of the market causing them to miss the greatest periods of returns.

Is being fully protected a priority in your overall plan?

If proper protection is not in place, even a well-diversified plan can crumble if one loses the ability to make an income. Working to have full protection from all the threats to your income is a critical factor in achieving your financial goals. Are you protected from three of the biggest threats: death, disability, and lawsuits?

How are you protecting your largest asset?

For most people the ability to earn income over a period of years will be their largest asset. If you lose your income, how would you manage your lifestyle? There are ways to help protect your income so that life can continue as normal. One either protects an asset with one's wallet or with insurance.

Are you tax diversified?

When discussing diversification most people understand or focus on risk diversification. However, equally important is making sure you have assets that are tax diversified. Consider having tax deferred assets, tax advantaged assets, and potentially income tax-free assets. This diversification helps provide flexibility to access funds from the best option in any tax environment.

Do you have liquidity diversification?

You should have enough easily accessible money (saved or invested) that you can access should you need cash fast. Not only is this important for the unforeseen emergency but equally important for situations that arise where you could take advantage of creating even more wealth, such as buying into an equity partner position, a real estate opportunity, or any other growth event.

What's the best plan for debt... should you pay it down as fast as possible?

The answer is not as simple as some might think. Certainly, high interest rate debt should be addressed immediately. But what

about other debt like student loans and mortgages? Often it may make sense to extend the terms and make minimal payments to maximize monthly cash flow. That additional money could then be used somewhere else that could provide a greater benefit rather than stretching yourself thin to pay the debt down so quickly.

Buy Term and invest the rest...Is this the appropriate strategy?

A tool used improperly or in the wrong situation will not work effectively. Like tools, there are many financial vehicles available that can be beneficial in specific situations. Term life insurance can provide a large death benefit for a relatively low cost that can help protect one's family during their working years. On the other hand, the proper type of permanent life insurance can provide a death benefit for one's entire life while accumulating tax advantaged growth within the policy instead of the dead cost of term insurance.

Should you max out your 401k?

People are often told they should max out their 401k to prepare for retirement. However, there are several considerations to account for before implementing such advice. Issues like liquidity, alternative vehicles that may provide better opportunities, and maybe the biggest concern, future tax rates. Do you think taxes will be higher or lower in the future? If your answer is higher, why would you take a tax break now, in a low tax environment, only to pay higher taxes in the future?

Does your retirement plan provide you with the greatest income?

The commonly accepted plan in retirement planning is to withdraw and live off the gains from your portfolio each year (known as the 4% Rule). Implementing this plan will require you to pay the greatest amount of money in taxes, provide very little flexibility, and offer minimal protection or stability to your portfolio. Alternatively, through proper structuring of assets, you work to be able to withdraw more retirement income, pay less in taxes, take less risk, and be better protected.

Aaron Komarek and Cynthia Stenberg serve as financial representatives for Westshore Financial. Aaron can be contacted at Aaron.Komarek@westshorefinancial.com. Cynthia can be contacted at Cynthia.Stenberg@westshorefinancial.com

This material is intended for general public use. By providing this content, Park Avenue Securities LLC and your financial representative are not undertaking to provide investment advice or make a recommendation for a specific individual or situation, or to otherwise act in a fiduciary capacity. Guardian, its subsidiaries, agents, and employees do not provide tax, legal, or accounting advice. Consult your tax, legal, or accounting professional regarding your individual situation.



2023 WILD WEST BENCH & BAR-B-QUE

Stetson University College of Law 1401 61st Street South Gulfport, Florida

Friday, November 17, 2023 🌵 High Noon - 5:00pm



Western Wear Raffle

Attendees wearing western attire (boots, flannel, hats, and/or bandanas) will be entered to win a \$50 gift card & gift basket!



Don't miss this opportunity to connect with over 200 attorneys and judges!

- Indoor/Outdoor Bar-B-Que
- Plenary Session with The Florida Bar President Scott Westheimer & 6th Circuit Chief Judge Shawn Crane
- 10 Afternoon Breakout Sessions
- End of the Day Cocktail Reception (5-7pm)

Breakout Sessions

Civil
Criminal
Family
Probate
Paralegal

CLE Credit Pending: 3.0 General
0.5 Technology
0.5 Professionalism
0.5 Mental Health
1.0 Ethics

2.0 Certifications: Wills/Trusts/Estates
Criminal Law
Family Law
Civil Trial

YOUR TRUSTED LEGAL PARTNERS

For 65 Years!



BATTAGLIA, ROSS
DICUS & McQUAID
ATTORNEYS AT LAW



Andrew Pardun

Aubrey Dicus

Sean McQuaid

Caitlin Szymatowicz

Howard Ross

Jonathon Douglas

Hunter Rawls

Robert Kapusta

👁 Business & Corporate 👁 Criminal Law 👁 Estate Planning 👁 Litigation 👁 Personal Injury
👁 Property Damage 👁 Real Estate 👁 Will, Trust & Probate

5858 Central Ave, Suite A, St. Petersburg, FL 33707 • (727) 381 - 2300 • www.stpetelawgroup.com



The mission of the St. Petersburg Bar Foundation is to fund, develop and promote efforts which enhance the legal profession and encourage better public understanding of and access to the judicial system.

Introducing Annual Corporate Sponsorship Packages

The Benefactor Sponsor \$5,000
Industry Exclusive Sponsorship for all events

The Community Supporter Sponsor \$2,500
Sponsorship for 3 events of your choosing

The Networker Sponsor \$1,000
Sponsorship for 2 events of your choosing

Our annual events include Liberty Bell Celebration/Heroes Among Us, Professionalism Seminar, and Holidays in July in addition to other networking events. Become an Annual Corporate Sponsor and learn more about the sponsorship tiers by visiting our website via the QR code.



Bourbon Tasting

Join us for a Bourbon Tasting on November 3rd! Tickets are limited. More information can be found using the QR code.

Professionalism Seminar

Be on the lookout for our next Professionalism Seminar early 2024! Stay up to date by becoming a member and subscribing to our email list using the QR code.

Follow us on social media to stay informed about upcoming events, sponsorship opportunities, and chances to volunteer!



stpetebarfoundation.org

BECOME A MEMBER

...

**RENEW YOUR
MEMBERSHIP**

...

LEARN MORE





ZINOBER DIANA & MONTEVERDE

INSURANCE DEFENSE | COMMERCIAL LITIGATION
CONSTRUCTION & REAL ESTATE LAW

"Zinoberto Diana Monteverde P.A. has been named a Tier 1 firm in St. Petersburg for Commercial Litigation by U.S. News – Best Lawyers® "Best Law Firms" in 2022."

ST. PETERSBURG ■ TAMPA ■ FT. LAUDERDALE
(727) 498-2244
www.ZinobertoDiana.com



The Florida Appellate
Firm, P.A.

"YOUR APPELLATE PARTNERS"

- Florida Bar Board Certified in Appellate Practice
- 60 Years of Appellate Experience Collectively



Tele: (844) APPEALS — www.844APPEALS.com
Brandon S. Vesely, B.C.S. – Founding Member
Shannon L. Troutman, Esq. – Senior Associate
Robert "Bob" Biasotti, B.C.S. – Of Counsel

Celebrating 20 years in practice...

*a career dedicated to exclusively helping
injury victims and their families.*

- MEDICAL MALPRACTICE
- PERSONAL INJURY
- WRONGFUL DEATH
- LEGAL MALPRACTICE



GREGORY HOAG LAW

WWW.GREGORYHOAGLAW.COM
GHOAG@GREGORYHOAGLAW.COM
727-498-5337



I'M WITH THE BAND



This year's theme - **"BYB - Build Your Brand, Build Your Business, Build Your Bar!"** celebrates our 99th year ("Party Like It's 1999!") and encourages members to unleash their inner rockstar!



"I'm with the Band"

Law Practice Management Networking

- **1st Tuesday of the month**
- **Hosted by Rockstars** - LPM Section Chair Doug Jackson and Vice-Chair Shannon Zetrouer
- **Discussion Topics** - Current Challenges Facing Firms, Seasons of Your Law Profession Journey, Increasing Referrals



JAM SESSIONS
OCTOBER 3, 2023
NOVEMBER 7, 2023
DECEMBER 5, 2023
FEBRUARY 6, 2024
MARCH 5, 2024
APRIL 2, 2024
MAY 7, 2024



▶▶ **8am-9am**

▶▶ **Karma Juice Bar**
490 1st Avenue South

▶▶ **St. Pete Bar**
Members Only



**ANYLABTEST
NOW**

NEED RESULTS YOU CAN TRUST TO HOLD UP IN COURT?

LOOK NO FURTHER!

WE OFFER TESTING FOR GENERAL HEALTH,
DRUG & ALCOHOL, DNA, & MORE.

WALK-INS ARE WELCOME. NO APPOINTMENT REQUIRED.

**DON'T FORGET, YOU CAN ALSO
VISIT US FOR YOUR PERSONAL
HEALTH TESTING NEEDS.**

LET US KNOW YOU'RE A ST. PETE BAR
ASSOCIATION MEMBER AND RECEIVE 10% OFF.

**WANT MORE
INFORMATION?**



M-F: 7:30AM-5PM • SAT: 9AM-1PM • (727) 513-2305
6812 22nd Ave N, St. Petersburg, FL 33710



Residential | Luxury | Probate | Family Law
REAL ESTATE EXPERTS

**JEFF
BORHAM**

Probate Real Estate

SUCCESS

DURING HEAVY TIMES WE DO THE LIFTING

We know how strenuous probate real estate transactions can be.
Allow us to ease the process with our professional team and expertise.



Experience

Over 100 probate
properties sold since 2013
and we are averaging only
5 days on the market YTD



Partnership

You will have a partner
you can trust throughout
this process. We value
your time and your client.



Comprehensive

We will handle every part of
the listing process, from
marketing to property
renovations, and much more

Clients choose us!

With over 1,500 families served and over 500 Google reviews, we are the go to real estate
team in the greater Tampa Bay area for a Five Star client experience.

TeamBorham.com • 866 - 308 - 7109



Did you know?

2 out of 3

cyber attacks are directed
at **small businesses.**

The bottom line is:
You're at risk.



Contact **Manny Carmona** today to see
how you can protect yourself with cyber
coverage from W3 Insurance.

mcarmona@w3ins.com
727.522.7777 ext. 143 | w3ins.com

W3 INSURANCE
Home | Auto | Boat | Life | Business | Health

FIRMPRO™
From C&R Insurance Services, LLC

FirmPro offers a discounted rate on lawyers
malpractice insurance to attorneys with
26 billable hours or less per week!



FirmPro Representative Matt Read hanging out with
President-Elect Hutch Pinder at the holiday party

Work smarter, not harder

Register your E&O effective date at
www.insuringlawyers.com/registerxdate/
and Matt Read will be in touch 60 days before!

BACKSTAGE VIP PASS VIP

This year's theme - **"BYB - Build Your Brand, Build Your Business, Build Your Bar!"** celebrates our 99th year ("Party Like It's 1999!") and encourages members to unleash their inner rockstar!

"Backstage Pass"

Young Lawyers Section Socials

- **Hosted by Rockstars** - Young Lawyers Section President Katharine Haddad and Vice President Anthony Nunnally
- **Connect at Rockin' Venues!**



September 28, 2023



November 2, 2023



February 1, 2024



April 11, 2024



6pm-8pm

**St. Pete Bar
Members Only**

VIP



Experience



A NEW ERA IN LEGAL RESEARCH

Lexis+™

- Practice with confidence with the leading data-driven insights
- Answer legal questions quickly and easily
- Experience unprecedented efficiency with the seamless integration of legal workflows

See why Lexis+™ is Florida's top choice for legal research—let's talk.



Mark Crocket
 Florida Account Executive
 813-390-7304
mark.crockett@lexisnexis.com

Well Suited has recently joined with



Custom Clothier
for
Men and Women



Schedule an appointment with Erin today to see our extensive collections to help you create a wardrobe well-suited to you.

Erin Wamboldt

813-545-2700

EWamboldt@Bespokeandcofl.com

WWW.BESPOKEANDCOFL.COM

WE ARE
AVAILABLE
24/7
TO HELP!



HOME CARE & CARE MANAGEMENT
Experts in Aging Wisely

**Do your clients ever turn to you
for advice on issues in aging?**



Locally Owned Senior Care Experts for Over 22 Years!

Elder Law Attorney & SPBA Member Linda Chamberlain & son Alex Chamberlain

For over 22 years, we have provided **care management** and **home care** services 24/7 to help your clients.

Thank you for trusting us, we appreciate your referrals.



Improving quality of life



Reducing their risk such as falls, medications errors, & financial exploitation



Easing the family, caregiver, & professional burden

You Care. We Care.

CONTACT US FOR A
FREE CONSULTATION

727.447.5845

www.EasyLivingFL.com

Our Caregivers are Credentialed,
Background Checked, & Insured -
including Worker's Comp!
No contractors!

Pinellas/Pasco: #299992282
Hillsborough: #299994823

DIGITAL MARKETING

WEBSITE DESIGN & DEVELOPMENT

BRANDING & GRAPHIC DESIGN



SEARCH ENGINE OPTIMIZATION

PAID ADS MANAGEMENT

WWW.SKYWAY.MEDIA



Committed to the St. Petersburg Bar Association

Staffed with bankers who have deep roots in the Pinellas County market, our bank's focus for over 38 years has been to serve owner-managed businesses, professional firms, and families that want a strong, local connection with their bank and banker. Come grow with us.

727.502.8406
thebankoftampa.com

200 CENTRAL AVE | ST.PETERSBURG, FL 33701

