



MAY 2021

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION



Through The Tunnel of 2020

By Stephen Dye, MCBA President Elect

Looking back on 2020, it reminds me of being on a road trip when the highway enters a long tunnel. You have no choice. Everyone must drive through it. Then suddenly it gets really dark, but you have no choice but to keep going hoping to make it to the other side. It is uncomfortable and sort of scary until you emerge back into the sunlight on the other

end. I feel we are not out of the 2020 tunnel yet, but we can see the end of it and the bright sunlight on the other side.

I never worked remotely during the pandemic. But I dealt with lots of people who obviously did and some still are. The CEO of Bank of America recently said he had no plans to ever work from his office again (he made 24.5 million in 2020 from home and boasted that he also learned to play the guitar with his extra time not commuting to work.) You can tell if the person on the other end is working hard or not by when they respond. Some folks work just like they are in an office. They immediately call or email you back. But we have all experienced others where there is a long delay, or you get voicemail (or the inbox is full) when you never have before. Maybe they were on a bike ride or walking the dog for the tenth time? I guess a lot of people were too close to their refrigerators as well. They gained the infamous "Covid 19 pounds". It will be interesting to see what happens with commercial office space now that many people have decided they do not want to ever have an office again. I have quite a few clients that are not going to renew their office leases.

During the pandemic, the Manatee Bar Association stayed in connection with its members through technology and continued to hold Member and Board meetings via Zoom and more recently moving to "Hybrid" meetings at the Kiwanis Hall of the Manatee Performing Arts Building. The Association continued to offer members interesting and timely CLE options, as well as hopefully informative inter alia articles. And while we lost a few members and a couple of sponsors, which is understandable, we also added a lot of new members and several new sponsors as well. To me, this shows there is value in being both a member and sponsor of the Manatee Bar Association and I predict we will continue to see membership grow, especially in the latter part of 2021.

Most people are simply tired of not being able to meet and socialize face to face. Most of us are social animals which is why we went into law to begin with. The Association had our first face-toface social gathering in February which was an outdoor-themed food truck/ fire pit BBQ held at the Willis Smith corporate office in Lakewood Ranch. We had 50-60 attendees which was not at all bad for our first post Covid, in-person, event and everyone had a great time. The next live social gathering was the annual spring beach party held last month at the Grimes Family Beach House. It was a huge success and had more people attend than I can ever remember and Graceann and the committee did an outstanding job. Great food and beverages and this year a ping pong table that saw nonstop action! We had an increase in attendance by the YLD group so even the millennials have cabin fever as well, which is encouraging as they are the future of our organization.

Our next event, which I believe will be fantastic, is Law Day which will be held May 26, 2021, again, at the Kiwanis Hall location. The theme this year is, "Honoring the Men and Women of Local Law Enforcement", with Sheriff Rick Wells as the keynote speaker. It will also include a panel discussion and "Q and A" period; and we are asking anyone who wants to submit a question to the panel to please send the same to Graceann no later than May 19th, *(continued on page 2)*



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(Through the Tunnel of 2020, continued from page 1)

2021. Included in the meeting are the Police Chiefs from most of the area municipalities, Mayor Brown from the City of Bradenton, and representatives from the FBI, ATF, Highway Patrol, and Fish and Game. We have also invited our local congressional and state representatives. So, with all that has been going on, this should be a great program to both attend or to even bring a guest to enjoy. Make sure if you plan to attend to RSVP to Graceann early as we need to determine in advance the food needed as it is catered at that location and may even sell out. I want to thank Brian Iten for his leadership in putting this program together as well.

Finally, I want to thank our Association President Charlie Telfair and the Officers and Board Members for agreeing to serve two terms during the pandemic; and, who all worked hard to hold things together and actually thrive under difficult times. This goes double to our Executive Director Graceann who has had the difficult task of keeping things on track and of value to the membership during difficult times for any Association. What is amazing is we are financially stable; our membership is strong, and I think everyone is more than ready to get back to normal.

Let's leave the 2020 tunnel in our rear-view mirror!

INTER ALIA - MAY 2021

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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 firm must be a member of the MCBA. Firms with 100% attorney participation are:

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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.

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

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.



YLD News & Happenings

New Issues with Homeowner's Insurance and Transfer-on-Death Deeds

By M. Brandon Robinson, Esq., YLD Director

The recent unpublished opinion in <u>Strope-Robinson v. State Farm</u> <u>Fire & Cas. Co.</u>, No. 20-1147 (8th Cir. 2021), has complicated the use on Enhanced Life Estate Deeds and other Transfer-on-Death Deeds as it relates to the insuring of the real property. In that case the Court held that the remainder beneficiary of a Transfer-on-Death Deed was not covered by the Decedent's homeowner's insurance policy. A brief review of the case, and suggestions to work around the insurance issue, are below.

In Strope-Robinson Dawn Strope-Robinson became the owner of real property and a home following the death of her uncle, David, pursuant to a Transfer-on-Death deed. Shortly after David's death, David's ex-wife intentionally set fire to the home, damaging the home and destroying many of the personal belongings contained therein. Dawn, as Personal Representative of David's Estate, filed a Claim with State Farm, the insurer of the real property. State Farm paid David's Estate the value of the destroyed personal property, as the personal property was considered an asset of David's Estate, but denied the claim for the damages to the home on three bases: Dawn, as an individual, was not a named insured on the Policy; the named insured, David, did not have an insurable interest in the property at the time the fire took place due to his death; and David's Estate did not have an interest in the real property at the time of the fire due to the operation of the Transfer-on-Death Deed. After the case was removed to Federal Court by State Farm based upon diversity jurisdiction, the District Court entered Summary Judgement for State Farm on the basis that "The Estate had no insurable interest in the Property, and State Farm had no obligation to Strope-Robinson as an uninsured non-party to the Policy." Strope-Robinson v. State Farm Fire & Cas. Co. 429 F. Supp. 3d 634, 646 (D. Minn. 2019). This Appeal followed.

The U.S. Eight Circuit decided the case based upon the Law of the State of Minnesota, where the real property was located. Under Minnesota Law, much like in Florida, title to real property vests in the remaindermen of a Transfer-on-Death Deed at the moment the Grantor dies. The Court found that "David Strope died on August 14, 2017, after executing and recording a transfer on death deed naming Strope-Robinson as the grantee beneficiary. Under Minnesota law, we conclude that Strope-Robinson was the sole owner of the property named in that deed when it burned on August 20, 2017." Strope-Robinson v. State Farm Fire & Cas. Co., No. 20-1147, 4, (8th Cir. 2021). The Court further found that, "In the absence of assignment or express stipulation of the parties, policies of insurance do not attach to or run with the property insured and in case of a conveyance or assignment of the property, they do not go with it as an incident thereto" Id. at 5 citing Closuit V. Mitby, 56 N.W.2d 428, 431 (Minn. 1953). The Court ultimately affirmed the Summary Judgment of the District Court, holding that "Under Closuit, State Farm did not enter into an insurance contract with Strope-Robinson and State Farm's policy did not run with the property after it was conveyed, so State Farm properly denied the Claim."



This ruling leads to the uncomfortable conclusion that when a parcel of real property is transferred pursuant to a Transferon-Death Deed, such as an Enhanced Life

Estate Deed, the insurance on the real property is immediately extinguished unless the remainderman is also a member of the household where the decedent resided (family members who reside in the home are usually included as additional insureds on most homeowner's policies), or unless the remainderman are added as additional named insureds prior to the transfer taking place, i.e. prior to the death of the Grantor. Therefore, when preparing any Transfer-on-Death Deeds for a client, it is imperative that you counsel them to add the remaindermen to the homeowner's insurance policy as an additional named insured. Because the insurance companies often consider the additional risk associated with an additional named insured as marginal, adding an additional named insured to the policy should result in only a small increase in cost of the overall policy premium.

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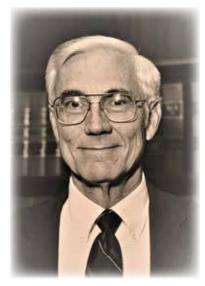
34 YEARS EXPERIENCE

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- Capital University Law School, J.D., Cum Laude, 1986
- Harvard Law School Mediation Training Program
- Chaiman, Florida Bar Alternative Dispute Resolution Section 2015-2016
- Chairman, Florida Bar Council of Sections 2018-2019
- Certified Circuit Civil Mediator
- Certified County Civil Mediator
- Conference rooms available in the office.

Remembering Judge Robert Judson Boylston

By Judge Gilbert Smith, Jr.

The Manatee County Bar Association is mourning a former president of the MCBA and a "Legend of the Bench". On April 29, 2021, Judge Robert Judson Boylston passed away at 89 years old. Throughout his career as an attorney and a judge he was active in the MCBA. Judge Boylston was born and raised in Sarasota, Florida. He played the saxophone and clarinet in the Sarasota High School marching band and in a dance band called the "Solid Six". The band charged \$5.00 per person to play for school groups and \$7.50 per person to play for other groups. In 1945, while in high school, Judge Boylston had an experience that changed his life. Locals were shocked when Sarasota County Judge Forrest Chapman was charged with attempted murder after he allegedly fired a handgun at an adversary at Five Points in downtown Sarasota during the middle of the day. When the case of *State of Florida v Forrest Chapman* went to trial, Judge Boylston became so interested that each day he would walk to the Sarasota County Courthouse to watch the proceedings. One of his defense lawyers was Paul Albritton who had served as a circuit judge in Sarasota when Sarasota County was the 27th Judicial Circuit. The trial ended with Judge Chapman being acquitted. Judge Boylston was so impressed with Paul Albritton's representation of Judge Chapman that he decided to become a lawyer. He graduated from Sarasota High School and then graduated with



his bachelor's degree in political science from Sewanee, the University of the South, in Tennessee. During the summers, Judge Boylston would travel to Port Huron, Michigan to work as a bell hop at the Gratiot Inn. That is where he met Tom Gallen who would become a colleague later in life. Judge Boylston also joined the ROTC during college and served in the Army for three years after college stationed at Ft. Devins, Massachusetts.

After receiving an honorable discharge, Judge Boylston continued his career goal to become a lawyer. He attended University of Florida where he met up again with his friend, Tom Gallen. Judge Boylston graduated with his juris doctorate and began his legal career with the firm of Powell, Kirby, Montgomery, and Sands in Jacksonville. In 1960, he decided to move back to his hometown to practice however instead of settling in Sarasota, he settled in Bradenton where his friend Tom Gallen was also practicing. Judge Boylston began practicing with the firm of Goodrich and Willis in Bradenton where he stayed for several years. In 1972, he began practicing with the firm of Grimes, Goebel, and Parry. Judge Boylston also became president of the MCBA that same year. On July 1, 1985, Governor Bob Graham appointed Judge Boylston to finish Judge Robert Hensley's term. During his time on the bench, he would become fondly known as the "Gentleman Judge" because of his polite and pleasant demeanor on the bench. Judge Boylston also believed in community service and volunteered his time with many organizations including the Girls Club of Manatee County. He will be greatly missed by the legal community.



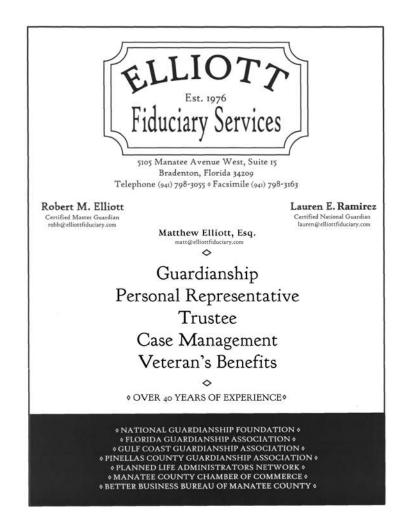
New Case Management Procedure in Place for Circuit Civil, County Civil Cases

Are you familiar with the new case management protocols in civil cases filed after May 1? In response to the requirements set forth in FL Supreme Court AOSC20-23, Amendment 12, Chief Judge Bonner issued <u>AO2021-6.1</u> outlining the court's new case management protocols for **county civil** and **circuit civil** cases.

Highlights of the AO include three designation categories plus definitions for civil cases – general, streamlined or complex. Further, the AO compels parties to file case management reports and outlines maximum deadline periods for events.

Plaintiffs are *highly encouraged* to serve a copy of the AO and proposed case management report with the initial summons so all parties can understand the new requirements, timeframes and deadlines as soon as possible.

All administrative orders entered by the court are on the court's <u>Administrative Orders page</u>. Download a copy of the case management report from the <u>Court Forms page</u>.



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University of Miami

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Stetson College of Law

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Stetson College of Law

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Area(s) of practice: Personal Injury, Charitable Estate Planning/ Non-Profits, and Criminal Defense.

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FOOD, FRIENDS AND FUN! MCBA ANNUAL SPRING SOCIAL AT THE BEACH!

Over 70 MCBA members, family and friends gathered at the 2021 "Beach Party" this year! After an unfortunate "shut down" last year due to Covid 19, the event was back, and better than ever in 2021. The Grimes Family Beach House was the perfect setting once again for an evening of delicious food, music, and a very busy ping pong table (courtesy of the Bruce family). It was a much awaited return of the steak sandwiches, oysters, shrimp, Tim's corn-on-the cob, and a new addition of Stacey's Sandcastle chocolate chip cookies – yes I was trying to hide a stash but you cookie lovers found them.....!

Thanks to everyone involved! We couldn't have done it without you!



INTER ALIA - MAY 2021

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Five Things You Didn't Know About CenterState Bank

Our local banking team has 4 members that have volunteered their time on behalf of the Florida Bar 12th circuit and lay members, offering unbiased community viewpoints on matters relating to the legal profession.

- Regional President Brian Hall has served on the Unlicensed Practice of Law Committee, 3 year term
- Area Executive Chris Perkins has served on the Grievance Committee, 3 year term - Private Banking Lead Renee Brady has served on the Grievance Committee, 3
- year term
- Sarasota Retail Market Manager Deborah Vaughn has served on the Grievance Committee, 3 year term

2

With the merger of CenterState Bank with SouthState Bank, which closed in June of 2020, we are proud to be the largest bank headquartered in Florida, and one of the largest banks in the Southeast. As an amalgamation of more than 30 community banks, the strength of our balance sheet allows us to offer world-class products while our DNA makes us laser focused on providing local decision making to support a remarkable experience for our customers.

The culture at CenterState Bank for our employees is best defined within our core values. Our teams work with conviction to live up to these values, which include: world class service, long-term horizon, relationship banking, local market driven, and Faith & Family. We believe that the most telling core value at CenterState Bank is faith and family. We are each committed to our individual faith and every employee must respect and serve their family. ... This value set serves to create trust in each other which is the basis of all that we do.

CenterState is committed to putting our values into action by giving of our time and resources to the communities we serve. In 2020, our associates volunteered over 500 hours of time serving the community and developing relationships through non-profit organizations, schools, national organizations, events, and more. Our employees maintain this level of commitment by consistently serving on over 25 boards and committees within the Sarasota and Manatee region.

CenterState is the primary bank for many law firms and lawyers located in Manatee county. We have a strong understanding of the depository, lending and treasury management needs of our valued law firm and lawyer clients, and have a dedicated team of experienced banking professionals to provide service to these relationships.



Highlights of the March 2021 General Membership Luncheon!

The March General Membership luncheon was a fantastic display of modern technology, and adaptability of our members, as we met at the Manatee Performing Arts Center, Kiwanis Hall on Wednesday, March 28th, 2021. Florida Bar President Dori Foster-Morales addressed the membership via Zoom, while MCBA member and Florida Bar of Governors Representative Scott Westheimer appeared in person. MCBA President Charles Telfair called the meeting to order over Zoom, while President Elect Steve Dye managed the meeting in-person. Judge Gilbert Smith, Jr., presented a special segment on MCBA history, and attendees enjoyed it so much, it will become an added feature to many of our meetings! Special thanks to the Manatee Performing Arts Center and our annual sponsors for making the event possible.



MCBA President Elect Steve Dye, Judge Gilbert Smith, Jr., MCBA Past President Alexandra St. Paul, FL Bar Board of Governors Scott Westheimer, and MCBA Past President Jeff Goethe



MCBA President Charles Telfair presides over the meeting via Zoom



Florida Bar President Dori Foster-Morales speaks to the membership over Zoom



RUN FOR FUN!

MCBA 5K ON THE BEACH

Presented by the Young Lawyers Division of the MCBA - Open to All Members

MAY 14, 2021 | 5:30 PM START & FINISH AT THE SANDBAR RESTAURANT, ANNA MARIA ISLAND

Join us to run our 5k on the beach! Start at the Sandbar, head toward Bean Point to the halfway mark, and return back to the Sandbar for your celebratory drink!

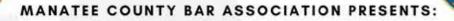
One Free Drink Ticket Per Person

RSVP to: Graceann at mcba@manateebar.com by Thursday, May 13th.

> Sponsored by: Dustin Wagner, Esq.



Inter Alia - MAY 2021



LAW DAY 2021 Honoring our Local Men and Women of Law Enforcement

WEDNESDAY, MAY 26TH, 2021 AT NOON KIWANIS HALL, MANATEE PERFORMING ARTS CENTER



Featuring Key Note Speaker **Sheriff Rick Wells** Together with a Panel Discussion

All in-person attendees will be entered into a drawing for a chance to win Apple Airpods Pro (sponsored by LawPay)

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RSVP by May 21st to MCBA@ManateeBar.com

You're Invited To Law Day 2021!

Come on out to our MCBA Law Day Celebration Luncheon, where we will be honoring the men and women of local law enforcement! Special keynote speaker is Manatee County Sheriff Rick Wells. Plenty of surprises, including a panel of law enforcement personnel who will answer questions from our attendees. A special visit from Lt. Bertolino and K9 deputy "Vinnie", and much more! All in person attendees will be entered into a special drawing for a chance to win Apple Air Buds Pro, sponsored by Law Pay!

The meeting will be streamed over Zoom, but we encourage you to attend. Space is limited as the meeting with be socially distanced. Masks are required upon entering the venue. To reserve your spot for lunch, you must RSVP no later than Friday, May 21st to <u>MCBA@</u> <u>ManateeBar.com</u>. We must stick to this deadline in order to prepare. To submit your questions for our law enforcement panel, please submit your question to Graceann at <u>MCBA@manateebar.com</u> by Wednesday, May 19th.

Administrative Assistant Wanted

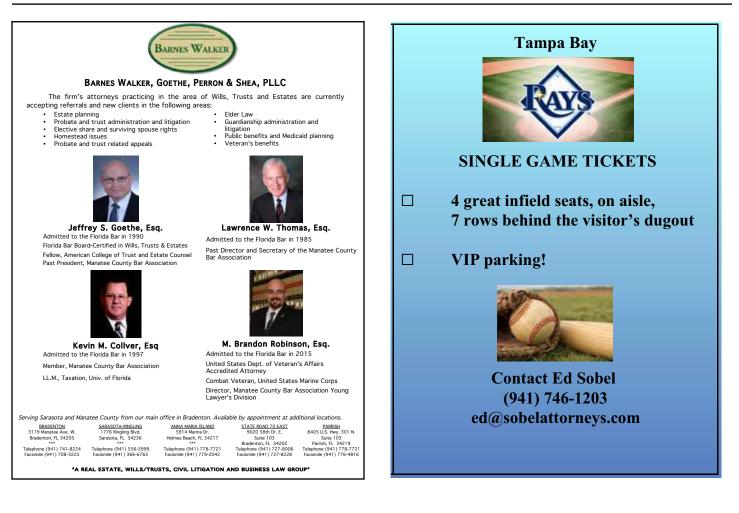
Porges, Hamlin, Knowles and Hawk, **PA** is seeking an administrative assistant to support two experienced Real Estate Paralegals for an established Bradenton, FL law firm. Responsibilities include administrative duties such as opening and closing client files, keeping track of all transaction documents in the client files, complying with legal procedures at the direction of the paralegals, and providing support throughout the closing process. <u>Administrative</u> <u>Assistant Qualifications</u>: Previous experience in the real estate industry preferred; knowledge of Microsoft Office and ability to learn closing software utilized by the firm; excellent written and verbal communication skills; ability to work independently. Please send resume with salary requirements to <u>Donnar@phkhlaw.com</u>



Looking For Law Firms To Sponsor The MCBA!

The MCBA is excited to announce it's newly released "Law Firm Sponsor" packages! Your firm can now be an official sponsor of our organization and receive great benefits such as your firm logo placed on our website, ads in Inter Alia, recognition at our events, and more! Email Graceann at <u>MCBA@ManateeBar.com</u> to request more information.

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DATES TO REMEMBER:

May 14, 2021	Run For Fun – YLD 5k
May 20, 2021	Diversity & Inclusion Committee Meeting
May 26, 2021	LAW DAY General Membership Meeting
June 2, 2021 June 9, 2021 June 17, 2021 June 30, 2021	Board of Directors Meeting YLD Board of Directors Meeting Diversity & Inclusion Committee Meeting Annual Meeting: General Membership Meeting

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

Be Party of a National Study – Now is Your Chance to Be Heard!

Please help with an important national study on the impact of COVID-19 on the judicial system.

The COVID-19 pandemic required federal and state courts to quickly change their operations and procedures. Researchers at the University of Illinois and the National Center for State Courts are conducting a national survey to determine which changes worked well-and should be kept-and which didn't, and how changes impacted individual cases and access to justice. The results of the study will help identify necessary reforms and plan for future emergencies.

Please answer a 15-minute survey to report on your own experiences with the courts during the COVID-19 pandemic. Please also forward the survey to associates and (where appropriate) to clients. Access survey at this link:

https://www.familylawprogram.com/covidcourts-shareyourexperience

Questions about the study? Contact Professor Robin Fretwell Wilson (wils@uillinois.edu) or Professor Jason Mazzone (mazzonej@ illinois.edu).

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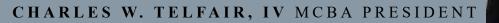
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Edward Emil Sell DOB: July 15, 1945 DOD: March 20, 2020

Last Known address in Florida is 4514 Timber Lane, Bradenton, FL 34210 and address in Indiana would have been 193 Amhurst Place, Valparaiso, IN 46385.

If anyone has information please contact: <u>penny@harrislawfirmpc.net</u> or Attorney Harris, <u>jharris@harrislawfirmpc.net</u> or via phone at (219) 661-1110.



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ADDRESS SERVICE REQUESTED

Advertising in the Dye, Harrison, Kirkland, Petruff, Pratt & Inter Alia

> If you are interested in advertising in the Inter Alia, please contact Graceann Frederico at (941) 741-4091 or at MCBA@ManateeBar.com Copy deadline is the 1st of the month. Payment is expected at time of publication. Checks may be made payable to MCBA, P.O. Box 796, Bradenton, FL 34206.

Ad rates	s are as follows:
Business card	\$40.00
1/4 page	\$60.00
1/2 page	\$90.00
Full page	\$150.00
Ad Layout	\$25.00