



# INTER ALIA

FEBRUARY 2020

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION

## Third Act Ponderings

*by James D. Dye, Esq.*



On January 1, I went of counsel at Dye Harrison. My brother, Steve, the MCBA's current President-Elect, asked me if I'd put some thoughts on my transition in the *Inter Alia*. He said the membership may be interested, and more importantly, from his view, if I wrote something up for the newsletter, then he wouldn't have to. He said he'd then use the time he would have been using to write something for this issue to find someone to write something for the March *Inter Alia*. He'd thus be able to avoid writing two columns, a win-win he said. So, to help a brother out, I agreed to share some reflections, relevant or not, on this transition from active lawyering to active retirement.

I had a problem cataloging reflections, however. In my first month of retirement, the last thing I've wanted to do is reflect on or ponder my working life. I did a quick cipher and am pretty sure that I had my first summer job when I was either 13 or 14. Since then, I worked at least some point of every year except for maybe a couple of years where I went to school year round. That's roughly 50 something years of some kind of work going on at some point. The handful of years there wasn't work, I worked on my education (or maybe it was my tan; some memories are fuzzy). In any event, I'm not harvesting a lot of deep insights into a life at work in the vein of Studs Terkel, or even Jerry Garcia. Instead, I've been leaning more towards doing an end zone dance of some kind. Since I can't write up a description of what my end zone dance looks like, I did a deep dive and put together some things to share for the good of the order. And I doubt you guys want to hear about my end zone dance anyway.

First, this thing, role, or status called of counsel is somewhat undefined. Having a legal practice tells people a lot about you and what you do. Telling someone you're of counsel sends a vague ambiguous message. Black's defines Of Counsel as Latin for "old and in the way." I don't think that's accurate although my wife has suggested it may have some foundation in truth. She says that gently and with love, of course. I think what it means that when my phone rings, I get to look at the caller ID and decide whether to answer it. Of counsel thus has a component of freedom it's feeling like. So far, so good.

And speaking of clients, my practice consisted primarily of local government work, the thing of land use regulations, ordinances, and permit disputes. The law of red tape. Ironically, when I was an undergrad, I occasionally played racquetball with an urban studies professor. He lobbied me pretty hard to look into urban studies as a major or at least a minor. I was a history major and politely declined as my view of urban studies was that it didn't have the excitement of a major in history. Urban studies was about inner cities, rust belts, and corruption. History was about the evolution of Western Civilization, great battles, and We the People. My view at the time, was that being a history major would help me understand our legal framework and how we can continue in the direction that created the shining city on the hill. Since I was going to be a lawyer, I would get to carry a flag in the march up that hill. Those were my thoughts at the time...

I say this ironically because my practice ended up being closely aligned with what would pass as a classic urban studies curriculum in our rapidly growing and changing Florida. I ended up in the trenches dealing with the legal issues that can influence how our community grows or fades, thrives or shrivels. There may not have been rustbelts in Manatee County but there were still significant matters of neighborhoods prospering or getting left behind, urban and suburban sprawl, appropriate treatment of historical areas, and shrinking natural areas. I was involved on behalf of clients who were asking for approvals and on behalf of clients opposed to someone else getting an approval. I also advised boards and officials charged with deciding whether a change was approved or denied.

I watched our local governments and local citizens wrestle with the changes. And what sticks with me from watching all of this is not so much the resolutions of these matters because Florida has changed rapidly since the end of World War II and these changes never made everyone happy. Someone walking away unhappy is simply the nature of the beast. Instead, the thing that stands out is how the tone of the public conversation has changed. For example, several years ago I was presenting a project to one of our elected boards. The neighborhood was fiercely opposed to it. An elderly lady began an ad hominin attack on my client from the podium. I interrupted her and asked the chair to remind her to keep her comments on the project, not the individuals. It was the equivalent of a relevancy objection in a court proceeding. The chair asked her to limit her comments to the project so I sat down. Well, this elderly lady apparently only had personal insults to make because she paused, and unable to come up with anything else, sat down. She passed next to where I was sitting, and so she, in a stage whisper, called me a jackass (actually, it was a stronger word, but similar to jackass). And all I had done was try to keep the hearing on point and within the rules of decorum, not prohibit her from speaking. But decorum and procedure were not important to this witness that day. Instead, personal attacks and insults were the tools she intended to rely on to make her points. When they were taken from her, she was no longer able to influence the outcome.

*(continued on page 2)*

(Florida Law Changes, continued from page 1)

It is this theme of rancor and insults that I see has taken root in public discussions. I've seen it when citizens address their representatives and I've seen it when elected and appointed officials address each other. My experience is that insults and confrontation are not only rude, but importantly for public policy discussions, are simply not persuasive. Dan Aykroyd never changed Jane Curtain's mind by calling her an ignorant slut and a person addressing local officials as YOU PEOPLE tends to shut their ears rather than open their minds. I've advised elected officials that one of the key skills they should cultivate is how to persuade a majority of their other board members to agree with them. If an official cannot gather majority support, then their ideas or propositions never become policy regardless of how good they may be.

The use of insults and negativity in public forums has been increasing. Public meetings often become hostile resulting in a stress pool for everyone who attends, including the hapless attorney sitting nearby. The decline in civility isn't always present but it is becoming more common. It's not just my observation, either. I read an interview in Florida Trend with Gene Deckerhoff, the FSU and Tampa Bay Bucs play-by-play radio announcer (trivia answer – he spent his early career in broadcasting at Bradenton's WTRL when it was located on the pier about 20 steps from where the Bar Association meets). He compared the current political climate with the at-each-other's-throats atmosphere found in college sports' most hostile rivalries.

The change in atmosphere and lack of respect actually stifles effective governance. In our system, airing of different viewpoints in a collegial and supportive atmosphere is the structural skeleton of policy and decision making. Elected officials have to be able to listen and debate without fear of insults from either the public or from other officials. Citizens have to be able to address their representatives politely and without fear of being ostracized. An

idea should live or die on its merits, not based on who is for it or against it. An idea with merit can be missed if officials are giving or receiving the stink eye from across the room.

Thomas Jefferson is attributed as having said that government closest to the people serves the people best. I've spent my career with the government closest to the people and have seen dedication and commitment to good decision making and policy crafting in both officials and citizens, and I don't doubt their sincerity to serving the people best. I've seen fine people participate and it was refreshing to see them involved. I do not believe that we are at the point that the nation reached pre-Civil War when Congressman Brooks of South Caroling beat and almost killed Senator Sumner of Massachusetts in the Senate chambers because they were on opposite sides of the slavery debates. But I've seen law enforcement intervene in local government meetings more in the last 2 years that I'd seen in all of my earlier career. I'm hopeful the current atmosphere will ease. People involved in local governments, either on the dais or at the podium, are there because they are trying to influence decisions and in a good way. That point should ride over all others because it means everyone in the meeting room is because they want a good outcome. It takes commitment to the democratic process, however, because ideas and policies develop through a deliberative process in which many voices can contribute. If someone wants their voice taken into consideration, the voice is best presented civilly and respectfully. I'm retired, or of counsel, now. I look forward to the third act along with my wife and growing family. I get to lend my voice in the voting booth or in the barber shop. The barber shop I go to has a diverse group of customers who are very respectful of mine and other's viewpoints. It's refreshing to hang out there. My of counsel calendar stays busy. In fact, I see now that it's almost 5 and people will be heading home from work soon. That means I have to leave this essay and go and drive around slowly in the left lane.



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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.

## MCBA 2019-20

### SECTION CHAIRS:

Solo/Small Firm Section:	Steele Williams, Chair
Probate Section:	Rebecca Proctor, Co-Chair Alexandra St. Paul, Co-Chair
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## May FBBE Appointments To Be Filled

Florida Board of Bar Examiners Vacancies: Lawyer applicants are being sought to fill three vacancies on the Florida Board of Bar Examiners. A joint screening committee of Florida Bar Board of Governors members and Board of Bar Examiners members will recommend nine nominees for three lawyer vacancies at its May 15 meeting. The nominations will then be forwarded to the Supreme Court to fill three five-year terms commencing November 1, 2020 and expiring on October 31, 2025.

Attorney members must have been a member of The Florida Bar for at least five years. They must be practicing lawyers with scholarly attainments and have an affirmative interest in legal education and requirements for admission to the Bar. Appointment or election to the bench at any level of the court system will disqualify any applicant. Law professors or trustees are ineligible.

Board members of the Bar Examiners must be able to attend approximately 10 meetings a year in various Florida locations. Members should be willing and able to devote the equivalent of three to four days' work a month, or up to 350 or more hours per year on Board business, depending on committee assignments. Actual travel expenses connected with the meetings and examinations are reimbursed.

Persons interested in applying for these vacancies may download the Application for Special Appointment 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 [specialapptapp@floridabar.org](mailto:specialapptapp@floridabar.org) no later than the close of business on Monday, March 23. Resumes will not be accepted in lieu of the required application. A joint committee of Florida Bar Board of Governors and Florida Board of Bar Examiners members will review all applications and may request telephone or personal interviews.




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SCAN TO VIEW FAQs

## Solo/Small Firm Holds CLE

In January, the Solo/Small Firm Section held a CLE Lunch & Learn entitled: "A Solo Practitioner's Cautionary Tale" at the MCJC. A full house attended to learn from Judge Charles Sniffen, MCBA Past President Andrea Johnson, and Lindsay Guinan, Florida Bar Counsel. Special thanks to Lisa DeVito and Melanie Allsop of Bank OZK who sponsored the event.



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## Members Out and About!



In February, MCBA President Charles Telfair was spotted at the Florida Bar Winter Meeting at the Hyatt Regency Orlando. Charles is pictured with Florida Bar Miami attorney Dori Foster-Morales who will become president-elect of The Florida Bar at its Annual Convention being held June 26-29 in Boca Raton.



On February 1, Everglades University was host to a celebration awarding the Law Merit Badge to local Boy Scouts. A special thank you to Judge Gilbert Smith, Jr., MCBA Secretary Brian Iten, Representative Tommy Gregory and Manatee County Sheriff Rick Wells, for their community service to this worthwhile program.



Recently, members of the Young Lawyers Division and friends were spotted having some fun with paintball! Special thanks to YLD Treasurer, Dustin Wagner, for planning this event!



Our judges take their role very seriously! Judges Sniffen, Dees and Smith were seen using their expertise to pick a winner at the Manatee County Property Appraiser's Chili Cook Off! Decisions, decisions!

## IF IT INVOLVES FOOD



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

MCBA@ManateeBar.com

### THE MCBA IS ON FACEBOOK



We ask that you LIKE our page to stay updated on our events, news, and announcements. If we get to 200 likes, we have a prize for the 200th person, so LIKE our page.....you may just win!



## Welcome New Member!

### Monica Nielsen, Esq.

Stetson College of Law, 2018

Year Admitted to the Florida Bar, 2018

Ms. Nielsen is a staff family attorney at Gulfcoast Legal Services, 1112 Manatee Ave. East, Bradenton, FL 34208.



Joseph B. Battaglia is proud to announce the opening of his new law firm:

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The firm will focus its practice on real estate matters, including real estate closings, as well as bankruptcy law. The firm may be contacted at:

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**Grimes Goebel Grimes Hawkins Gladfelter & Galvano, P.L. (“AV” rated law firm) is seeking an experienced litigation attorney. Candidates should have excellent research and writing skills, along with practical case management experience including attending hearings and conducting depositions. Candidates should also be proficient at Microsoft Office, Westlaw, and billing software. Competitive salary with benefits based on experience. Candidates should submit a cover letter, resume, writing sample, and salary history to [jdanziger@grimesgoebel.com](mailto:jdanziger@grimesgoebel.com).**

**Communications will remain confidential.**  
**We are not accepting third-party/recruiter submissions.**

## DATES TO REMEMBER:

February 20, 2020	Diversity & Inclusion Committee Meeting - MCJC
February 26, 2020	General Membership Luncheon Pier 22
March 3, 2020	Real Property CLE – see flyer
March 4, 2020	Board of Directors Meeting - MCJC
March 11, 2020	YLD Board of Directors Meeting - MCJC
March 13, 2020	MCBA at Spring Training – see flyer
March 14, 2020	MCBA at the Arcadia Rodeo – ticket sales on your own
March 19, 2020	YLD Joint Social with Sarasota YLD – details to come
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 2, 2020	Guardianship & Probate Section CLE – details to come
April 8, 2020	YLD Board of Directors Meeting - MCJC
April 14, 2020	Family Section CLE: Details to Come
April 16, 2020	Diversity & Inclusion Committee Meeting - MCJC
April 24, 2020	MCBA Beach Party – Grimes Family Beach House
May 6, 2020	Board of Directors Meeting - MCJC
May 13, 2020	YLD Board of Directors Meeting - MCJC
May 21, 2020	Diversity & Inclusion Committee Meeting - MCJC
May 27, 2020	LAW DAY Luncheon *Note: DATE CHANGE!!!
May 28th 2020	Judge Farrance Retirement Party – details to come
June 3, 2020	Board of Directors Meeting - MCJC
June 4, 2020	Intellectual Property CLE – details to come
June 10, 2020	YLD Board of Directors Meeting - MCJC
June 18, 2020	Diversity & Inclusion Committee Meeting - MCJC
June 23, 2020	Family Section CLE – details to come
June 24, 2020	General Membership Luncheon Pier 22

\*dates are subject to change

## YLD News & Happenings

### Inspired by Others in our Legal Community

*By Greg DeMeuse, Esq., YLD Director*



It is a refreshingly cool January evening, and as I sit on my back porch during another gorgeous weekend, I am feeling inspired. I am inspired not by the weather, but because on this particular Friday evening, the 17<sup>th</sup> of January, I had the privilege of attending the annual banquet in honor of Dr. Martin Luther King, Jr., held

at the Palmetto Youth Center. This year, my second in attendance, was especially memorable and meaningful for several reasons.

First, due to my affiliation with Palmetto City Attorney, Mark Barnebey, I happened to land at the table front and center to the stage. At this table sat several esteemed members of our legal community, including two 12<sup>th</sup> Circuit Judges and the State Attorney. As I humbly took a seat next to the kindest former principal one could ever imagine, who seemed to know every person in the building, Judge Williams began his introductions for the banquet. It struck me, like the strike of a gavel, what critical roles so many of those around me play in the community that I live and work.

The only two others at my table apparently as uninfluential as myself were sitting next to me. They were a nice couple that struck up conversation about living in Manatee County, when I mentioned that I relocated from Pinellas County after law school. The gentleman had grown up in St. Petersburg, so he understood when I explained how comforting life in the Bradenton and Palmetto area seemed in comparison with the overcrowded metros to our north. Upon further inquiry, I learned that the lady accompanying him had been a violinist in the Florida Orchestra and was introducing an award recipient who was her music teacher in college. I quickly realized that I had been mistaken, as again I was in the presence of much nobler guests than myself.

The next wave of inspiration that Friday night came during the oratorical competition, which recognizes local middle and high school students with the courage to give a speech about carrying on

the legacy of Dr. Martin Luther King, Jr. in their own lives. The top contestant at each level profoundly delivered a message inspired by Dr. King, who in one instance challenged a young woman to continue the work remaining to bring equality to a still racially divided atmosphere at her school, and in another, motivated a young man to persevere through team sports by making incremental progress to better himself and those around him. I was in awe of the oratorical skill, passion, and perspective shared by those middle and high school students, the future leaders of our community.

The culmination of the evening was the award ceremony, featuring awards for Humanitarianism, Government Service, Outstanding Citizenship, and Small Business leadership. Of all the worthy honorees, the award recipient that resonated most with me was Angel Colonnese, the Manatee County Clerk, who earned this year's Government Service Award. As a native of the area, Ms. Colonnese emphasized the importance of involvement in our local community, using the Clerk's office volunteerism in a program that helps children learn to read as a prime example. She drove the point home with a favorite quote of hers, which I will conclude with because it sums up what I was reminded of that January evening, and which I often do not take enough time to consider on a regular basis in my practice of law: "Life's most persistent and urgent question is, 'What are you doing for others?'" — Dr. Martin Luther King, Jr.



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- with speaker Debra K. Carter, PhD

Where: Manatee Community Foundation, 2820  
Manatee Ave W., Bradenton, FL 34205

When: Wednesday, March 11, 2020 at 11:45am

Lunch will be provided.

\$15.00 for members, \$20.00 for non-members

Please pay by credit card prior to the event at the following link:

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to  
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## January General Membership Luncheon Highlights!

Judge Parker, and MariBeth Dunlap, Executive Director of the Arcadia Rodeo, were guest speakers at the January 29th General Membership Luncheon. Judge Parker and Ms. Dunlap gave attendees an insider scoop of the rodeo, and discussed its history and future plans.

Judge Robert Farrance announced his retirement to the membership, effective April, 2020. He urged any members who may be interested in his position to apply and made himself available to answer any questions. Also at this meeting, Jay Horne was awarded gift cards to Oak & Stone, Pier 22, and O'Bricks for winning the Membership Drive. Special thanks to Charles Clapsaddle, and METV, for filming the event











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**Amber Elizabeth Ashton, Esq.,  
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## MCBA Group Outing!

**Friday, March 13th vs Minnesota Twins at 6:05 pm**

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### PAYMENT

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**DEADLINE:** Thursday, February 27th

### TICKET INFORMATION

TICKETS	COST
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**MANATEE COUNTY BAR ASSOCIATION  
YOUNG LAWYERS DIVISION**

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**Join us for java and light breakfast with the  
2nd DCA, local judges and attorneys.**



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7:45 AM - 8:45 AM  
MCJC, 8TH FLOOR  
MULTIPURPOSE ROOM**

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**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 chair of the Florida Probate Rules Committee
- The Florida Bar's RPPTL Section Executive Council; Homestead Committee Co-Chair, Bar Journal Committee Co-Chair, Wills, Trusts & Estates Certification Course Committee Chair, Probate Law and Procedure Committee Co-Vice Chair
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**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, and elder law



**M. Brandon Robinson, Esq.**

- Admitted to the Florida Bar in 2015
- United States Department of Veteran's Affairs Accredited Attorney
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ROBERT A. FARRANCE  
COUNTY JUDGE

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TWELFTH JUDICIAL CIRCUIT  
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P.O. Box 3000  
BRADENTON, FLORIDA 34206  
TELEPHONE (941) 749-3609  
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KELLY ZOELLNER  
JUDICIAL ASSISTANT

January 28, 2020

The Honorable Ron DeSantis  
Governor, State of Florida  
The Capitol  
400 South Monroe Street  
Tallahassee, FL 32399

Re: Retirement of Manatee County Judge Robert Farrance

Dear Governor DeSantis:

It has been my honor and privilege to serve the people of Manatee County as a County Judge since my appointment by Governor Bush in 1999. I have worked with many honorable judges, talented attorneys, and hard-working bailiffs, clerks, and judicial staff, who have all worked diligently in the administration of justice.

I am so grateful to have had this honorable experience. After 20 years of service, I announce my retirement prior to the completion of my elected term. Please accept this notice of my retirement as Manatee County Judge, effective at the end of the business day on April 30, 2020.

I ask that you convene the Twelfth Judicial Circuit's Judicial Nominating Committee in hopes of expeditiously appointing my successor. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Farrance".

Robert A. Farrance  
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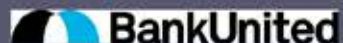


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