



INTER ALIA

APRIL 2017

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION

The MCBA Board Membership Experience

By Marisa J. Powers, Esq.



You may have seen in the last *Inter Alia* that the MCBA was seeking nominations to the MCBA Board of Directors. I have been a board member for two years and have really enjoyed my time on the MCBA Board.

The past two years have been an eye opening experience for me. Prior to joining the MCBA Board, I had no idea the commitment of those serving on the Board and how much thought goes into planning membership meetings, CLE, and the social events. Furthermore, the Board is constantly brainstorming to come up with new ideas to make sure the MCBA members get the most out of their membership. I can tell you that there are great things to come for the members of the MCBA! The MCBA Board is a hard working board focused on making the MCBA the best it can be. As a board member, I have had the opportunity to get to know other members on a more personal level and some of these members are people whom I never come across in my day to day practice. So, the MCBA Board can be a great way to network and meet some other members of the MCBA.

Also, as a board member, I have had the opportunity to provide my perspective on issues and policies affecting the MCBA, as well as, the Strategic Plan of the MCBA over the next few years. The MCBA Board has been a great way for me to give back to my fellow attorneys and feel like I am making a difference in this great organization for years to come. As a board member, I have become more engaged in the MCBA. I made it a point to attend the membership lunches, the CLEs, and the social events of the MCBA, to the extent I could, and I can say that over the past two years, I have gotten so much more out of my membership in so doing. It really pays off to be an active member of the MCBA and being a board member really pushes you to engage in the MCBA.

In closing, I have gained so much over the past two years as a board member of the MCBA. The friendships I have made, the work I have put in, and the enrichment I have gained, are invaluable! So, if you did nominate yourself for a position on the MCBA Board, thank you! I promise, you will not regret it. If you would like to speak in more detail about being a member of the MCBA Board, or ideas you may have for the MCBA, please feel to contact me.

HIGHLIGHTS OF MARCH GENERAL MEMBERSHIP MEETING



(Left to Right: Senator Lisa Carlton, President Andrea Johnson, Professor Mary Adkins, President Elect Paul Grondahl)



The MCBA was excited to host Professor Mary Adkins, who teaches Advocacy and Legal Writing at the University of Florida Levin, College of Law. Professor Adkins did a remarkable job bringing members up-to-date with the history, and people involved, with the 1966 Constitution Revision Commission, as written in her book, *Making Modern Florida*. The event can be viewed on www.metvweb.com

**THERE IS NO MONTHLY MEMBERSHIP
LUNCHEON THIS MONTH!
SEE YOU MAY 31st!**

MCBA Seeks Nominations for the 2017 Community Service Award

Each year, the MCBA highlights Bar Association members who provide service to the community through participation in organizations and activities beyond the Bar and mandatory pro bono services. The community service may be in the form of guidance to an organization as an officer, Board member or advisor, participation in an organization's projects such as wielding a hammer for Habitat, or any number of other services or commitments. Two awards will be presented at the annual meeting in June and the ultimate selection will be made by a panel of three persons, beyond connection to the bar association. To nominate yourself or someone else for these awards, please complete the enclosed nomination form below and return it to the MCBA office no later than May 10th. See form for details.

Twelfth Circuit JNC Announces Circuit Court Judge Vacancy

The Twelfth Circuit Judicial Nominating Commission announces a judicial vacancy in the Twelfth Judicial Circuit Court created by the resignation of Judge Janette Dunnigan. The Twelfth Circuit JNC seeks applications for nomination from all persons who meet the eligibility requirements set forth in the Florida Constitution.

Applicants must be able to fulfill the constitutional qualifications before assuming the office of county court judge, which require the person to be a member in good standing of The Florida Bar for the preceding five years, a resident of the Twelfth Judicial Circuit and a registered voter in the state of Florida.

Application forms for the judgeship may be obtained from the Nominating Commission Chair, Patrick K. Neal. Applications also can be downloaded from The Florida Bar's website at www.floridabar.org by following the "News & Events" link on the top menu bar; then selecting "Publications" to "Bar Forms & Applications" to "Judicial Nominating Commission applications" (click this same link again if necessary) to "Application for Judicial Seat."

The original and nine copies of the completed application and attachments must be delivered to Patrick K. Neal, Chairman, Twelfth Circuit Judicial Nominating Commission at the address below no later than 5 p.m. on Tuesday, May 16, 2017. Applications submitted after the deadline will not be considered.

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Young Litigator Practice Tip: Motion Practice on Pending Discovery

by Aaron Crittenden, Esq.



Every litigator has probably come across a similar fact pattern: Your client's deposition has been duly noticed and is scheduled for Wednesday. On Monday your client calls and says a family emergency will prevent him from attending. Either you can't get in touch with opposing counsel or opposing counsel is unwilling to reschedule the deposition. What do you do?

Fla. R. Civ. P. 1.280(c), states in pertinent part: "Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending may make any order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense that justice requires including one or more of the following: (1) that the discovery not be held; (2) that the discovery may be had only on specified terms and conditions, including a designation of time and place;..."

In daily practice, filing a motion for protective order is often enough to get your opponent to reconsider her stance and reschedule the deposition, as "it has been the common practice and courtesy of attorneys throughout the state to cooperate as to the scheduling of depositions, as it is their duty to do in the furtherance of justice as officers of the court." *Canella v. Bryant*, 235 So.2d 328 (Fla. 4th DCA 1970). However, it is important to note that there are conflicting opinions among legal scholars as to the motion's effect on the pending discovery.

At least one well-regarded Florida practice guide asserts that filing a motion for protective order stays the obligation to comply with the requested discovery pending resolution of the motion,

but the Florida Rules of Civil Procedure and long standing authority from Second District Court of Appeals contravenes this proposition.

Rule 1.280 does not provide that a deposition (or other discovery matters) is stayed on the filing of a motion for protective order. Rather, the rule states that upon motion *and* for good cause shown, the court may order that discovery not be held. The rule implicitly requires a hearing to demonstrate such good cause. Further, the Second District Court in *Momenah v. Ammache*, 616 So.2d 121 (Fla. 2d DCA 1993) specifically states "the filing of a motion for protective order does not act as an automatic stay in a civil action." Thus, Manatee County practitioners should not assume that their client's discovery obligations are suspended merely because a protective motion is filed.

I strongly urge young practitioners to treat the *Momenah* opinion seriously, as the failure to obtain an order excusing attendance at the deposition (or any other discovery obligations) may open you and your client up to sanctions under *Fla. R. Civ. P.* 1.380.

Unfortunately, hearing time can be difficult to obtain. It may be impossible to have a motion that is filed two days in advance heard before the scheduled deposition. In order to protect yourself and your client from potential sanctions, act diligently and file the motion as soon as the need for it becomes known and make all efforts to have the motion heard prior to the scheduled discovery date or deadline. If you do this, your "diligence should be considered" in determining appropriate remedies for your client's failure to attend the deposition. See, *Momenah* at 124.

LAW DAY:

By Paul Grondahl, President-Elect



"Law Day 2017: A Community in Crisis" is sure to be an engaging and timely event and one that I do not want you to miss. Please join an esteemed panel of five speakers, moderated by Judge Diana Moreland, at our May General Membership Luncheon, on May 31, 2017, 11:45 check-in, at Pier 22. At this informative general membership luncheon, the panel will address causes and issues relating to the ongoing heroin

and opioid crisis in Manatee County. Please RSVP to Graceann at MCBA@ManateeBar.com

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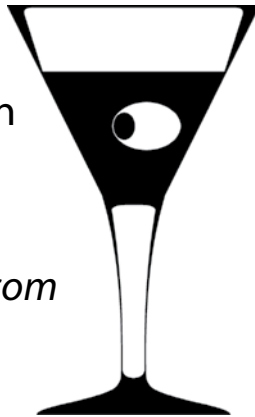
davids0328@aol.com

JOIN US FOR MCBA SPRING HAPPY HOUR

May 4, 2017, Pier 22, 5:30 pm

Appetizers, friends,
and enlightening
conversation
provided, drinks on
your own

RSVP to
MCBA@ManateeBar.com
by May 1, 2017



From The 2nd DCA:

"Good afternoon,

The portal for electronic filing in the Second District Court of Appeal is changing, and this information would be helpful to your membership.

Effective May 1, 2017, attorneys who file in the Second District Court of Appeal will be required to submit their filings via the Second DCA's eDCA portal. No filings can be submitted to the Second DCA via the Florida Courts E-Filing Portal after May 1. The Florida Supreme Court issued administrative order SC17-23, which mandates filing by attorneys via eDCA.

The eDCA portal can be found at <https://edca.2dca.org>, and it can be accessed from our website, www.2dca.org. Registration is required prior to filing.

With this change, the Second DCA will be able to serve its orders and opinions electronically and to provide attorneys on a case with access to the docket and the electronic record. Attorneys are also able to view the briefs filed in other cases.

My office will be glad to provide help with registration and to answer any questions. If you are able to share this information with your members, it would be greatly appreciated."

Cordially,

Mary Beth Kuenzel

Clerk of Court

Second District Court of Appeal

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4th Annual M.C.B.A 7th Grade Civics Education Outreach Project

Week of May 22-26, 2017

~ Ten Middle Schools throughout Manatee County ~

Seeking attorney volunteers to make classroom visits and presentations!

For the fourth year, MCBA members are invited to participate in the 7th Grade Civics Education Project which teams us up with various middle schools throughout the Manatee County School District. As you know, the Manatee Bar Association has always had a focus on community involvement and service and we are all well aware of how valuable civics education can be to encouraging and growing civic minded young citizens.

This year, during the week of May 22nd, we offer our involvement and service through this program in order to be able to supply enough MCBA member volunteers to visit each 7th grade class that has requested civics presentations.

The MCBA has developed a pre-planned class lesson with materials regarding this year's topic of "Due Process". Presenters that are not inclined to use a "canned" lesson may feel free to develop their own interactive lesson plan for their class. Once you have signed up, we will forward you the presentation materials.

Every Bar member is urged to volunteer for this very important and rewarding project. Attorney volunteers will be able to choose their school and the class periods in which to present, so it will be possible to work around your busy schedules.

The included sign-up sheet, which lists all the schools, # of classes, times of class periods and school/teacher contact information. Please take a moment to look it over and consider when & where your schedule might allow you to participate.

Contact the MCBA at MCBA@ManateeBar.com to sign up. Questions? Contact the MCBA Civics Education Chair, Liz Moneymaker at Liz@dinelaw.com or 941.746.3900.

Welcome New Members

DAVID B. WIELAND – BS, Finance, Florida State University (2011). JD Florida State University College of Law (2014). Admitted to The Florida Bar 2014. Mr. Wieland is an attorney with Lancaster & Eure, PA and specializes in the areas of Workers Compensation, Personal Injury, and Social Security Disability.

P.O. Drawer 4257, Sarasota, Florida 34230

Phone: 365-7575

Email: Dw@Lancasterlawyers.com

MCBA SECTION CHAIRS:

Family Law:

Libby McNary

Solo/Small Firm:

Steele Williams

Alternative Dispute Resolution/Mediation:

Bob Hoyle

Probate/Guardianship:

Ben Hunter

DATES TO REMEMBER:

May 3, 2017	MCBA BOARD OF DIRECTORS MEETING, Noon, MCJC	
May 4, 2017	MCBA HAPPY HOUR	Pier 22, 5:30 pm
May 10, 2017	MCBA YLD BOARD OF DIRECTORS MEETING	Noon, MCJC
May 22-26, 2017	4th Annual 7th Grade Civics Project Week	
May 23, 2017	DIVERSITY COMMITTEE MEETING	MCJC
May 31, 2017	LAW DAY – General Membership Luncheon Meeting	Pier 22, 11:45 am

*Kindly RSVP to the MCBA@ManateeBar.com or 941-741-4091
for the May 31, 2017 Membership Luncheon at Pier 22.
This is LAW DAY so respond early to save your seat.
We appreciate your thoughtfulness!*

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YLD HAPPENINGS – ART CREATIONS FOR THE COURTHOUSE, 2017

The YLD was delighted to host Manatee County students, their families, and teachers in a special reception on April 4th. The fifth floor of the Judicial Center came alive with merriment and light refreshments as attendees enjoyed various works of art and discussions with the student artists. If you have an extra few minutes, we highly encourage you to visit the art display on the fifth floor.



Student Artists, Teachers, Family and Friends



(rear) Judge Nicholas, (center) Judge Dunnigan, and (front) student artist



(left to right) Dr. Zadda Bazzy the Director of Visual Programming, Manatee County Schools, Anslee Baker, Student Artist, and YLD President-Elect Bryony Swift)



Aloha From The MCBA!

What a great time MCBA members and guests had at the 2017 Beach Party! This year's Luau Theme was a great hit as attendees enjoyed famous MCBA steak sandwiches, oysters, shrimp, roasted corn, ice cream, cookies, and more! Many thanks to the MCBA Events Committee for coming together and making this such a fantastic event! Special thanks to our sponsor, GATEWAY BANK, the Grimes Family, Carlson, Meissner, Hart and Hayslett, P.A., O'Bricks, Rusty Crickett's, and Sage Biscuit.



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The Milestone Financial Group at Morgan Stanley

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Kristina Pino, Client Service Associate, Sharon McGlynn, Client Service Associate, Eliza Duade, Client Service Associate, Stacy O'Brien, Client Service Associate, Jamie Shapiro, Client Service Associate

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MCBA Pets On Parade:



Reggie, Cavalier King of Alix St. Paul.

"We love him and everyone on Tidy Island loves him too. Our neighbors all know his name and greet him before they even say hello to us. He is a really special little dog."

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Graceann Frederico

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(941) 723-5003

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If you are interested in advertising in the *Inter Alia*, (circulation 385), please contact Graceann Frederico at (941) 741-4091 or at

MCBA@ManateeBar.com

Copy deadline is approximately the 10th of the month. Payment is expected at time of publication. Checks may be made payable to MCBA, P.O. Box 796, Bradenton, FL 34206.

Ad rates are as follows:

Business card	\$40.00
1/4 page	\$60.00
1/2 page	\$90.00
Full page	\$150.00
Ad Layout	\$25.00



Manatee County Bar Association

P.O. Box 796

Bradenton, Florida 34206

ADDRESS SERVICE REQUESTED

ANNOUNCING THE
19th ANNUAL M.C.B.A. COMMUNITY SERVICE AWARDS
** Community Service Leader Award **
and the
** Lifetime Achievement in Community Service Award **

This is the official call for nominations for the 19th Annual MCBA Community Service Awards. The purpose of these awards is to highlight Bar Association members who provide service to the community through participation in organizations and activities beyond the Bar and mandatory pro bono services. The community service may be in the form of guidance to an organization as an officer, Board member or advisor, participation in an organization's projects such as wielding a hammer for Habitat, or any number of other services or commitments. Two awards will be presented at the annual meeting in June and the ultimate selection will be made by a panel of three persons, beyond connection to the bar association. To nominate yourself or someone else for these awards, please complete the nomination form below and return it to the Bar office no later than May 10th. All nominees will be notified after that date and a one-page resume of service will be requested from them. Resumes from the 18th annual awards remain on file and will be resubmitted for consideration.

.....✂.....✂.....✂.....✂.....✂.....✂

NOMINATION FORM

I hereby nominate: _____ for the 2017 MCBA Community Service Awards.

Nomination submitted by (optional): _____ Please keep my identity confidential: () Yes () No

Please return this nomination form to: MCBA ~ P.O. Box 796 ~ Bradenton, FL 34206

ANNOUNCING THE
19th ANNUAL M.C.B.A. COMMUNITY SERVICE AWARDS
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.....✂.....✂.....✂.....✂.....✂.....✂

NOMINATION FORM

I hereby nominate: _____ for the 2017 MCBA Community Service Awards.

Nomination submitted by (optional): _____ Please keep my identity confidential: () Yes () No

Please return this nomination form to: MCBA ~ P.O. Box 796 ~ Bradenton, FL 34206

Teacher Contact List for Civics Education Outreach Program – May 22-26, 2017

School	Teacher Name	Period of Classes	Contact Info: School Secretary	Lawyer sign up	Date/Time
Braden River	Christopher Brown Emily Karg Michelle McClellan	1,2, 5 1,2,3,4,6,7 1,2,3,5,6,7	941 751 7080 x2012 Diann Minero		
Buffalo Creek	Kevin Anthony Joshua Myers Rachel Myer	1,2,3,4,6,7 1,2,3,4,5,7 5,6,7	941 721 2260 x2201 Yessica Salcido		
Haile	Carol Charlton Christopher King/Maria Frick Olivia Swenson Jena Williams	2,5,7 1,5 1,2,3,4,5,7 1,2,4,5,7	941 714 7240 x2003 Louanna Willis		
Harlee	Walt Holst	1,2,5,6,7	941 751 7027 x2009 Betty Myers		
Johnson	Megan Cushman Jeffrey Bronson	1,2,3,4,6,7 3,7	941 741 3344 x2009 Sandra Kersting		
King	Linda May Katelynn Morgan Noelle Minck	1,2,3,5,6,7 1,2,3,5,6,7 2,3,7	941 798 6820 x2012 Jayne Powell		
Lee	Molly Westbrook Don Behm Jordan Keith	1,2,3,4,6,7 1,2,3,4,6,7 2,4,6	941 727 6500 x2006 Melissa Causey		
Lincoln	Erina Munoz Gladys Salles	4,5 1,2,3,6,7	941 721 6840 x2012 Janice Love-Washington		
Nolan	Jaimi Lowe Lauri Solla James Walker	1,2,3,4,5,6 1,2,3,4,5,6 1,2,3,4,5,6	941 751 8200 x2003 Susan Edwards		
Sugg	Shannon DeGaetano Jefferson	2,3,4,5,6,7 2,3,4,5,6,7	941 741 3157 x2020 Helen Devereaux		

Bell Schedule:

1st Period 9:20 – 10:10
 2nd Period 10:13 – 10:59
 3rd Period 11:02 – 12:22
 4th Period 12:25 – 1:11
 5th Period 1:14 – 2:00
 6th Period 2:03 – 2:49
 7th Period 2:52 – 3:40

Please check with the school secretary for periods 3 and 4 as lunchtimes vary with each school.