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APRIL 2019

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION

FREE SPEECH, FREE PRESS, FREE SOCIETY LAW DAY - 2019

By Gregory S. Hagopian, Esq.



This year's Law Day theme, according to the American Bar Association (ABA), is Free Speech, Free Press, Free Society. The First Amendment text reads: *"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."* Recently, instead of hearing people give reverence to these fundamental rights, the concept of free speech and freedom of the press is often attacked, and even mocked.

Certainly, reasonable minds can differ as to the accuracy of a news report, credibility of a reporter, or bias of a network. However, "fake news" is the all too often rallying cry, used as a crutch by many when they disagree with what is being said. It is a leap to suggest that said reporters and/or networks should be completely silenced and, in some cases, even persecuted. To quote the ABA again, "In the United States and around the world, freedom of speech and the press are among the most important foundations for a free society. Free speech and free press are prominent topics in public discourse and litigation. It is impossible to imagine a free society without these individual liberties, yet historical and current debates surrounding them continually challenge us to consider their boundaries and resilience. Changes in technology have reshaped how free speech and free press work in the everyday world." Long gone are the days where protestors gathered at the courthouse steps to criticize the government and the audience was merely those within earshot. Now the entire world is a reporter or protestor's audience, thanks to smartphones and social media which can provide the author with millions of views almost instantly.

The First Amendment ensures that a person electing to kneel while the national anthem is being played at a sporting event has a Constitutional right to do so. We may find it disrespectful, offensive, and un-patriotic, but the Constitution explicitly recognizes a citizen's right to do just that. We currently have evening television "news" networks whose evening "newscasts" are nearly 100 percent politically opinion driven. They are often openly hostile towards our elected leaders and members of Congress. Which channel you choose to watch while channel surfing will dictate what political party is on the receiving end of that station's "vitriol." That is, of course, the price we pay for our Freedom of Speech. As unpleasant and uncivil as it may have become, the alternative is unthinkable. A look at the world around us illustrates the dangers inherent in restricting the rights of peaceful protest, free speech, and independent press.

(continued on page 6)

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BEACH PARTY

FOOD & FUN! FREE FOR MCBA MEMBERS, GUESTS \$20
RSVP BY: MAY 9TH TO
MCBA@MANATEEBAR.COM

17TH OF MAY, 2019
5:00 IN THE AFTERNOON
GRIMES FAMILY BEACH HOUSE
104- 30TH ST, HOLMES BEACH

President's Message



by Alexandra St. Paul, Esq.

It's April, which happens to be one of the best months, weather-wise, of the Year. We usually have the Bar Beach Party in April but it is delayed until May 17th, as the Grimes Beach House was booked. Lucky Manatee County! We have become an even bigger tourist destination, as we all know by the traffic.

There is some exciting news! Our own Durand Adams has written a script for a new movie titled Invisible. It premiered on Sunday, April 14th at the Sarasota Film Festival. Durand co-produced and co-directed the movie with Charles Clapsaddle.

Invisible poignantly tells the story of Poverty, Hope and the American Dream from the vantage point of the struggling, working poor. This is a film about these hardworking but poor people living under the radar, who are invisible, hence the film's title. They struggle every day to hang onto the American Dream, pay their bills and take care of their loved ones. These are the folks who are one sick child or one broken down car away from joining the poor homeless people we see on the streets. This is a moving film and it was sold-out! Congratulations to Durand and Charles on their vision and hard work.

COMMUNITY SERVICE

AWARDS: UPDATE!

For the past 20 years, we have recognized the wonderful volunteerism of MCBA members through the Community Service Awards. This year, we'd like to hear from you about the organizations you're helping. We'd like to recognize those charities and give you an opportunity to share why you care about them. This will help raise the profile of your charity with our members and will hopefully result in that charity receiving more support from our community.

If you'd like your charity to receive this recognition, please email MCBA@ManateeBar.com with your name and the name of the organization(s) you support. Also include a brief summary about the program, your involvement (if any), and a photo (if possible).

EXTENDED: Deadline to submit all information is April 30th, 2019.

The Manatee County Bar Association supports diversity and inclusion in our membership and welcomes lawyers of all backgrounds, ethnicities, races, religions, cultures, sexual orientations and abilities. As part of this initiative, the Manatee County Bar Association has created the Diversity and Inclusion Committee (DAIC) and fully supports its mission to increase the diversity of our membership and the local legal community.



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For More information contact Events@browardbar.org

From the Manatee County Clerk of Court: Marsy's Law Notice

Pursuant to Article I, Section 16(b)(5) of the Florida Constitution, certain information and records on the Manatee County Clerk of Court's website are being protected based upon the victim's request to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family or which could disclose confidential or privileged information of the victim. If you are viewing a case where a victim has requested the protections in Article I, Section 16(b)(5), you will see a prominent notice at or near the top of the electronic docket page, and the information and records in that case may not be immediately available. To view a document or record that is protected by Article I, Section 16(b)(5), please use the Viewable on Request (VOR) process. If you have any difficulties with the VOR process, please contact the Clerk's Service Desk at (941) 742-5855. If you have questions about access to court records, please contact Matt Whyte, General Counsel, at (941) 749-1800.



Judge Gilbert Smith, Jr. Receives Seven Seals Award

On Thursday, March 21st, 2019, Judge Gilbert Smith, Jr. received the Seven Seals Award by the ESGR (Employer Support of The Guard and Reserve). The Seven Seals Award is presented in recognition of a significant individual or organizational achievement, initiative, or support that promotes and supports the ESGR mission, to include the efforts of the more than 4,500 volunteers who carry out ESGR's mission across the Nation on a daily basis. The award was presented at the Pittsburgh Pirates Spring Training Game. Congratulations, Judge Smith!

Interested in Serving on the MCBA Board of Directors?

The Nominating Committee will be reviewing nominations soon. Please submit your Letter of Intent via email to: MCBA@ManateeBar.com by April 30, 2019.

May 29, 2019
General Membership Luncheon

Law Day!
Law Day is expected to be Sold-Out, so send in your RSVP early!

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DATES TO REMEMBER:

- May 2, 2019 ATTORNEY WELLNESS & DNA CLE
- May 7, 2019 FAMILY LAW CLE: Intersection of Technology
- May 9, 2019 Diversity & Inclusion Committee Meeting
- May 17, 2019 BEACH PARTY SOCIAL – Details to Come
- May 29, 2019 General Membership Luncheon - LAW DAY
- June 26, 2019 General Membership Luncheon – Annual Meeting

*dates are subject to change

MCBA 2018-19 SECTION CHAIRS:

- Solo/Small Firm Section: Steele Williams, Chair
- Probate Section: Rebecca Proctor, Chair
- Real Property Section: Joe Battaglia, Chair
- Family Section: Faith Brown, Chair



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The firm's attorneys practicing in the areas of Wills, Trusts and Estates are currently accepting referrals and new clients in the following areas:

- Estate planning;
- Probate and trust administration;
- Probate, trust and guardianship litigation
- Homestead issues
- Elder Law
- Elective share
- Rights of surviving spouse
- Public benefits and Medicaid planning
- Veteran's benefits
- Guardianship.



Jeffrey S. Goethe, Esq.

- Admitted to the Florida Bar in 1990
- Florida Bar Board-Certified in Wills, Trusts & Estates
- Fellow, American College of Trust and Estate Counsel
- AV-rated by Martindale-Hubbell
- Current member and past chair of the Florida Probate Rules Committee
- The Florida Bar's RPPTL Section Executive Council, Homestead Committee Co-Chair, Bar Journal Co-Chair
- Past Director and President of the Manatee County Bar Association



Lawrence W. Thomas, Esq.

- Admitted to the Florida Bar in 1985
- Past Director and Secretary of the Manatee County Bar Association
- Practice areas include wills, trusts, estates, guardianship and elder law



M. Brandon Robinson, Esq.

- Admitted to the Florida Bar in 2015
- United States Department of Veteran's Affairs Accredited Attorney
- Executive Board Member, Thomas E. Penick, Jr. Elder Law Inn of Court
- Combat Veteran, United States Marine Corps
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(Law Day 2019, continued from page 1)

2012 in Russia: three members of the Russian female punk rock band Pussy Riot were arrested and sentenced to two years in prison for performing a song critical of President Vladimir Putin. They sang the so-called “offensive” lyrics deemed to be “hooliganism” while performing in Moscow’s famed Christ Savior Cathedral. The alleged lyrics: “Mother Mary, please drive Putin away.” [Laura Smith-Spark, CNN.] Imagine if United States musicians were imprisoned when they sang a lyric remotely critical of the government.

2018 in Turkey: police detained and arrested three activists, who carried signs that read “Recognize the Armenian Genocide, apologize and compensate,” and barred the demonstrators from making a statement to the press that contained the terms “genocide” and “massacres” at a memorial event on April 24, the date in 1915 that is considered the start of the Armenian genocide and when commemorations are held worldwide. [Ayla Jean Yackley, Lobe Log.] Imagine if student demonstrators or protestors were arrested because they carried a sign with a message that the U.S. government took issue with.

Perhaps the most egregious and highly publicized example of oppression of free speech is that of Jamal Khashoggi. Mr. Khashoggi was a prominent Saudi journalist and former adviser to the Saudi royal family. He fell out of favor with the royal family and went into self-imposed exile in the United States. He began writing a monthly column for the Washington Post and appearing on various television news outlets, where he was openly critical of the Saudi government and the royal family. Eventually, he was summoned to the Saudi embassy in Istanbul, Turkey on October 2, 2018 where he was tortured and murdered. The sole motive for his murder: he was a reporter critical of the government. According to a December 4, 2018 New York Times report, “a bipartisan group of senior senators stated that a classified briefing by the C.I.A. director had only solidified their belief that Mohammed bin Salman, the crown prince of Saudi Arabia, ordered the killing of the Saudi dissident Jamal Khashoggi.” Imagine if every reporter critical of the U.S. government was kidnapped, tortured, and murdered.

The foregoing are just a few recent examples of crackdowns on freedom of speech and freedom of the press in other countries. But they illustrate the ongoing worldwide concerns.

According to a December 13, 2018 article and report by Elana Beiser of the Committee to Protect Journalists:

Fresh waves of repression in China, Egypt, and Saudi Arabia sustained the global crackdown on press freedom in 2018 for the third consecutive year. In its annual global survey, the Committee to Protect Journalists found at least 251 journalists in jail in relation to their work, as Turkey--still the world’s worst jailer of journalists--released a small number.

The past three years have recorded the highest number of jailed journalists since CPJ began keeping track, with consecutive records set in 2016 and 2017. Turkey, China, and Egypt were responsible for more than half of those jailed around the world for the third year in a row.

The majority of those imprisoned globally--70 percent--are facing anti-state charges such as belonging to or aiding groups deemed by authorities as terrorist organizations. The number imprisoned on charges of false news rose to 28

globally, compared with 9 just two years ago. Egypt jailed the most journalists on false news charges with 19, followed by Cameroon with 4, Rwanda with 3, and one each in China and Morocco. The increase comes amid heightened global rhetoric about “fake news,” of which U.S. President Donald Trump is the leading voice.

The higher number of prisoners in China--with 47 behind bars--reflects the latest wave of persecution of the Uighur ethnic minority in the Xinjiang region. At least 10 journalists in China were detained without charge, all of them in Xinjiang, where the United Nations has accused Beijing of mass surveillance and detention of up to a million people without trial.

As we celebrate Law Day 2019, hopefully we can remember the importance of our First Amendment and the rights it provides for all of us. The ABA aptly refers to these rights as: “cornerstones of representative government” and calls on us to “understand and protect these rights to ensure, as the U.S. Constitution proposes, ‘the blessings of liberty for ourselves and our posterity.’” It does not matter what political party we belong to, we are all Americans, and our freedom is not something to be taken for granted. We, especially as lawyers and active members of our local bar association, should be mindful to take an active role in promoting and praising the First Amendment and all it stands for. The Manatee County Bar has been pro-active in this regard by speaking to elementary and middle school students about Civics and the Constitution. I encourage you to join our efforts to inform and enlighten today’s youth. The need to protect the rights of, and promote the education of, upcoming generations is critical to the preservation of the fundamental tenets of the Constitution.

This year on Law Day, the MCBA celebrates a historic event for our Association. For the first time in our history, we can come together to celebrate having a United States Congressman and Florida State Representative from within our membership! We are delighted to have United States Congressman Greg Steube and Florida State Representative Will Robinson as our speakers at our Law Day luncheon where they will discuss their experiences as freshman in their respective offices. We look forward to hearing from them and hope you can join us for Law Day on May 29, 2019.

IF IT INVOLVES FOOD



2019 Manatee County Bar Association Health Challenge! Open to ALL MCBA Members!

Count your steps – you may just be a winner!

The Young Lawyer’s Division of the Manatee County Bar Association cordially invites YOU to participate in the 2019 Manatee Bar Health Challenge! May has been selected by the Florida bar as “Health and Wellness month”. The Young Lawyer’s Division through a generous grant from the Florida bar would like to challenge everyone to get out, exercise and be healthy during the month of May. Please go to the YLD page on the MCBA’s website to download the form, or use this. Remember to log your steps. The top three “steppers” for the month of May will receive an Amazon gift card as a reward for their hard work.

The Challenge begins on May 1 and ends on May 31st with a ceremony at Robinson Preserve where the winners will get their prize. More information will follow on the Robinson Preserve event.

Manatee Bar Health Challenge

Member Name and Email		
Date	Activity	Steps
1-May-19		
2-May-19		
3-May-19		
4-May-19		
5-May-19		
6-May-19		
7-May-19		
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26-May-19		
27-May-19		
28-May-19		
29-May-19		
30-May-19		
31-May-19		
Grand Total		

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Congratulations Neil Lyons!

Recently, MCBA member, Neil T. Lyons of Boyer & Boyer, PA was chosen to receive the The Florida Bar’s Pro Bono Award in a Supreme Court ceremony on February 7th, 2019. Lyons was one of 22 lawyers recognized from across the state for their work on behalf of low income and disadvantaged clients. Neil T. Lyons was chosen to receive the award from the 12th Judicial Circuit which represents DeSoto, Manatee, and Sarasota counties.

Established in 1981, The Florida Bar President’s Pro Bono Service Awards are intended to encourage lawyers to volunteer free legal services to the poor by recognizing those who make public service commitments as well as to raise public awareness of the substantial volunteer services provided by lawyers a cross the state to those who are unable to afford legal fees. In the most recent twelve months reported, Florida lawyers provided over 1.58 million hours of pro bono services to those in need and more than \$5.8 million to legal aid organizations. Congratulations, Neil!



Congratulations, Mark and Marianne Barnebey!

Florida State University’s Department of Urban & Regional Planning recently announce the newly renamed “Mark and Marianne Barnebey Planning and Development Lab and Studio” (nicknamed “The Barn”). The lab and studio will provide resources that will allow faculty to continue to provide real-world planning project experience to students and support them as they provide meaningful and impactful guidance to the clients and communities they serve. The lab and studio changes were made possible by a grant from the Barnebey family. Mark Barnebey is Board Certified in City, County and Local Government Law. He has practiced in land use and local government law for the past thirty (30) years and is a member of the Manatee County Bar Association.



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- ◇ PINELLAS COUNTY GUARDIANSHIP ASSOCIATION ◇
- ◇ PLANNED LIFE ADMINISTRATORS NETWORK ◇
- ◇ MANATEE COUNTY CHAMBER OF COMMERCE ◇
- ◇ BETTER BUSINESS BUREAU OF MANATEE COUNTY ◇

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Tracy Gapin, MD will be discussing:

Warning signs and health related symptoms

How Stress Affects your Genes?

How certain lifestyle choices can activate or deactivate certain genes

Wellness statistics for high performance jobs

What is Epigenetics?

DNA

Tools and techniques to optimize your health and performance

**Thursday, May 2nd, 2019
12 - 1:30 pm, MCJC - 8th floor conference room
Lunch will be served**



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\$10 per member

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The Manatee County Attorney's Office

Presents

The Eighth Annual
Local Government Law Seminar

May 23, 2019
8:30 a.m. to 12:30 p.m.

Bradenton Area Convention Center
Longboat Key Room
One Haben Boulevard
Palmetto, FL 34221

Seminar Program

Welcome and Introduction..... 8:30 a.m. - 8:40 a.m.
Mitchell O. Palmer, County Attorney

Government-in-the-Sunshine..... 8:40 a.m. - 9:30 a.m.
Katharine M. Zamboni, Assistant County Attorney
Alexandria C. Nicodemi, Assistant County Attorney

Public Records Law for Elected and Appointed Officials 9:30 a.m. - 10:20 a.m.
Anne M. Morris, Assistant County Attorney
Brian A. Iten, Assistant County Attorney

Break 10:20 a.m. - 10:30 a.m.

Ethics in Land Use Law 10:30 a.m. - 11:00 a.m.
William E. Clague, Chief Assistant County Attorney
Sarah A. Schenk, Assistant County Attorney

Hot Topic: Local Government ADA Website Compliance 11:00 a.m. - 11:20 a.m.
Katharine M. Zamboni, Assistant County Attorney

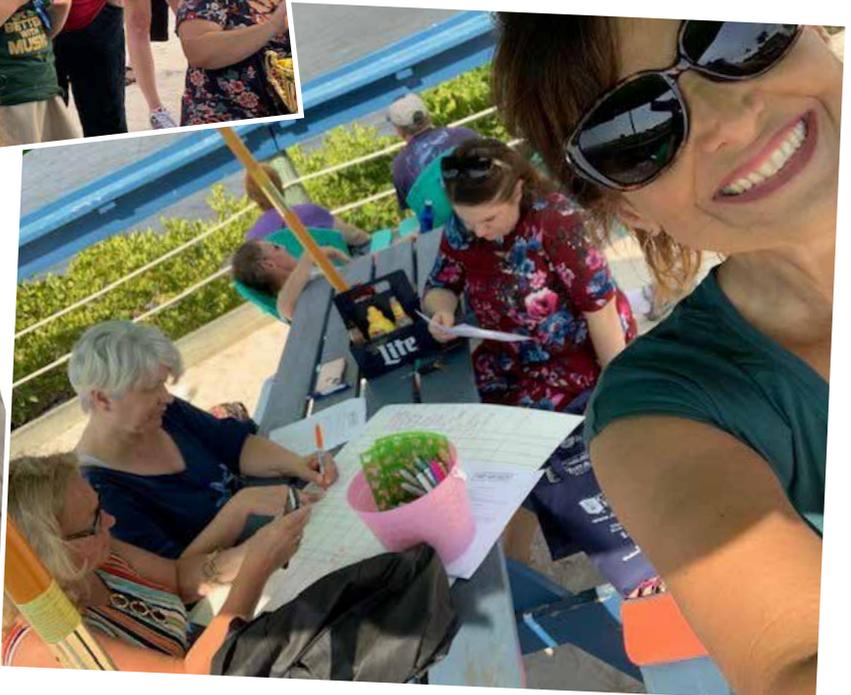
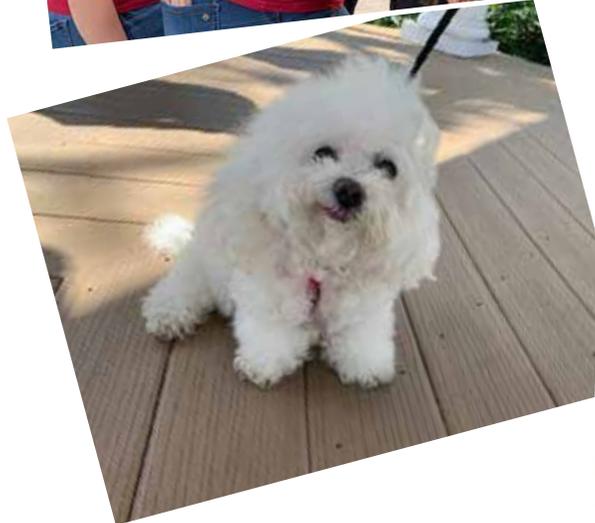
Ethics for Public Officers, Appointed Officials and Public Employees 11:20 a.m. - Noon
Mitchell O. Palmer, County Attorney

Closing Comments & Questions* Noon - 12:30 p.m.
Mitchell O. Palmer, County Attorney

*Questions will be entertained at the discretion of the County Attorney.

MCBA Scavenger Hunt Raised \$2000 for Vets!

On Friday, March 15th, the MCBA held its second annual Scavenger Hunt and raised appx. \$2000 for the Veteran's Treatment Court – Manatee County. Members from the Committee attended the Veteran's Treatment Court in April and presented the funds to Alfred James, Director and were honored to attend the graduation ceremony of four program graduates. Many thanks to all who made the event possible: Affordable Attorney: Gerling Law Group, Andrea M. Johnson, PA, Carlson, Meissner Hart & Hayslett, PA, Lancaster & Eure, Hultman Sensenig & Joshi, PA, and Florida Veterans for Common Sense. Also thank you to the committee: Liz Moneymaker, Christine Allamanno, Grace Reeves, Terri Cromley and Graceann Frederico.





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TWELFTH JUDICIAL CIRCUIT CAREER OPPORTUNITY

TRIAL COURT ADMINISTRATOR

Sarasota, Manatee and De Soto Counties

State of Florida Position Number: 001551

Monthly salary (non-negotiable): \$10,000 (\$120,000 annually)

Benefits include membership in the Florida Retirement System and a generous contribution by the State to health insurance premiums

Application deadline: April 19, 2019

Position available: December 1, 2019

Important Details:

Finalists will be contacted to schedule an interview by May 3, 2019.

Interviews will take place the week of May 13, 2019.

In person interviews are preferred. Skype interviews may be available for out-of-state finalists.

*Candidates are encouraged to denote any potential scheduling conflicts in their application materials.

The Twelfth Judicial Circuit is seeking a Trial Court Administrator (TCA) to oversee all administrative matters of the court. The TCA reports directly to the Chief Judge of the Twelfth Judicial Circuit but is responsible to all the judges in the circuit. The essential function of the position is to direct and manage operations, programs and services within the circuit. The TCA is responsible for staff supervision, strategic planning, developing and implementing policies and procedures, developing and administering budgets, managing court facilities, and other related administrative functions in support of the judiciary.

Examples of work performed:

- In conjunction with the Chief Judge, directs all administrative functions of the Twelfth Circuit Court. The Trial Court Administrator is a leadership position in this circuit and, as such, develops and maintains relationships with various agencies and entities.
- Directs court programs and services, ensuring compliance with applicable policies, procedures, regulations and statutes.
- Supervises staff, including establishing staffing standards, organizing, selecting or recommending selection, training, assigning and evaluating work, counseling, disciplining and terminating; prepares periodic employee evaluations.
- Develops policies and procedures in consultation with senior management to ensure efficient and economical organizational operations; evaluates results to ensure compliance with regulations and to identify deficiencies.
- Collaborates with senior management to develop strategic plans and capital projects; oversees and coordinates implementation of plans to ensure adherence to organizational standards, policy and procedures, and to make adjustments as needed.

- Liaisons with other court-involved agencies, e.g., clerks of court, state attorneys, public defenders, sheriffs, county commissions, bar associations, etc.
- Develops, presents and defends state and county budget requirements; oversees fiscal activity to ensure proper accounting controls and to review and approve expenditures.
- Negotiates and binds the circuit in contracts and oral and written agreements.
- Supervises information technology to ensure provision of useful systems and to increase productivity; oversees website development, maintenance and support.
- Oversees facility management, including facility security, construction and/or reconstruction, and maintenance of facility.
- Manages administrative matters, such as preparing complex reports or correspondence, conducting special studies or research, developing and administering training, or providing for staff technical or professional growth.
- Liaisons with public and private agencies regarding organizational programs and services; supervises communication to promote the judicial branch and coordinates media relations.
- Serves on various commissions or committees as appointed by the Chief Justice (state) or Chief Judge (local).
- Attends and/or conducts staff, board, committee, task force and other professional meetings and conferences to exchange information; attends technical or professional seminars or conferences to improve professional skills.

Qualifications:

- Bachelor's degree in public, business or judicial administration, law or a closely related field. A juris doctorate or master's degree is preferred.
- Five years of related supervisory experience, including extensive knowledge of the Florida State Courts System.
- The Trial Court Administrator will also have the ability to effectively communicate throughout all levels of the organization orally and in writing, analyze information, recommend appropriate actions, establish and maintain effective working relationships throughout the circuit, including with state and local government agencies.

Apply

Email (preferred), fax or mail resume, cover letter and completed [State of Florida Employment Application](#) to **Tiffany Hammill**, Human Resources Manager, Court Administration, P. O. Box 48927, Sarasota, FL 34230; fax (941) 861-7904; email thammill@jud12.flcourts.org.

The successful applicant will be subject to a Criminal Background Check. The Florida State Courts System is a criminal justice agency.

We are an equal opportunity employer. We do not discriminate on the basis of race, religion, sex, age, national origin, or disability. If you need an accommodation in order to participate in the application or selection process, please call 941-861-7811.

Pursuant to 110.205(2)(c) of the Florida Statutes, employment with the State Courts System is not covered under the Career Service System and all employees of the State System serve at the pleasure of the appointing authority and do not attain tenure rights.

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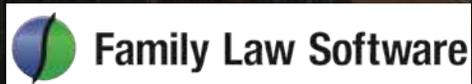
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Speaker: The Honorable Susan Maulucci, 12th Judicial Circuit, FL
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