



INTER ALIA

MAY 2017

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION

MCBA CELEBRATES LAW DAY ON MAY 31, 2017

The United States has been celebrating Law Day since 1958, when President Dwight D. Eisenhower proclaimed the day, of May 1st, 1958, to celebrate the rule of Law in our great nation. The American Bar Association proposed the idea in 1957; so, the concept is celebrating its 60th birthday this year! The language from the actual action declares Law Day as, “a special day of celebration by the American people in appreciation of their liberties and rededication to the ideals of equality and justice under law.”¹

This year, the MCBA's Law Day focus will be specific to Manatee County as we discuss “A Community in Crisis: The Heroin and Opioid Crisis in Manatee County”. Our Law Day Committee unanimously agreed upon this topic as it is relevant to our times, our community, and our profession. This year, our distinguished panel will feature, Judge Diana L. Moreland of the 12th Judicial Circuit Court, acting as Moderator, Judge Andrew D. Owens of the 12th Judicial Circuit Court, Representative Julio Gonzalez of

the Florida House of Representatives, Captain Todd Shear of the Manatee County Sheriff's Department, Ms. Rita Chamberlain of Manatee County Substance Abuse Prevention Coalition, and Ms. Adina Bridges, a graduate of the Drug Court Program.

On December 16, 2016, The Bradenton Herald ran an article entitled “Bradenton is Opioid Overdose Capital of Florida. And Still No One Knows Why” of which it featured statistics of confirmed fatal overdoses (by drug) in Manatee County in 2016, as provided by the 12th District Medical Examiner's Office. Our Law Day panel will share their experiences and thoughts as to why they believe the issue has grown to epidemic proportions in Manatee County and what is, and can be done, to eradicate it.

We hope you will join us! Please RSVP to MCBA@ManateeBar.com to reserve your spot. We look forward to seeing you on May 31, 2017!

¹History.com – “This Day in History – May 1st”

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A Brief Focus on Travel Laws and Regulations

By Grace Reeves, Esquire



Positive and negative travel-related incidents have recently captured social media and the news cycles. According to the U.S. Travel Association, there were more than “2.2 billion person-trips” domestically in 2016.ⁱ This was a 1.2 percent increase from 2015.ⁱⁱ However, with Americans traveling more than ever before, travelers should familiarize themselves with various regulations when traveling throughout the United States.

There are three federal governmental agencies that predominantly govern airline travel: (1) the Transportation Security Administration (TSA), which focuses on airline security; (2) the Federal Aviation Administration (FAA), which focuses on airplane safety; and (3) the U.S. Department of Transportation (DOT), which focuses on service and discrimination issues. This article will briefly focus on the REAL ID Act that the TSA will be enforcing and the DOT's involvement with passenger rights.

²U.S. Travel and Tourism Overview (2016). U.S. Travel Association, <https://www.ustravel.org/answersheet>, (last visited May 1, 2017).

³Ibid.

1. REAL ID Act of 2005

The REAL ID Act (Act), which was passed by Congress in 2005, establishes security standards for state-issued driver's licenses and identification cards. The Act further prohibits the TSA from accepting licenses and alternative identification cards that do not meet the standards in the REAL ID Act. To comply with the Act, a State's driver's license and identification card must contain the following:

(Continued on Pg. 2)

(A Brief Focus on Travel continued from Pg. 1)

(1) Name; (2) birth date; (3) gender; (4) license or identification card number; (5) person's digital photograph; (6) address; (7) person's signature; (8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes; and (9) A common machine-readable technology, with defined minimum data elements.ⁱⁱⁱ

Although the above-listed requirements were established in 2005 and further amended in 2015, TSA still currently accepts driver's licenses and identification cards from all states whether or not that state complies with the Act's requirements. However, the Dept. of Homeland Security has placed a January 22, 2018 deadline that requires the TSA to only accept "state-issued driver's licenses or identification cards if they are issued by a REAL ID compliant state or a non-compliant state with an extension."^{iv} At this time, only twenty-five states, including Florida, are fully compliant with the Act's requirements.^v

2. Passenger Rights: Where to Find Them?

The Department of Transportation (DOT) primarily enforces federal rules and regulations involving service and discrimination issues with airline carriers. The DOT publishes an easy-to-read composition of numerous rules and regulations known as "Fly-Rights" on their website.^{vi} The following regulations are just a few examples of issues travelers may face when traveling:

- A. Lost Baggage: Federal rules require any limit on an airline's baggage liability to be at least \$3,500 per passenger.^{vii}
- B. Discrimination: Air carriers may not subject a traveler to discrimination on the basis of race, color, national origin, religion, sex, or ancestry.^{viii}
- C. Disability: Air carriers are prohibited from discriminating against "passengers on the basis of disability; requires carriers to make aircraft, other facilities, and services accessible; and requires carriers to take steps to accommodate passengers with a disability."^{ix}
- D. Tarmac Delays: Each carrier shall adopt a contingency plan for lengthy tarmac delays.^x

It also should be noted that each U.S. air carrier is required to adopt and make accessible a customer service plan and contract of carriage.^{xi} When travel-related issues arise, the DOT informs travelers to file a complaint first with the airline carrier based upon the contract of carriage. However, with the outbreak of recent travel-related incidents, a conversation about increasing government's involvement with passenger rights is likely to occur in the near future.

ⁱ U.S. Travel and Tourism Overview (2016). U.S. Travel Association, <https://www.ustravel.org/answersheet>, (last visited May 1, 2017).

ⁱⁱ Ibid.

ⁱⁱⁱ Pub.L. 109-13, REAL ID Act of 2005, Div. B, Title II, § 202(b)(1-9), May 11, 2015, 119 Stat. 312.

^{iv} TSA to Notify Travelers of Upcoming 2018 Real ID Airport Enforcement. Department of Homeland Security, <http://www.dhs.gov/news/2016/12/12/tsa-notify-travelers-upcoming-2018-real-id-airport-enforcement>, (last visited May 9, 2017).

^v <https://www.dhs.gov/current-status-states-territories>.

^{vi} <https://www.transportation.gov/airconsumer/fly-rights>.

^{vii} 14 CFR § 254.4

^{viii} 49 U.S. Code § 40127

^{ix} 14 CFR § 382.1

^x 14 CFR § 259.4

^{xi} Ibid.

DID YOU DRAFT THIS TRUST AGREEMENT?

Local attorney Scott McKay has been court appointed in a lawsuit to represent the interests of the unknown beneficiaries of a trust named the Stella L. Lubner Trust Agreement dated 8/15/2000. To date, no one associated with the lawsuit has been able to locate a copy of the Stella L. Lubner Trust Agreement dated 8/15/2000, nor does anyone know who actually drafted it or who the beneficiaries might be.

If you may have drafted the Stella L. Lubner Trust Agreement dated 8/15/2000, or if you have any information about who did, or where a copy might be obtained, or who the beneficiaries of that trust might be, please contact Scott McKay at smckay@mckay-law.com or call him at 941-251-4951 extension 1. Thank you for your time and attention to this matter.

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MCBA Wins Big At 2017 Hats N Heels Event!

The MCBA was well represented at the 2017 Hats-N-Heels Luncheon benefiting Turning Points on Friday, May 12, 2017, at the IMG County Club. First Place for Best Hat went to MCBA Member, Terri Cromley for her cleverly crafted "Tiki Bar" hat featuring light-up red solo cups. First Place for Best Shoes went to MCBA Executive Director, Graceann Frederico, for her flamingo themed hot pink and black lace heels. Congratulations to all the participants who made it such a wonderful event!



Hats & Heels May 12th, 2017

Hats N Heels 2017 From Left to Right: MCBA President, Andrea M. Johnson, Retired MCBA Executive Director, Sue Revell, MCBA Member Terri Cromley, Esq., MCBA Executive Director, Graceann Frederico and Ann Marie Hoeksema

Tampa Bay



2017 SINGLE GAME TICKETS

- ☐ 4 great infield seats, on aisle, 7 rows behind the visitor's dugout
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WELCOME BACK, JUDGE DENO ECONOMOU!



On Tuesday, May 16th, appx. 50 members of the Probate and Guardianship Section gathered together to welcome Judge Deno Economou back to the Manatee County Judicial Center. Stay tuned for a possible Fall CLE sponsored by the Probate and Guardianship Section.

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MCBA Pets On Parade:



**Louis L'Amour,
pet of MCBA Member Robert Greene**

"Louis L'Amour is my Norfolk Terrier. He is 4 years old and a great friend. Like me, he loves children and it is great to have someone around who is always glad to see me."

Welcome New Members

ALEXANDRIA C. NICODEMI – B.S. Political Science, University of Central Florida (2013). JD Stetson University College of Law (2016). Admitted to the Florida Bar 2016. Ms. Nicodemi is an assistant county attorney with the Manatee County Attorney's Office.

1112 Manatee Ave W., Ste. 969
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SAVE THE DATE:

Save the Date for
**MCBA
Family Night at the Marauders
July 29th.**

It is also Back to School Night
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a great night out to see
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Details to come.....

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 31, 2017	LAW DAY – General Membership Luncheon Meeting, Pier 22, 11:45 am
June 7, 2017	MCBA Board of Directors Meeting – MCJC, Noon
June 14, 2017	YLD Board of Directors Meeting – MCJC, Noon
June 28, 2017	MCBA General Membership Luncheon Meeting, Pier 22, 11:45 am
June 30, 2017	YLD Sponsored MOTORWORKS Event, 6:00 pm
July, 2017	NO GENERAL MEMBERSHIP MEETING
August, 2017	NO GENERAL MEMBERSHIP MEETING

*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! Please RSVP early to save your seat and have your lunch ready.
We appreciate your thoughtfulness!*

Manatee Students Welcome MCBA Members For Civics Project!



Chief Assistant State Attorney Heather Doyle surrounded by students at Nolan Middle School

During the week of May 22 – 25, 2017, several Manatee County 7th graders hosted MCBA members in their classrooms as part of the MCBA Civics Project. Students were excited to learn about our attorneys, what they do, and discuss topics such as “due process”. Of course, our Civics Project would not be possible without the willingness of our MCBA members to make it happen. This year, the MCBA would also like to thank our local State Attorneys who eagerly accepted our invitation to participate and reach our local students.

There's some serious drama on our campus.



At Saint Stephen's, visual and performing arts are part of a student's experience from the youngest pre-kindergarteners to our seniors. Drama, music, voice, photography, traditional and digital art – it's all here!

Snapshots From MCBA Happy Hour At Pier 22



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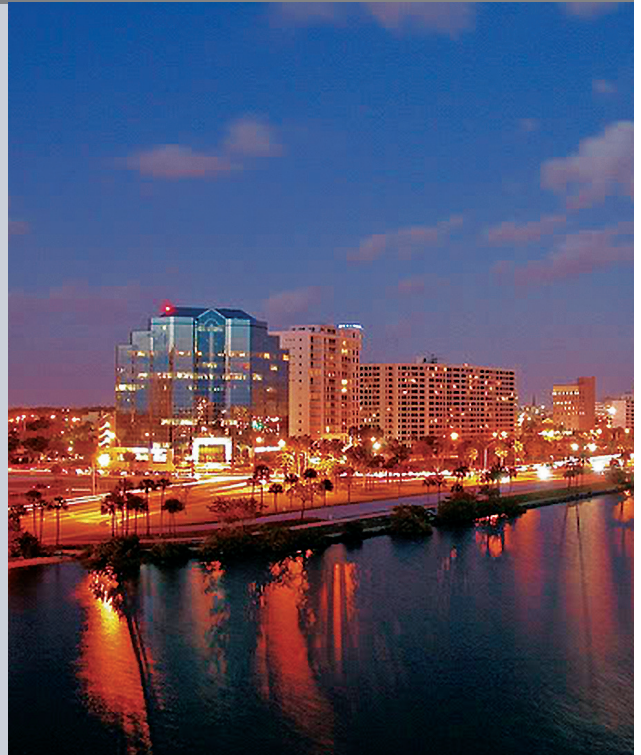
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If you are interested in advertising in the *Inter Alia*, (circulation 385), please contact Graceann Frederico at (941) 741-4091 or at MCBA@ManateeBar.com

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.

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