

## INTER ALIA

NOVEMBER/DECEMBER 2020

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION

## **NOTE:**

The Manatee County Bar Association leadership has determined, based upon the updated CDC guidelines that all <u>in person</u> events are cancelled until further notice.

## **Resiliency and Creating Our New Normal**

By Mary F. LeVine, MCBA Director and Past President

ell here we are, learning to cope and adapt to life and law practices overtaken by a lingering pandemic. We'd all heard about such things for years but never quite imagined our current set of circumstances. Ebola was far away in Africa, not here in Manatee County.

These days, in our connected world, things have a way of finding us and taking root here at home. Covid-19 and the worldwide pandemic have brought extraordinary upheaval to our lives, families, schools, governments, community functions, and law practices. How we work and live has dramatically changed and we do not know for how long.

Our long planned trips, our cruises, our family gatherings and even our monthly lunch meetings have been cancelled. Our 24/7 news cycles shower us with stories which are exhausting and overwhelming. As if all of this was not enough, we are living through an era of an unprecedented and divisive turmoil in our body politic.

Despite these ongoing changes in a stressful business, political and work environment, as lawyers, judges, and advisors, we carry on. By and large we are resourceful, adaptive problem solvers, rising to meet the challenges of our day.

Thankfully we can continue to work and provide our essential services. Aided by necessity, technology, Zoom, WebEx, Duo, DocuSign, Online notaries, drive-through closings and signings, we are serving our clients' diverse needs, and moving our cases through the Courts.

However, in the midst of these constant and changing demands on us, individually and as a collective, we need to cultivate and reinforce our resiliency skills. Resilience can be defined as a process that enables us to bounce back from adversity in a healthy way.

Our capacity for resilience derives from a collection of social, psychological and contextual factors we can change and develop. These factors include, for example, optimism and other positive mindsets, confidence in our abilities and strengths, effective problem solving, a sense of meaning and purpose, impulse control, empathy, gratitude, close relationships, social support and some sense of spirituality.

In many ways resiliency is a skill we can use to bolster our well-being. Resiliency can enhance our psychological fitness which may help us resist some of the cynicism which the practice of law tends to breed. Strengthening our resiliency helps reduce stress, depres-

sion, anxiety. It is also important to help us avoid the creeping effects of passive and destructive coping habits which burn-out, fatigue and stress overload often invite.

While prolonged stress can cause depression and anxiety, there are actually opportunities for stress-related growth



which our current challenges present. Adaptive mindsets about stress can influence our well-being for the better. This chosen shift of mindset can help us when we find lawyer work days dominated by disputes, conflict, competition, zero-sum games, nagging bottom lines and productivity quotas to meet.

Stressful experiences present opportunities to enhance our mental toughness, self-awareness, sense of mastery, deepening of relationships and a sense of meaningfulness and purpose. For us as attorneys, there is no shortage of stressful experiences in which to find these opportunities. Your first time trying a case was surely stressful. Now we face new stresses adapting to learn how to conduct Zoom trials, depositions and hearings.

Enhancing our resiliency involves actions which help generate those positive emotions (e.g. joy, contentment, peacefulness), which are so important to maintaining optimal health, functioning, and well-being. Positive emotions contribute to resilience against psychological dysfunction, which can dampen performance, increase job dissatisfaction, promotes incivility, and foster interpersonal conflicts.

Resiliency involves a basic need to experience a sense of belongingness to groups. This is important for all of us, whether it is a bar association, Inn of Court, community non-profit, or volunteer group. As members of our legal community and our bar association, we can all contribute to one another's resiliency, and sense of belonging, through fair treatment, courtesy, respect and appreciation for one another. Even in these days of social distancing and virtual meetings, staying connected and engaged promotes our well-being and helps us learn better coping mechanisms and new adaptive skills.

Fostering our own resiliency helps us to help others become more resilient too. The pandemic has caused many difficulties, and there are challenges in the days ahead.

In our new normal, we can still be better together - - - even at a distance. Make part of this new normal your own renewed and

(continued on page 2)

## President's Message - November 2020

By Charles W. Telfair, IV., MCBA President

## Happenings at the MCBA:

Coming up on November 19th, we will be saluting our MCBA veterans with a special virtual event. Congressman Greg Steube and US Marine Corps veteran, Steve Frederico, will be joining us to discuss their experiences in the military. Greg is a US Army Captain and a veteran of Operation Iraqi Freedom. Steve is a US Marine Corps, 2nd Force Recon, combat veteran and experienced the situation in 1983 Beirut, later receiving the New York State Medal of Merit. We have been working very hard to produce a slide show of our veterans of the past and present and have even included family and friends. We will be having giveaways of Congressional Medal of Honor Recipient Gary Beikirch's book, Blaze of Light. Sonny's Barbeque has joined in as an event sponsor, giving 25 MCBA veterans \$10 gift cards! But, you can't win if you're not there! So, sign up to join us as we celebrate our United States Armed Forces veterans – you don't want to miss this!

Recently, all active members received a short, four question survey asking for your opinion regarding in-person events. The MCBA Board of Directors would like to hear from you as we attempt to plan our future events. As you are aware, the Covid 19 virus has caused us to cancel our in-person events to date; but, we are considering events where we can practice social distancing. Comradery, networking, and friends are just we need as we say adios to 2020 and welcome 2021! So please, if you haven't already, take a moment to participate in the survey. You can find it in your email, or in the weekly NEWS YOU CAN USE.

Thank you all for being members of the MCBA! We appreciate each and every one of you!

(Resiliency and Creating Our New Normal, continued from page 1)

creative commitment to your own self- care, and commit to main taining your regular exercise, good nutrition, and attention to famil and fun time.

Remember how important it is to engage in hobbies which brin you joy. Stay connected, call your good friends and colleagues. Have Zoom cocktails and laugh with your friends. Head out to paddle board, go boating, start walking more, do yoga, read a great book, or plant your fall garden. Build your resiliency.

Please reserve time on your calendar and join us for our special zoom meeting November 19, 2020 in honor of Veteran's Day, where you will meet our special guest, and Medal of Honor recipient, Gary Beikirch.

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.



## CONGRATULATIONS JAMES JOHNSON!

James was the winner of the \$20 gift card to Oak & Stone for attending the October 2020 virtual General Membership meeting. James' name was drawn from names of all attendees of the meeting. We appreciate our members!

## Steele Williams Found the Gavel!

Steele found the gavel in the October issue of Inter Alia! Steele won a gift card to Pier 22! Congratulations, Steele on your keen eye. Thanks to all who participated.

## **YLD News & Happenings**

## **Zoom & Teams Competence: An Ethical Obligation During and Post-COVID-19?**

By Kelley A. Thompson, Esq.

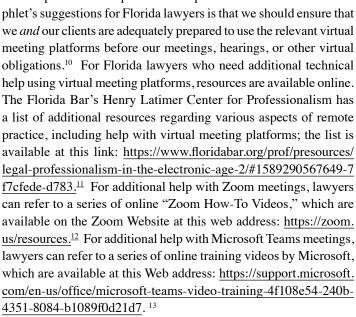
COVID-19 has drastically changed lawyers' day-to-day practice experiences, both for litigation and transactional attorneys alike. Instead of appearing for in-person hearings, meetings, depositions, and mediations, we are now attending virtual hearings, meetings, and mediations via Zoom, Microsoft Teams, and other similar platforms. This new reality begs two important questions: (1) do we as Florida lawyers now have an ethical or professional duty to be competent in such virtual meeting platforms and to use them in accordance with our other ethical duties, and (2) if we do, how can we ensure that we are meeting those ethical or professional duties?

The Rules Regulating the Florida Bar do not impose an outright ethical obligation on Florida lawyers to become competent in virtual meeting platforms.<sup>1</sup> Rule 4-1.1, which features the competence requirement, suggests that it only applies to legal knowledge, not knowledge about technology: "[a] lawyer must provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."2 However, the Comment to Rule 4-1.1 provides that "[t]o maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, engage in continuing study and education, including an understanding of the benefits and risks associated with the use of technology."3 Other than this reference in the Comment to Rule 4-1.1, the Rules simply (and perhaps quite justifiably) do not contemplate the extent to which virtual meetings have become part of Florida lawyers' practices. Fortunately, however, the Florida Bar's Henry Latimer Center for Professionalism does give Florida lawyers some guidance on what the Florida Bar expects from us in connection with virtual meetings. On their page entitled, "Legal Professionalism in the Electronic Age," the Center states that "[o]ne of the most profound shifts is the movement to video conferencing. With this shift, it is crucial to uphold the expectation of professionalism and civility within the legal profession." 4

To help lawyers meet this expectation, the Center has also published a pamphlet under the same name, "Legal Professionalism in the Electronic Age," which is available to Florida lawyers at this web address: <a href="https://www-media.floridabar.org/uploads/2020/05/Legal-Professionalism-in-the-Electronic-Age.pdf">https://www-media.floridabar.org/uploads/2020/05/Legal-Professionalism-in-the-Electronic-Age.pdf</a>, and which features "Special Considerations for Attorneys" and "Special Considerations for Judges." The pamphlet offers several important professionalism suggestions for Florida lawyers. For example, the pamphlet suggests that we should "ensure all listening devices such as Amazon Alexa or Google Home are turned off" if we are using virtual meeting software from home in order to comply with our obligations of confidentiality. It also suggests that we try to utilize "private chats" or 'breakout rooms'" to facilitate private communications with our clients within the platforms themselves. Additionally, the

pamphlet urges Florida lawyers to dress professionally despite working from home or meeting remotely.<sup>9</sup>

Perhaps the most important of the pam-



We are likely going to be using virtual meeting platforms for the foreseeable future, and even after COVID-19 is under control, virtual meetings will likely remain part of our practice. There is no time like the present to make sure we are comfortable with them and prepared in case competence in them becomes an ethical requirement.

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1 See R. Reg. Fla. Bar.
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<sup>5</sup>Legal Professionalism in the Electronic Age, THE HENRY LATIMER CENTER FOR PROFESSIONALISM, <a href="https://www-media.floridabar.org/uploads/2020/05/Legal-Professionalism-in-the-Electronic-Age.pdf">https://www-media.floridabar.org/uploads/2020/05/Legal-Professionalism-in-the-Electronic-Age.pdf</a>.

6 Id.

7 Id.

8 Id.

9 See id.

<sup>10</sup> Id.

<sup>&</sup>lt;sup>2</sup> R. Reg. Fla. Bar. 4-1.1.

<sup>&</sup>lt;sup>3</sup> R. Reg. Fla. Bar. 4-1.1, Comment (emphasis added).

<sup>&</sup>lt;sup>4</sup>Legal Professionalism in the Electronic Age, THE FLORIDA BAR, <a href="https://www.floridabar.org/prof/presources/legal-professionalism-in-the-electronic-age-2/">https://www.floridabar.org/prof/presources/legal-professionalism-in-the-electronic-age-2/</a> (last visited Oct. 31, 2020).

 $<sup>^{11}\</sup> Legal\ Professionalism\ in\ the\ Electronic\ Age,$  supra note 4.

<sup>&</sup>lt;sup>12</sup> Zoom How-To Videos, ZOOM, <a href="https://zoom.us/resources">https://zoom.us/resources</a> (last visited Oct. 31, 2020).

<sup>&</sup>lt;sup>13</sup> Microsoft Teams Video Training, MICROSOFT, <a href="https://support.microsoft.com/en-us/office/microsoft-teams-video-training-4f108e54-240b-4351-8084-b1089f0d21d7">https://support.microsoft.com/en-us/office/microsoft-teams-video-training-4f108e54-240b-4351-8084-b1089f0d21d7</a> (last visited Oct. 31, 2020).









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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. Firms must have two or more attorneys to be eligible.

Deadline to be included in the 2020-21 listing was October 31, 2020.

## **Looking for Job Opportunities?** Check out our Job Openings page on our website at www.manateebar.com

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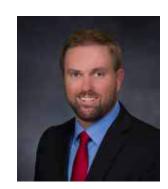
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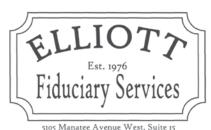


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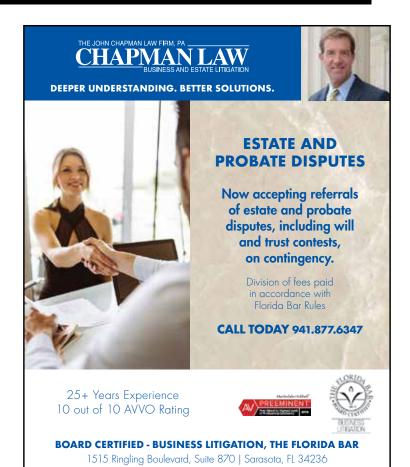
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\*Referral Fees Paid in Accordance With Florida Bar Rules

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## DATES TO REMEMBER:

November 18, 2020 YLD BOD Meeting

November 19, 2020 MCBA VETERANS CELEBRATION

December 2, 2020 Board of Directors Meeting
December 9, 2020 YLD Board of Directors Meeting

January 6, 2021 Board of Directors Meeting
January 13, 2021 YLD Board of Directors Meeting
January 14, 2021 Diversity & Inclusion Committee Meeting

January 27, 2021 General Membership Meeting

February 3, 2021 Board of Directors Meeting
February 10, 2021 YLD Board of Directors Meeting
February 18, 2021 Diversity & Inclusion Committee Meeting

February 24, 2021 General Membership Meeting

March 3, 2021 Board of Directors Meeting

March 10, 2021 YLD Board of Directors Meeting

March 18, 2021 Diversity & Inclusion Committee Me

March 18, 2021 Diversity & Inclusion Committee Meeting

March 31, 2021 General Membership Meeting

April 7, 2021 Board of Directors Meeting
April 14, 2021 YLD Board of Directors Meeting
April 15, 2021 Diversity & Inclusion Committee Meeting
April 16, 2021 Spring Social at the Beach!

May 5, 20201 Board of Directors Meeting
May 12, 2021 YLD Board of Directors Meeting
May 20, 2021 Diversity & Inclusion Committee Meeting
May 26, 2021 LAW DAY General Membership Meeting

June 2, 2021 Board of Directors Meeting

YLD Board of Directors Meeting

June 17, 2021 Diversity & Inclusion Committee Meeting June 30, 2021 Annual Meeting: General Membership

Meeting

\*dates are subject to change – check your weekly News You Can Use email for updates



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## Welcome New Members

## BETH A. LEVINE, ESQ.

University of Mississippi, 1987 Year admitted to the Florida Bar, 1988

Ms. Levine is an attorney with Lancaster & Eure, 711 N. Washington Blvd., Sarasota, FL 34236. Area(s) of practice: Social Security, Workers Compensation

## CAMILO SOTO, ESQ.

WMU – Cooley Law School, 2005 Year admitted to the Florida Bar, 2006

Mr. Soto is an Assistant County Attorney with the Manatee County Attorney's Office, 1112 Manatee Ave. W., Bradenton, FL 34205. Area(s) of practice: City, County & Local Government Law, Environmental and Land Use Law, and Real Estate/Land Development



2400 Manatee Avenue West, Bradenton, FL 34205 941-748-0550

Bradenton based law firm is seeking an associate attorney with 1-3 years' experience in the areas of Wills, Probate, Estate Planning and Real Estate. Must be an active member of the Florida Bar with strong communication, writing and interpersonal skills. A successful employment history is also required. Salary is commensurate with experience and benefits are provided. Send resume to Hamilton, Price & Marshall, P.A., 2400 Manatee Ave West, Bradenton, FL 34205 or via email to belinda@hamiltonpricelaw.com.

## **WILL SEARCH**

Cathy L. Kersey Cush

DOB (est): December 1, 1956 Date of Death: March 22, 2019

Last known addresses:

647 Park Circle, Bradenton 6700 150th Ave. N., Clearwater 28 Palmer St., Morrisville, PA

Please contact Kelley A. Thompson at Barnes Walker, Goethe, Perron & Shea with any information. Please call Kelley at: 941-741-8224



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## MCBA Members Speak at Bradenton Kiwanis Events!

In October, MCBA President, Charles Telfair, IV., and Past President, Andrea M. Johnson, were the special guests of Bradenton Kiwanis as they spoke about the 2020 Constitutional Amendments on the ballot for Florida. President Telfair, and Past President Johnson went one-by-one, explaining each amendment, and entertained questions from attendees.

On Tuesday, November 3rd, Judge Robert Farrance (Ret.) was the guest speaker at the Bradenton Kiwanis luncheon. The meeting was a "hybrid" meeting which incorporated both virtual technology and an actual meeting. In person attendees were socially distances and enjoyed a box lunch, while virtual attendees could view the event as it streamed. Judge Farrance discussed his experience with canvassing boards, giving some history regarding issues and past events. You may watch the event by visiting the Bradenton Kiwanis YouTube channel at: https://www.youtube.com/ watch?v=KJQVsCes7mg&t=20s

Bradenton Kiwanis kindly has opened their hybrid meetings to the

MCBA. MCBA members may attend virtually or pay only \$13.50 for a boxed lunch to attend in person. On December 15th, Judge Ed Nicholas is scheduled to speak regarding a Christmas story that his father, Dr. Sam Neel, shared about his experiences as an Army chaplain in a POW camp during World War II. The story is in Tom Brokaw's second book about the Greatest Generation, "The Greatest Generation Speaks". To attend the meeting, please visit the Bradenton Kiwanis website.









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## Highlights of October General Membership Meeting

Over 40 MCBA members attended the October General Membership Meeting, when Habitat for Humanity Manatee, CEO and President, Diana Shoemaker, was our special guest. Diana gave an informative and delightful overview of the Habitat for Humanity program, its requirements, and local impact on our community. Also discussed were ways members could become involved by shopping at the Habitat for Humanity ReSale store, volunteering to participate in the building or renovation of a home, or by serving on a board. Special thanks to Greg DeMeuse, YLD Director, for assisting with planning the event.



Greg DeMeuse, YLD Director



Judge Doug Henderson playing at the Blue Marlin on Bridge Street in Bradenton Beach, with his band Manatee River Bluegrass Band.



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Admitted to the Florida Bar in 1985 Past Director and Secretary of the Manatee County Bar Association



Jeffrey S. Goethe, Esa.

Admitted to the Florida Bar in 1990 Florida Bar Board-Certified in Wills, Trusts & Estates

Kevin M. Collver, Esq Admitted to the Florida Bar in 199

Member, Manatee County Bar Association LL.M., Taxation, Univ. of Florida



M. Brandon Robinson, Esq.

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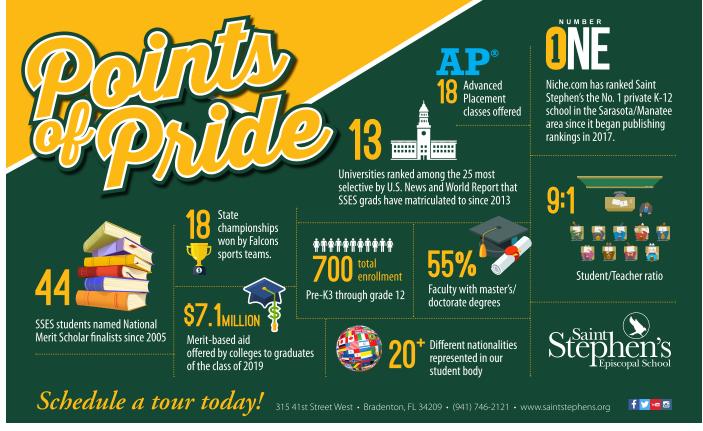


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Conference rooms available in the office.





As we wrap up the last issue of Inter Alia for 2020, we asked some of our members to reflect on life, in the office or at home, during a "pandemic".

## Steele Williams, Esq. (MCBA Past President):



Missing days prior to COVID, at the Pittsburgh Pirates block party on Main Street, Bradenton. February 15, 2020



Bald Eagle at Lowry Park Zoo

My family and I are doing great. We are adjusting to the new normal. This mainly means wearing masks in school all day long for the kids. Baseball started back up in June and my son is on the big field for the first time! As a sign of the times, my family went to the Lowry Park zoo for the first time in years. The wonderful bald eagle is still there, confident as ever. See the attached picture.

Professionally, I am getting better at Zoom hearings after an initial rough start with audio and screen sharing issues. Excited to hear a vaccine will be rolled out in January! We will get through this stronger as a nation!

## Mary Hawk, Esq., Porges Hamlin Knowles & Hawk:

We were lucky that our son Erik started college in the fall of 2019. He was able to experience the dorm and college life for 8 months, then the dorms closed due to COVID. He came home and has been doing distance learning ever since. Looks like he will be home until next August, fall semester 2021. He was able to do an internship at the



Erik, owner of Blue Line Pressure Washing



Sarasota office of the Public Defender, which he enjoyed, but now that that is over he, like a lot of college kids, wants to make some money. So, he bought himself a pressure washer with his savings, and has started a pressure washing and mobile carwash business, <u>Blue Line Pressure Washing</u>, while still taking his remote classes online.

My husband and I had to reset our mindsets from empty nesters, and there is some readjustment necessary! But our experience pales in comparison to what some folks have gone through, so we are not complaining.

Andrea Johnson, Law Office of Andrea M. Johnson, (MCBA Past President): In the early stages of COVID-19, I tried my best to "entertain" my children and keep them engaged during lockdown so that they were not playing video games and watching television always. I would add virtual field trips, craft activities, puzzles, scavenger hunts, and even made my 4th grade daughter memorize the names of the United States and Florida Supreme Court



justices. My kids did not like when I added more schoolwork for them! I also focused on caring for others even though most of our thoughts were keeping us safe. We participated in meal deliveries, made cards for residents at assisted-living facilities, made desserts for friends and family (and even created a poem about it), and cleaned up our neighborhood.

But COVID-19 then is different than COVID-19 now. My children are back in school full time, sports have resumed, as well as other activities. My focus has shifted from keeping them busy at the house, to maintaining a balance of keeping them safe while they participate in outside-of-the-house activities with not overwhelming them with constant talk about COVID-19. Since the beginning, I wanted my children to see that I respond in calmness and peace and did not want them to remember a chaotic household during this season. I have used this time to teach them that life does not always go as planned and life is not always easy, but we can overcome any challenges we face. You'll have to ask them if I succeeded!

Lisa Moore, Esq., LGM Law,







## "Anna the parrot" for Halloween

My family has come to realize how previous time with each other, but also friends, are. The hardest part was deciding what to do about school, and my kids were involved in that discussion. One of the silver linings for me is seeing how mature my kids have become. They have been active participants with Fred and I as we (even now continue) to navigate size and location of gatherings with others and what precautions we think a certain environment requires. We have also tried to keep our minds focused on a mindset that each of our decisions is in the interest of showing kindness and consideration to other people.

## Faith Brown, Esq., Brown & Brown Legal, MCBA Director

"To be honest, our lives have not changed much. Both my husband and I have continued to work and my youngest has continued with his full-time therapy. My two teenagers are really the only two affected by it."



## **Graceann Frederico**, Executive Director, MCBA:

It has been interesting. I've had to retool work and learn things I never thought I would, such as Zoom, digital media, software, etc. I became super creative with finding toilet paper and Lysol – it was reminiscent of trying to get Tickle Me Elmo or a PlayStation 20 years ago. I learned about murder hornets, Saharan dust storms, a coin shortage, 5G, and Tiger King. Did Carol.....never mind. I discovered that good old-fashioned bar soap works just great, and Grandma was



correct – vinegar, bleach and sunlight kills just about everything. I learned to appreciate family, friends, and attending church services more, singing hymns was just a little sweeter. I met neighbors I never knew before. I forgot what it was like to have two kids at home until.... my 24 year old son had to come home from Washington, DC – and my 20 year old daughter was home, too. Two college kids, one studying for the MCAT, and the other trying to complete her course work for USF in a home we downsized to, thinking it was big enough....was the "fastest" internet available really fast enough? The Frederico family put it to the test and the answer is a resounding "NO!" We counted our blessings and are ready for 2021!

## Dana Gerling, Esq., Affordable Attorneys





Covid Sign In Procedures at the office

COVID has significantly changed the way we handle things in our office. We worked remotely for 6 weeks and then returned to the office with masks, lots of hand sanitizer and Lysol. We had to completely restructure how we handle our appointments. Zoom meetings and telephone conferences have been our primary way of communicating with clients and we have come up with a system to where we allow one client into the office at a time to sign documents while the witnesses and notary are behind a plexiglass window. Although it has been an adjustment and seems like we have 5 steps to handle things that used to only require 1, our goal remains to ensure the health and safety of our staff and clients at all times. We are hopeful that we will be able to return to some type of normalcy soon!



## Melissa Casanueva, Esq., Butler Elder Law

When Covid first hit we included my in-laws as part of our bubble and the kids were able to be with them during the day so my husband and I could continue to work (albeit remotely). Then when their preschool opened back up, we sent the kids back to school. As for work, luckily our firm was able to work from home in

the beginning, and only in September/October are we starting to do certain days in the office and then still working remotely other days



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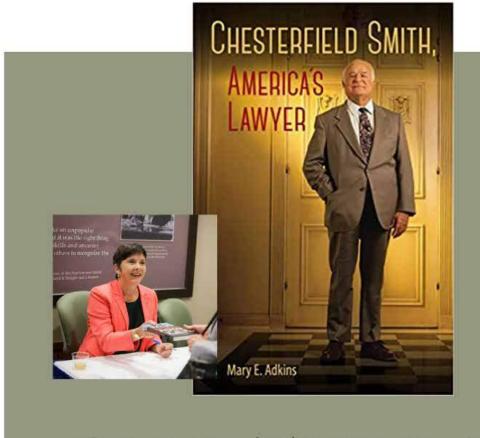
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Steve Heintz and David Becker are in the less than 1% of Florida lawyers that are board certified by the Florida Bar. Less than ½ of 1% are board certified by the National Board. Steve is certified by the National Board of Trial Advocacy.





## SAVE THE DATE!

PROF. MARY E. ADKINS WILL BE WITH US ON:

January 27, 2021 NOON

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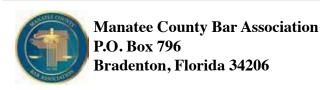
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