



INTER ALIA

MAY/JUNE 2015

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION

POLITICAL ACTIVISTS AND “DIFFICULT PEOPLE”

By Philip E. Perrey, Esq.



I'm on my soapbox today. All of us encounter people whose behavior we find difficult. Many of us are difficult ourselves, at least at times!

As a board certified real estate lawyer, most of my law practice is focused on real estate and business law matters including closings, title insurance, 1031 exchanges, formation of business entities and the sale or purchase of

business assets.

One of my clients is the West Coast Inland Navigation District (WCIND), a local taxing authority. It operates and maintains the Intracoastal Waterway (IWW), and assists member counties with projects involving navigable waterways throughout the region.

As general counsel for WCIND, some of the most difficult people I encounter are public “activists” whose toxic speech, serial public records requests and associated behavior amount to borderline harassment. There are some people who, at least some of the time, do not behave rationally, sensibly, and certainly not nicely.

Over time, I have brought different ideas to bear on the problem:

- Keep non attached – don't be sucked in by the hostile speaker.
- Use computer mode of speaking – non personal and neutral.
- Reduce tension, for example, by using “I” messages (“When you yell, I feel upset because real communication is shut down.”)

One common recommendation is to try lower key responses first, only taking stronger stands if necessary. For example, Paul Hauck, in *How to Cope with People Who Drive You Crazy* (1998), has three “rules of assertion.” First is to respond to good behavior with your own good behavior. Second is to respond with bad behavior with reasoned argument. Third is that if reasoning doesn't work on the first two occasions, then you should respond with something equally annoying – such as noncooperation – but without anger, guilt, pity, fear of rejection or harm.

Most challengingly, for some people and some behaviors, it seems like nothing works. There is no doubt that some people's behavior is striking and persistent and very difficult to handle. Some people seem to act on impulse with no regard for the feelings of others nor the consequences for themselves, and have no guilt about the harm they cause.

For smaller local government entities with limited resources, the question needs to be asked about how much time and resources can the entity expend on helping the difficult person. At a recent WCIND board meeting, during the public comment period, a citizen activist yelled and ranted, demanding that certain information be posted on WCIND's website. He asserted (incorrectly) that WCIND

is required to meet his demands based on a provision in the Florida Statutes (a provision that did not apply to WCIND).

At the end of the meeting, WCIND board members instructed staff to post the information on WCIND's website even though WCIND was not required to do so. I sat there thinking that if only the citizen activist made a polite request, he would have obtained the desired result without all the drama.

If you have discovered how to respond to difficult people in an effective fashion, please forward any comments or suggestions. I am still searching

Philip E. Perrey, formerly a shareholder of Greene Hamrick Quinlan & Schermer, P.A., writes this article in part to inform association members that reports of his retirement are premature. He is Of Counsel at the firm formerly known Greene Hamrick Perrey Quinlan & Schermer, P.A.

NEXT MEETING

Annual Meeting of the Association

Wednesday – June 24, 2015

11:45 a.m. – Pier 22

Election and Installation of Officers & Directors
Presentation of the 17th Annual Community Service Awards
Presentation of Manatee Bar Assn. Pro Bono Service Awards

Members please note:

There are NO Bar meetings during July or August.

Save the Date!

Grand Reopening of the Historic Courtroom

Wednesday, July 15, 2015 at 11:00 a.m.

Manatee County's original courtroom has been restored to its 1913 grandeur. Witness its reopening and be part of its new history.



Invitations to follow in June

Manatee County Historic Courthouse, 2nd Floor
1115 Manatee Avenue West, Bradenton, FL 34205

Report from The Florida Bar Board of Governors

F. Scott Westheimer

12th Circuit Representative



There have been multiple Board of Governors meetings since my last article, so there is a lot of news to report. However, before I do so, I want to again congratulate **Andrew Boyer** for receiving the 2015 Florida Bar President's Pro Bono Award for the 12th Circuit. Andrew and his family were at the ceremony at the Florida Supreme Court on January 29th to receive the award from the full Court and it was a wonderful event. I just want to

personally thank Andrew again for all his hard work on Pro Bono activities for our Circuit. The major Board of Governors action at the meetings included:

In December, the Board of Governors repealed the guidelines on using past results in indoor and outdoor display, radio, and television advertising. This action came after a federal judge issued an injunction against enforcing the guidelines saying that they would violate the First Amendment (Case No. 14-CIV-20786-BLOOM/Valle), and the Bar received a public opinion survey which showed consumers are skeptical of and not misled by past results. These ads, however, must still comply with the Bar rules and must still be objectively verifiable and make no material omissions. The Board's actions do not change the latest version of the advertising rules which were adopted by the Florida Supreme Court in January 2013.

The new Practice Resource Institute (PRI), a free online service for Florida Bar members, (which went live on February 1) was previewed. The PRI will provide assistance in practice management, marketing, firm management and technology, and resources for setting up new practices. Another feature will be a live chat with an advisor and there will be a directory of discounted member benefits for technology and financial assistance. This should be a

very user friendly tool for lawyers and law firms to help manage their practice.

An amendment to the comment to Rule 4-5.8 was approved. This rule governs the duties of lawyers and law firms to contact clients when a lawyer leaves a law firm or a law firm breaks-up. The comment addresses how, and which, clients must be informed of changes in a firm and provides that such communications must be reasonable in timeliness and nature. The amendment will be submitted to the Supreme Court for its approval.

The Board also continues to be updated on the progress of Vision 2016. In December, a report was given by John M. Stewart, (Vision 2016 Technology Chair), President Coleman, and President-elect Abadin which highlighted the immediate challenges members of the legal profession face from the increased availability of legal services and legal forms by online providers. The Vision 2016 Commission continues to complete its work in legal education, bar admissions, technology and access to legal services.

In January, Chief Justice Jorge Labarga spoke to the Board about the new Florida Commission on Access to Civil Justice and the importance of involving the business community and others in the legal access issues. He also stated a priority for the court in this year's legislative session is increasing judicial branch pay. The Justices also joined the members of the Board in a review of issues involving the legal profession (areas being studied by Vision 2016), including a reduced demand for lawyers, online document companies seeking to serve people who can't afford lawyers, growing numbers of self-represented litigants, non-lawyers providing legal services, a uniform bar exam, the status of legal education, and alternative business structures, including non-lawyers having an interest in law firms. The Board of Governors did not debate these issues as this was just an informational session concerning what is occurring throughout the country. Some of the statistics shared were

(Continued on pg. 10)

2015 SLATER AWARD PRESENTED TO

BRETT D. MCINTOSH

The 2015 Jim Slater Award for Professionalism in Criminal Law was presented to attorney **Brett McIntosh**. The award, presented at the MCBA Law Day Luncheon by Judge Diana Moreland on behalf of the Judges of the 12th Judicial Circuit Court, honors an attorney specializing in the practice of criminal law who exemplifies the qualities that made Slater one of the most respected attorneys in the Circuit. Those qualities include proficiency as a lawyer/advocate, a demonstrated concern for the client, sensitivity to the ethical issues confronting the criminal lawyer, courtesy to opposing counsel, victims, defendants, witnesses, and candor to the Court. Past recipients include Elliot Metcalfe, Adam Tebrugge, Jim Dirmann, Bruce Lee, Liane McCurry, Carolyn Schlemmer, Peter Belmont, Rebecca Wilson & Brian Iten.



Brett McIntosh accepts congratulations from Judge Diana Moreland and Judge Charles Sniffen.

LAW DAY 2015

CELEBRATING 800 YEARS OF HISTORY

As Bar meetings go, Law Day 2015 was among the most colorful, educational and entertaining of meetings, generously sponsored for the 6th year by BMO Harris Bank. We were honored once again to hear from Dean Michael Allen of Stetson College of Law. Bar members and guests heard some interesting back stories of the days

of Magna Carta and its relevance to us today. Congratulations to all the students of history who prevailed at Magna Carta Jeopardy, winning some great prizes for retaining so much historical trivia.

Long live the King!



Judge Gilbert Smith, Jr., Dean Michael Allen, Andrea Johnson, Rep. Jim Boyd, Janelle Esposito, Board of County Commission Chairman Betsy Benac



Members of the Saramana Chapter of Sons of the American Revolution were on hand to present the colors.



Members of the Law Day Planning Committee express appreciation to luncheon sponsor **BMO Harris Bank**

L. to R. Steele Williams as Alex Trebeck, Scott Rieth as King George, Jennifer Zavadil, VP Retail Banking Manager with BMO Harris, Judge Susan Maulucci, Andrea Johnson, Janelle Esposito, Sean Flynn



Patrick Bryant, Judge Janette Dunnigan, Janelle Esposito, City of Palmetto Mayor Shirley Bryant, Judge Susan Maulucci



Manatee Bar President Jeff Goethe with Sarasota Bar President Doug Cherry

Java with the Judges 2015



A Young Lawyers Division grant from The Florida Bar allowed all these judges, young lawyers and court personnel to enjoy coffee and breakfast with a side of collegiality, perfectly suited for a sunny Friday morning on the top floor of the Manatee Judicial Center. Thank you to the law firm of Tilden, Prohidney & DiPasquale for coordinating the event.





20 Years....

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The Beach and the Bench and the Bar

Twenty years of traditions were celebrated under clear blue skies, a cool breeze and with a perfect sunset at the 2015 Manatee Bar Beach Party. Some things just cannot be improved.

With appreciation to **Gateway Bank** for their second year as sponsors of the event, to the Grimes Family for their generous hospitality all these years, to **Carlson, Meissner, Hart & Hayslett** for bringing their ice cream truck and to the hard working Beach Party prep-cook-serve-clean up team for making it possible for Bar members and their guests to enjoy all the favorite traditions they have come to expect. Let's do it again next year!



The MCBA Young Lawyers Division

invites you to join them at the
Big Brothers Big Sisters of the Sun Coast 5th Annual Beach Bash

Coquina Beach - Gulf Side North Pavilion
Saturday, June 20, 2015 from 10:00am-2:00pm

The YLD received a grant from The Florida Bar to sponsor this event.

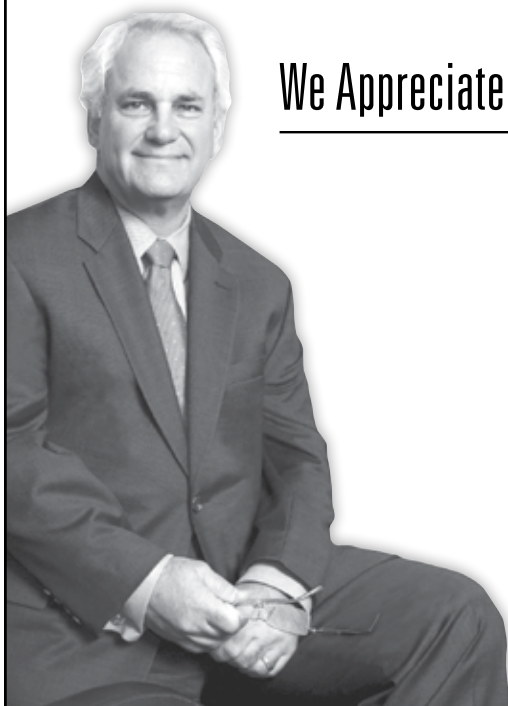
All members of the YLD are asked to join in the fun with Bigs, Littles and Ready to Be Matched Children for an end-of-year celebration!

It's a fun filled day of swimming and games that takes place RAIN or SHINE!



Questions? Contact Sierra Pino sierra@dinelaw.com
Please RSVP to Sue Revell at Sue.Revell@ManateeClerk.com by June 12, 2015.





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Board Member Recruitment Posting

Suncoast Center for Independent Living, Inc. (SCIL) is a non-residential, non-profit federally designated Center for Independent Living (CIL) that has been serving Sarasota and Manatee County residents with disabilities for 23 years. The Board of Suncoast Center for Independent Living, Inc. (SCIL) has one vacancy for a volunteer Board Member. The appointment will be for three year terms. Ideal candidate must be a Manatee County resident, possess a strong desire to help promote the vision of our organization and possess relevant knowledge of disabilities or possess a disability. At least 51% of SCIL's Board of Directors is comprised of people with disabilities.

If you have a positive attitude; a demonstrated record of working well with a board, community groups and staff, and possess the skills in any of the areas listed below, we ask you to submit your resume for consideration.

For more information on Suncoast Center for Independent Living, Inc. (SCIL) please visit our website: www.scil4u.org.

Forward resume to: Michael Fluker, Executive Director.

Suncoast Center for Independent Living, Inc. (SCIL)
P.O. Box 52649 Sarasota, FL 34232 or info@scil4u.org

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John M. Hament of Kunkel Miller & Hament was a featured speaker at the PACE Conference 2015 Where 'Every Voice Counts' in Charleston, South Carolina. Their topic was "Cutting Edge Labor Law Developments for PEOs and Their Clients". PACE is the Professional Administrative Co-Employers organization.

Hament and Jennifer Fowler-Hermes recently presented "Labor Law for Manufacturers Update 2015" to the Sarasota Area Manufacturers Association (SAMA). **Kunkel Miller & Hament**, with offices in Sarasota, Tampa, Apalachicola and Ft. Myers (satellite), is a labor and employment firm representing employers exclusively in virtually all industries, both private and public sector.

Welcome New Members

TRACY B. PRATT – B.A. - Eckerd College (2000); J.D. - Loyola University New Orleans College of Law (2007). Admitted to The Florida Bar in 2014. Ms. Pratt practices in the area of Criminal Law. 6928 – 26 Street W., Bradenton, FL 34207
Ph. (941)920-8815
tracybpratt@gmail.com

HAROLD L. (Tripp) SEBRING, III – B.A.- Florida State University (1989); J.D. – Stetson University College of Law (12/93). Admitted to The Florida Bar in 1995. Mr. Sebring is a solo practitioner in the area of Medical Malpractice (Plaintiff).

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The law firm of **Blalock Walters, P.A.** is pleased to welcome attorney **Jason H. Levy** to its Litigation practice group.

Levy's practice involves the litigation of business disputes, probate, estate and trust disputes, employment, and construction law related controversies. Jason represents individuals, developers, builders, retail stores, non-profit organizations, title companies, and other businesses. Levy earned his Juris Doctor from the University of Florida Levin College of Law in 2012 and a Bachelor of Science in Business Administration with a major in Finance from University of Florida in 2009.

Levy joins Blalock Walters from McConnaghay, Duffy, Coonrod, Pope & Weaver, where he practiced worker's compensation defense. Levy also served as summer associate at Fergeson, Skipper, Shaw, Keyser, Baron, and Tirabassi, P.A. in Sarasota, where he gained valuable experience in complex business litigation, construction litigation, real estate and commercial litigation.

"We are thrilled to have Jason Levy join our firm. With our growth in litigation, he will provide additional depth and support to better serve our clients," says Fred Moore, Blalock Walters' Business Litigation attorney.



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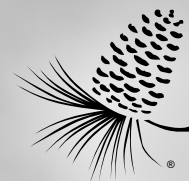
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(Report from the Florida Bar continued from pg. 2)

that 84.5% of law grads are employed, but only 64.4% are in jobs that actually require passage of any bar exam, and nearly 16% of grads are unable to find any employment. Also based on a recent Florida Bar member survey, 36% of Florida law firms consist of one attorney, 31% consist of 2 to 5 attorneys, 11% consist of 6 to 10 attorneys, 10% consist of 11 to 25 attorneys, and 12% consist of over 25 attorneys.

At the March meeting, the Vision 2016 Access to Legal Services Committee recommended amendments to the Civil Rules of Procedure and Rules of Judicial Administration to allow lawyers to provide some unbundled legal services, also known as limited scope representation or limited appearance representation, in civil cases. This is a practice currently available in other types of court cases, (specifically within the Family Law Rules). The recommendations will now go to the appropriate procedural rules committees for review. Limited scope representation is something other states have approved and in my opinion does allow improved access to justice for Florida citizens. The Florida Commission on Access to Civil Justice is also studying how unbundled legal services could increase access to civil justice.

The Vision 2016 Technology Committee is also working on a number of proposals including: establishing a Standing Committee on Technology to study and advise on law practice technology applications and a Board of Governors Committee to liaison with the Florida Courts Technology Commission; developing referral and document services to help lawyers gain new clients and to provide legal services for the 60% of Floridians who do not qualify for legal aid but cannot afford traditional legal services; and increasing continuing legal education and other requirements to include technology competence.

The 2015 - 2016 budget was also approved, which kept annual membership fees at \$265.00 for active members and \$175.00 for inactive members, without a dues increase. The Young Lawyers Division has designated May 2015 as "The Florida Bar YLD Health & Wellness Month" to coincide with National Mental Health Awareness Month and to start conversations on strategies for improving the quality of lawyers' lives. The YLD will post easy health and

wellness challenges daily on social media with specific tips, videos clips, and relevant articles.

In the legislative arena, the Florida Bar is tracking hundreds of bills of interest to the legal profession and is advocating for court system funding. As of the writing of this article, some of the Judicial Branches funding priorities are contained in the House and/or Senate budget proposals, and include: no reductions to the state courts system's operating budget; the Senate budget currently contains \$1 million for the Charlotte County Justice Center; both budgets contain funding for the 3rd DCA Courthouse security and ADA projects, and for 4th DCA Courthouse construction; and the House proposal contains \$2.9 million for case management services. At this time, the request for new judges is not in either budget and the budgets do not fund the trial court technology strategic plan. Updates on Florida Bar Section Committee Legislative positions are posted on the Bar's website with weekly session updates, bill tracking reports and other legislative information.

Finally, the 2015 Florida Bar Annual Convention is scheduled for June 24 - 27 in Boca Raton and will feature a one-day legal technology and innovation seminar on June 24 powered by Clio (one of the leaders in cloud based practice management software). The program "In Session: Transforming Practice Through Technology," will provide the latest on law and technology issues presented by world-class speakers, with the keynote address provided by legal futurist Richard Susskind. The topics including: practice in the post-information age; video technology; technology trends for law firms; virtual communication and collaboration; the paperless firm; digital marketing for law firms; entrepreneurship in law; and content marketing for lawyers among others.

As always, please contact me if you have any questions or need any help with any Florida Bar matters. Thank you.

*F. Scott Westheimer
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