



INTER ALIA

OCTOBER 2019

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION

MCBA Sponsors Constitution Essay Contest

At the September General Membership meeting, the MCBA was host to the Constitution Essay Contest. In celebration of the 232nd anniversary of the signing of the U.S. Constitution, area seniors were asked to submit their essays: "What the Constitution Means to Me". Several representatives from the Manatee County School District, student finalists, and their guests attended the meeting to award the winning students for their outstanding essays. Manatee County Bar Directors, Greg Hagopian and Christine Allamanno were two of the judges who reviewed the essays. Special thanks to the Manatee County School District, and member David Miner, for their efforts. The five winning essays can be read at the Manatee County School District website.

Winning students and their prizes were as follows:

First Place Madigan Wilford of Braden River High, \$300 cash award sponsored by Gallagher & Hagopian, Attorneys at Law

Second Place Marietta Tomlinson of Lakewood Ranch High, \$200 cash award sponsored by the Wade Thompson Law Office, Attorneys at Law

Third Place Joey Robertson of Lakewood Ranch High, Fourth Place Domenica Olvera of Bayshore High and Fifth Place Isaac Garrott of Manatee High all received \$100 cash awards sponsored by Carl Reynolds Law





SAVE THE DATE!

**MCBA HOLIDAY
PARTY**

THURSDAY, DECEMBER 5, 2019
5:30 - 8:00 PM
BRADENTON COUNTRY CLUB
DETAILS COMING SOON!



PRESIDENT'S MESSAGE - OCTOBER 2019

By: Charles W. Telfair, IV.

If You Are Given a Great Opportunity, Take It.

Within the last two weeks, I have attended several Manatee County Bar functions.

The Young Lawyer's Division led by its President, Melissa Casanueva, held an Afternoon at the Court-house and discussed everything from "how to handle difficult opposing counsel" to "how to leave a Law Firm". Judge Smith, Judge Maulucci, Judge Mercurio, Lisa Moore, Marisa Powers and Past Presidents of the MCBA, Paul Grondahl and Andrea Johnson all spoke to an enthusiastic crowd. That event was followed by what was supposed to be light snacks but really amounted to dinner and drinks at Connect Bradenton. An excellent event by our strong YLD.

On Wednesday, September 25th, we enjoyed our luncheon with our Constitution Essay Contest Winners and Pat Neal as our keynote speaker. Chief Judge Bonner, Judge Smith, Judge Mercurio, Judge Sniffen, Judge Moreland, State Representative Will Robinson, Superintendent – School District of Manatee, Cynthia Saunders, Mary Glass of the Manatee Education Foundation and many more dignitaries and special guests were on hand in addition to a strong showing from our local bar members. The presentations were excellent – Mr. Neal spoke about the past and current role of the Judicial Nominating Commission and Ms. Glass spoke about the Essay contests and its winners.

As I write this article, we have Judge Henderson's retirement reception today (September 26th), we have the Diversity and Inclusion Committee's Letters from Anne and Martin tonight (September 26th) and next week (October 4th) we have Judge Heather Doyle's investiture. At our upcoming October luncheon, Florida Bar President, Jonathan Stewart, and our Florida Bar Board of Governor's representative, Scott Westheimer, will be our guest speakers.

Our MCBA and our local judiciary host quality events where we are provided with great opportunities to interact with our fellow MCBA members, our local judiciary and other leaders of our community on a less formal basis. If you haven't made an event lately, please make an effort to do so. It is well worth it.



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N.O.T.I.C.E**Regarding Book/Page Numbers
in the Manatee County Clerk's
Official Records**

Beginning January 1, 2020, the Manatee County Clerk of the Circuit Court and Comptroller will no longer assign Book and Page numbers to documents recorded in Official Records. The Clerk will continue assigning consecutive Instrument Numbers as the official register numbers to reflect the order in which documents have been recorded. For historical purposes, documents recorded prior to January 1, 2020, will remain indexed and searchable by Book and Page. If you create or use forms that reference Book and Page numbers, you should modify those forms to capture or reference Instrument Numbers for any documents recorded on or after January 1, 2020. Recorded plat maps will continue to receive Book and Page numbers.

**Congratulations Sierra A. Butler
and Melissa R. Casanueva!**

The MCBA congratulates member Sierra A. Butler of Butler Elder Law, P.A. on the opening of the firm's Lakewood Ranch location and the addition of MCBA YLD President, Melissa R. Casanueva, as an Associate Attorney with the practice! Butler Elder Law, P.A. is a member of Ferrari, Butler and Moneymaker, PLLC, an elder law firm that focuses on Medicaid Planning and Guardianship, including both pre-planning and crisis intervention. The Lakewood Ranch office is located at 8784 E. State Road 70, Ste. 102, Bradenton, FL 34202.

**MCBA 2019-20
SECTION CHAIRS:**

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



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THE MCBA PRESENTS:



CLE IN CUBA!

JOIN FELLOW MEMBERS, FAMILY & FRIENDS!
FEBRUARY 27TH - MARCH 1ST, 2020

Price Total Price for the full Cuba CLE program: \$1398 pp in Dbl. Single room:
\$1548. Estimated round trip air TPA-HAV = \$358 + Visa \$ 75
See the full itinerary at: <https://manateebar.com/event/cle-in-cuba/> or email Graceann
at MCBA@ManateeBar.com Space is extremely limited!

DATES TO REMEMBER:

October 17, 2019	Diversity & Inclusion Committee Meeting - MCJC
October 22, 2019	Real Property CLE: ERecording and Online Records – details coming soon
October 22, 2019	Escape Room Event
October 25, 2019	Guardian Ad Litem Training
October 30, 2019	General Membership Luncheon Pier 22
November 5, 2019	Art in the Courthouse
November 6, 2019	Board of Directors Meeting - MCJC
November 7, 2019	Walt Smith Retirement
November 13, 2019	YLD Board of Directors Meeting - MCJC
November 21, 2019	Diversity & Inclusion Committee Meeting - MCJC
December 4, 2019	Board of Directors Meeting - MCJC
December 5, 2019	MCBA Holiday Party at Bradenton County Club
December 11, 2019	YLD Board of Directors Meeting - MCJC
December 19, 2019	Diversity & Inclusion Committee Meeting - MCJC
January 8, 2020	Board of Directors Meeting - MCJC
January 15, 2020	YLD Board of Directors Meeting - MCJC
January 16, 2020	Diversity & Inclusion Committee Meeting - MCJC
January 29, 2020	General Membership Luncheon Pier 22
February 5, 2020	Board of Directors Meeting - MCJC
February 12, 2020	YLD Board of Directors Meeting - MCJC
February 20, 2020	Diversity & Inclusion Committee Meeting - MCJC
February 26, 2020	General Membership Luncheon Pier 22
March 4, 2020	Board of Directors Meeting - MCJC
March 11, 2020	YLD Board of Directors Meeting - MCJC
March 19, 2020	Diversity & Inclusion Committee Meeting - MCJC
March 25, 2020	General Membership Luncheon Pier 22
April 1, 2020	Board of Directors Meeting - MCJC
April 8, 2020	YLD Board of Directors Meeting - MCJC
April 16, 2020	Diversity & Inclusion Committee Meeting - MCJC
May 6, 2020	Board of Directors Meeting - MCJC
May 13, 2020	YLD Board of Directors Meeting - MCJC
May 20, 2020	LAW DAY Luncheon *Note: This is NOT the last Wednesday of the month
May 21, 2020	Diversity & Inclusion Committee Meeting - MCJC
June 3, 2020	Board of Directors Meeting - MCJC
June 10, 2020	YLD Board of Directors Meeting - MCJC
June 18, 2020	Diversity & Inclusion Committee Meeting - MCJC
June 24, 2020	General Membership Luncheon Pier 22

*dates are subject to change

Calling Real Estate Attorneys!

The Manatee County Bar Association Board by agreement with the REALTOR® Association of Sarasota and Manatee, Inc selects 2 members to serve on its Attorney/ Realtor Joint Committee for a 2 year term.

Information concerning the activities of the committee can be obtained from: Janet E. Sowers, CIPS, AHWD Professional Development Manager, REALTOR® Association of Sarasota and Manatee, Inc.

D: 941-952-3404 | O: 941-952-3400 | Janet@MyRASM.com | www.MyRASM.com

Please let Graceann know if you would like to apply no later than Oct 20, 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.

CHAPMAN MEDIATION

As both a Certified Circuit Civil Mediator and a trial attorney Board Certified in Business Litigation, I have over 28 years of experience in a broad range of disputes, including construction, business, condominium/HOA, real estate, non-compete, property tax and probate/trust matters. Let me put this experience to work for you in helping you resolve your client's case - at your office or mine.



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Young Lawyers Division hosts “Afternoon at the Courthouse”

In September, the Young Lawyers Division held a special CLE entitled, “Afternoon at the Courthouse”. The event, made possible by a grant from the Florida Bar, provided a chance for young lawyers to hear directly from the judiciary and seasoned attorneys regarding professionalism and ethics. The event began in the Multipurpose Room of the MCJC, where the panelists spoke of their experiences and shared their knowledge regarding the law profession. The event then moved to Connect Bradenton where attendees were delighted to find a social hour catered by Poppo’s.



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- New programs are being added regularly



Visit: cle.browardbar.org

For More information contact Events@browardbar.org

YLD News & Happenings



Legal Challenges in the Wake of New Florida Hemp Law

By Dustin Wagner, Esq.

As many of you know, Florida Senate Bill 1020, also known as the “Hemp Law,” went into effect on July 1, 2019. As a result, hemp is now legal to use and have in your possession. The bill defines hemp as “the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, 2 isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9 tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.” See Florida Statute §581.217(3)(d).

The new law modified the definition of cannabis, excluding hemp, as defined in section 581.217. However, this modification has created new challenges for law enforcement conducting cannabis-based stops and arrests, and for state attorneys seeking convictions. These challenges start with the fact that hemp and cannabis both come from the same plant, so they look, feel and smell the same. The main difference between hemp and cannabis is that hemp has a total delta-9 tetrahydrocannabinol (THC) concentration that does not exceed 0.3%. Therefore, if the THC concentration of the plant is less than or equal to 0.3%, then the plant is hemp, and is legal, but if the THC concentration of the plant exceeds 0.3%, then the plant is cannabis and is illegal (exclusions for medicinal purposes).

Prior to this law being enacted, law enforcement could conduct warrantless cannabis-based searches based on odor or plain view from a vehicle or person. This was an exception to the Fourth Amendment warrant requirement. Now, in the wake of legalizing hemp, it does not seem economically wise to do so. Why? Mainly because any good defense attorney will file a motion to suppress and challenge how the officer could have known what the substance was at the time of the alleged offense. K-9 dogs are unable to make this distinction either. Therefore, if hemp and cannabis are not distinguishable to the naked eye/ nose - how could an officer differentiate in order to justify a detention on an individual or vehicle?

Typically, law enforcement would use presumptive field tests to corroborate their suspicion. To date, Florida law enforcement agencies field tests do not distinguish THC levels. Furthermore, quantitative testing via a laboratory instrument is required to prove what a substance is beyond a reasonable doubt. Currently, the Florida Department of Law Enforcement laboratories cannot determine THC levels. So, this presents a challenge for prosecutors with a significant caseload and a budget. Although, law enforcement agencies are working quickly to meet these challenges and obtain affordable, reliable, *Daubert*-proof testing kits that will hold up in court.

The legalization of hemp does not mean Florida drug traffickers will waltz in and out of court though. There are “odor plus” factors that law enforcement will utilize to make probable cause arrests based on the totality of the circumstances standard. Factors that indicate the substance is cannabis and not its THC-deficient cousin, hemp. For example, factors such as nervousness, conflicting statements, furtive movements, signs of impairment, quantity, offender’s background, guns, wads of cash, etc., may indicate that the illicit nature of the substance. And if the case is significant enough, there are laboratories available for quantitative testing.

For now, there are state attorney offices throughout Florida that have determined there will be no formal filing of charges unless there are lab results proving beyond a reasonable doubt that the substance contains THC above the 0.3 % threshold. Constitutional speedy trial concerns will also add pressure, in addition to costs, and likely force state attorney offices to prioritize on felony cannabis cases. Some law enforcement agencies are not throwing in the towel just yet and have vowed to remain creative. Thus, this area of the law will likely remain a source of spirited debate and litigation.

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Open Enrollment for the MCBA 100 Club!

LAST CALL! Not available again until Autumn, 2020

The MCBA is proud to have such wonderful members! The "100 Club" is a special recognition within the MCBA reflecting our members' commitment to the advancement of the legal profession while enhancing the community. To become a member of the "100 Club", every attorney in your office must be a member of the MCBA. Firms with 100% attorney participation will be:

- Listed in Inter Alia
- Listed on the MCBA Website
- Sent a special "100 Club" badge to be used in their marketing materials

The MCBA's "100 Club" is open to renewal each year, as it does not automatically renew due to changes in firm rosters from year to year. Firms must renew each year to participate.

To become a member of the "100 Club" for the 2019-20 year, please submit your request via email to Executive Director, Graceann Frederico at MCBA@ManateeBar.com **no later than, October 31, 2019**. Include a listing of all attorneys in your firm. Once the names are verified as active members of the MCBA, and approved, your firm will be added to the MCBA 2019-20 "100 Club" listings and sent the official badge.

IF IT INVOLVES FOOD



*If an event involves food,
we need you to RSVP!*

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Please join us for our 12th Judicial Circuit

Family Guardian ad Litem Training

October 25th, 2019

Manatee County Judicial Center, 8th Floor Multipurpose Room

9:00 a.m. – 1:30 p.m.

Agenda

9:00 a.m. – 9:15 a.m.	Welcome and Introductions <i>Judges Diana Moreland and Stephen Walker</i>
9:15 a.m. – 10:15 a.m.	Process and Procedures (1) <i>Tia Jensen P. A. and Robert Young Esq.</i>
10:15 a.m. – 10:25 a.m.	Break
10:25 a.m. – 11:25 a.m.	Process and Procedures (2) <i>Tia Jensen P. A. and Brad Ellis Esq.</i>
11:25 a.m. – 11:45 a.m.	Working Lunch
11:45 a.m. – 12:30 p.m.	Legal Issues <i>Amanda King Esq.</i>
12:30 p.m. -12:45 p.m.	Pro Bono Screening Procedure <i>Pam Fields Esq.</i>
12:45 p.m. – 12:50 p.m.	Break
12:50 p.m. – 1:00 p.m.	Overview of the 12 th Circuit Process <i>Monica Ausborn</i>
1:00 p.m. – 1:30 p.m.	Q & A
1:30 p.m.	Adjourn

RSVP by October 22nd to Graceann Frederico at

mcba@manateebar.com Lunch Cost is \$20 – Please make

checks payable to MCBA.



October General Membership Luncheon

Welcome Florida Bar President, John Stewart and Florida Bar Board of Governors Twelfth Judicial Circuit Representative, Scott Westheimer!

The next General Membership Luncheon is at Pier 22 on Wednesday, October 30th at noon. Please take a moment to RSVP now to reserve your spot: MCBA@ManateeBar.com. Please remember your lunch is included with your dues!



Get Your MCBA Logo Tumbler!



Many of you asked, and we listened! The MCBA office now has MCBA Logo tumblers in stock! This is a Tervis-style tumbler, with the MCBA color logo proudly displayed! Only \$20, and going quick! If you would like one, please contact Graceann at the MCBA office to make arrangements to receive yours.

MCBA@ManateeBar.com

Your Suggestions Are Being Sought By Rep. Tommy Gregory!

Do you have suggestions on how to improve the procedural aspects of civil litigation? How can we improve the system for administration, attorneys, judges, and most importantly, the parties? If you would like to assist with this and share your ideas and suggestions, please send them to Graceann Frederico, Executive Director, MCBA by October 31, 2019. Submit your ideas and suggestions to the MCBA office at MCBA@ManateeBar.com.

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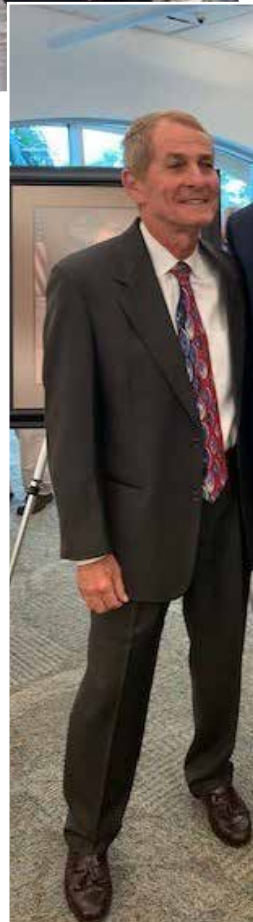
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Judge K. Douglas Henderson Retires, September 2019

The Judge Gilbert R. Smith, Sr., Jury Assembly Room was host to a special celebration in honor of the dedicated service to the 12th Judicial Circuit by Judge K. Douglas “Doug” Henderson. On Thursday, September 26, 2019, over 100 friends, family members and colleagues gathered to congratulate Judge Henderson on his retirement. The event, hosted by the MCBA, featured pastries by Sue Locklier, and a special cake made by none other than, Mrs. Henderson! Judge Gilbert Smith, Jr. gave a special presentation, reminiscent of Judge Henderson’s life, including his 24 years of service to the 12th Judicial Circuit and the people of the State of Florida. MCBA President, Charles Telfair, presented Judge Henderson with a beautiful hammock and t-shirt for his new life of “relaxation” as well as the very first MCBA logo tumbler.

We wish Judge Henderson well and thank him for his many years of dedicated service.





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Highlights from the September General Membership Meeting

On Wednesday, September 25th, the MCBA held its General Membership Luncheon at Pier 22. Special guest speaker, Pat Neal, spoke regarding his role with the JNC. Special thanks to Pat Neal for his informative and thoughtful presentation.



BARNES WALKER, GOETHE, HOONHOUT, PERRON & SHEA, PLLC

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



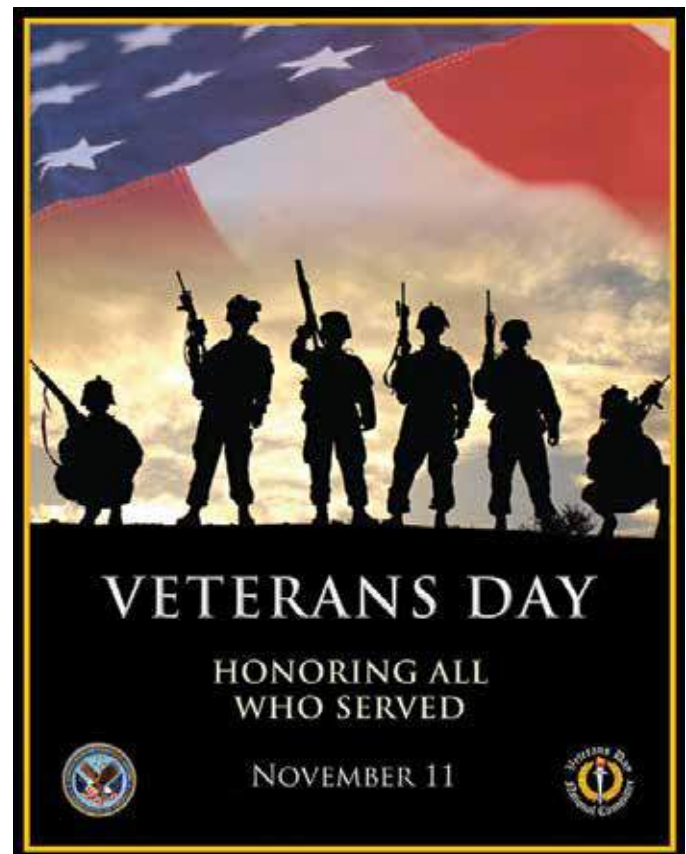
M. Brandon Robinson, Esq.

- 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
- Practice areas include wills, trusts, estates, guardianship, elder law, and veteran's benefits

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*Tuesday, November 5, 2019
From 5:00 to 6:00 pm*

*Presentation of Certificates
5:30 p.m.*

*RSVP to: mcba@manateebar.com
Light refreshments will be served*

RETIREMENT PARTY

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Deadline for reservations is Thursday, October 31, 2019
"No Shows" and reservations cancelled within 48 hours of event will be invoiced.

Please check here ☐ if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

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2020 Judicial Nominating Commission Nominations To Be Made

Judicial Nominating Commissions: One lawyer vacancy for each of the 26 JNCs. The Florida Bar has the opportunity to nominate three lawyers for each JNC to Gov. Ron DeSantis for his appointment. Each appointee will serve a four-year term, commencing July 1, 2020. Applicants must be members of The Florida Bar engaged in the practice of law and a resident of the territorial jurisdiction served by the commission to which the member is applying. Commissioners are not eligible for state judicial office for vacancies filled by the JNC on which they sit for 2 years following completion of their term.

Persons interested in applying for these vacancies may download the JNC application from The Florida Bar's website, or should call Bar headquarters at (850) 561-5757, to obtain the application form. Completed applications must be received by the executive director, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida, 32399-2300 or submitted via e-mail to jncform@flabar.org no later than 5:30 p.m. on Monday, December 16. Resumes will not be accepted in lieu of the required application. The Board of Governors will review all applications and may request telephone or personal interviews.

Welcome New Members

Jodi M. Ruberg, Esq.

University of Central Florida, 2007
The Florida State University College of Law, 2012
Year Admitted to the Florida Bar, 2012
Ms. Ruberg is an attorney with Kirk Pinkerton, Attorneys at Law, 240 S. Pineapple Ave., 6th Floor Sarasota, FL 34236.

Zachary Peck, Esq.

Charter Oak State College, 2011
Quinnipiac University School of Law, 2017
Year Admitted to the Florida Bar, 2019
Mr. Peck is an attorney with Carlson, Meissner, Hart & Hayslett, 714 Manatee Ave. E., Ste. C, Bradenton, FL 34208.

Kimberly Muentner, Esq.

Loyola University, 1984
University of Maryland School of Law, 1987
Year Admitted to the Florida Bar, 2010
Ms. Muentner is an attorney with the Law Office of Kimberly Muentner, P.A., 9040 Town Center Parkway, Lakewood Ranch, FL, 34202.

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Diversity & Inclusion Committee Brings “Letters From Anne & Martin” to Bradenton!

On Thursday evening, September 26th, at 7:00 pm, the Diversity & Inclusion Committee presented “Letters From Anne & Martin” to the community at the Manatee Performing Arts Center. Attendees heard the inspirational words of Dr. Martin Luther King, Jr.’s Letter from Birmingham Jail and Anne Frank’s Diary of a Young Girl in a performance that was thoughtful, moving and uplifting. The play shared important messages from Dr. Martin Luther King and Anne Frank as they spoke of their hopes and dreams for a peaceful, just and unified world. Following the performance, Penn State Professor Dr. James Stewart lead a post-show discussion with the actors and audience.

Earlier in the day, the performance was shown to 3,000 area 10th grade students. The production was made possible by the generous support of The Johnston Family Fund of the Manatee Community Foundation and The James Bruen and Jane Plitt Fund of the Manatee Community Foundation, Embracing Our Differences, and the Sarasota-Manatee Jewish Federation. Also sponsoring the event were: Executive Producer: Porges Hamlin Knowles & Hawk, P.A., Co-Producer: Weiffenbach & Reinhart, Attorneys at Law, Directors: The Boxser Diversity Initiative, McIntosh Law, Legler, Murphy & Battaglia, Blalock Walters, and Performer Sponsor: Paul Grondahl.

With special thanks to our generous sponsors:

Executive Producer:

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Baker Paul & Dorman

**Edward Sobel, Esq,
& Donna Sobel, Esq.**

Performer: **Paul Grondahl, Esq.**



*With special thanks to The Johnston Family Fund
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Registration: 8:00 a.m.

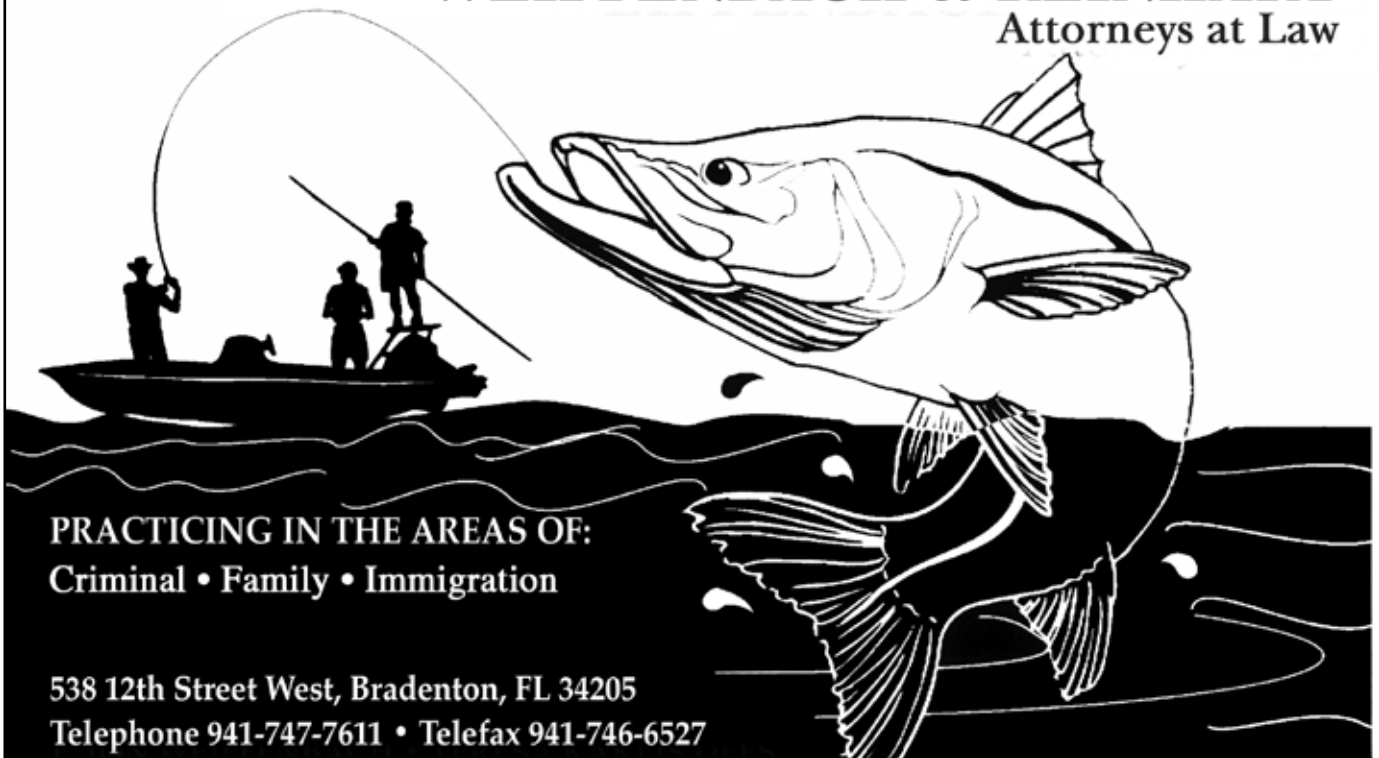
Program: 8:30 a.m. - 10:30 a.m.

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Judge Charles Sniffen and Manatee County Clerk of Court representatives will discuss:

- * the Supreme Court's Administrative Orders regarding online records access
- * the Clerk's new website.
- * how to access court and official records
- * redactions in court and official records
- * the new definition of "home address" in FS 119.071(4)(d)
- * e-recording and two current providers
- * the Clerk's Property Alert System
- * Real Property Filing Fees
- * New Book/Page numbers after 1/1/2020
- Q&A

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