

INTERALIA

JUNE 2021

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION



Discovery Dispute? Confer with Opposing Counsel

By Brian Iten, Esq., MCBA Secretary

As noted by William Gladstone, "justice delayed is justice denied." *Gaur v. Gonzalez*, 124 Fed. Appx. 738, 743 (3d Cir. 2005). And lawyers are painfully aware that discovery disputes oftentimes account for the delay that plagues litigation. While the knee-jerk answer for the aggrieved attorney might be to file

a motion to compel, counsel should first ask if he or she is in full compliance with the Local Rules of the Twelfth Judicial Circuit before seeking court intervention. Notably, Rule 5 of the Local Rules of the Twelfth Judicial Circuit, reads as follows:

a) Certificate of Good Faith. Before filing a motion to compel or for protective order, counsel for the moving party shall confer with counsel for the opposing party in good faith effort to resolve the issues raised. When a motion is filed, a statement certifying that counsel has conferred with opposing counsel and that they have been unable to resolve the dispute shall also be filed.

Similar language appears in Florida Rule of Civil Procedure 1.380(a)(2). Of course, lawyers will not all agree on the meaning of "confer." Fortunately, a federal magistrate in the Southern District of New York previously offered some guidance, which a handful of his fellow magistrates - namely in New York and Virginia - have chosen to adopt. In Big Apple Pyrotechnics v. Sparktacular Inc., 2006 WL 587331, at *1 (S.D.N.Y. Mar. 8, 2006), now-retired United States Magistrate Douglas F. Eaton declared that "[c]onfer' means to meet, in person or by telephone, and make a genuine effort to resolve the dispute by determining . . . (a) what the requesting party is actually seeking, (b) what the discovering party is reasonably capable of producing that is responsive to the request, and (c) what specific genuine issues, if any, cannot be resolved without judicial intervention." Magistrate Eaton further announced that "failure to hold a good faith conference is ground for the award of attorney's fees and other sanctions." Id. Expanding on that theme, Magistrate Daniel J. Stewart recently noted that the obligation of attorneys to "actively work together to resolve discovery disputes . . . far exceeds simply sending a terse email or a sarcastic letter." Gorman v. Rensselaer County, 2016 WL 6679545 (N.D.N.Y. May 18, 2016). It is the dreaded lawyer-to-lawyer email to which we now turn our attention.

While it is apparent that the use of email in the practice of law is here to stay, attorneys must be cognizant of the fact that increasingly our brothers and sisters of the bar have been sanctioned for sending uncivil electronic messages to each other. See, e.g., Gary L. Gassman, et al., Defining Civility as an Attorney, 55 Tort Trial & Ins. Prac. L.J. 557, 570 (2020). Although lawyers are trained in communicating via the written word, in reality attorneys authoring emails rarely allot the same amount of attention to compose their electronic messages that they devote to craft court filings. While easier in the moment, communicating via email is invariably part of an attorney's tiresome, anxiety-provoking ritual of checking, sending, and replying to an inbox that never leaves one's side, accessible via desktop computer, laptop, tablet, and smartphone. It should come as no surprise that the email author's attention to the matter at hand is typically fragmented by the din of incessant electronic communication. And according to one study led by researchers from the University of California, Irvine, the "longer one spends on email in [a given] hour the higher one's stress for that hour." Cal Newport, E-mail is Making Us Miserable, The New Yorker, (Mar. 1, 2021) https://www.calnewport.com/blog/2021/03/01/ email-is-making-us-miserable/>.

Professor Cal Newport of Georgetown University has supplied an excellent example where the spoken word proves itself superior to email. Cal Newport, *A Modest Proposal: Eliminate Email*, Harvard Business Review, (Feb. 18, 2016) < https://hbr.org/2016/02/a-modest-proposal-eliminate-email>. In his hypothetical, Newport posits that "Alice and Bob need to work together to write a report." *Id.* "If they use email, the process would likely unfold in an inefficient manner, as both Alice and Bob, under the Sisyphean pressure of an ever-filing inbox, keep dashing off quick responses to each other so as to temporarily clear the issue out of this psychic space." *Id.* By comparison, if they are "forced to talk in real time," the two are more likely to arrive at a "complete and coherent plan for how the work should best unfold in the days that follow." *Id.* This hold true because "[h]umans are not wired to exist in a constant state of divided attention

...." Id.

Sending out a snarky email and following up with a boilerplate motion to compel might, at first blush, seem like the most efficient use of your valuable time. But we all know that the practice of law – typically steeped in conflict – is inherently time-consuming and difficult. There is no need for lawyers to make it harder by bypassing common-sense, rule-driven steps to advance the cause of our respective clients. Simply put, before you fire off that motion compel to opposing counsel, back away from your keyboard, pick up your phone, and "confer."

The MCBA Welcomes Our Newest Sponsor



Bar Prep Hero is a national bar review program that provides an interactive web-based platform for students and covers MBE, MEE, and MPT parts of the bar exam. The program offers a complete collection of officially licensed NCBE® questions from actual past bar examinations (every single question ever released!), allowing learners to become familiar with the exam format and, more importantly, the mindset of the examiners.

Bar Prep Hero has been featured in several publications, including Above the Law, Crush The Bar Exam, and more. The platform caters to individual law students and attorneys looking for a comprehensive yet affordable review program for the upcoming Bar exam.

Bar Prep Hero offers two types of materials:

- 1) Official, NCBE-licensed questions from past bar exams,
- 2) Simulated MBE questions created by an in-house team.

For more information, please visit the website at https://barprephero.com

Grimes Hawkins Gladfelter & Galvano, P.L. *Mediation Services*



Jack Hawkins, Esquire Certified Circuit Civil and Family Law Mediator

Over 40 years' experience in Civil Trial, Family, and Business Law Practice

Grimes Hawkins Gladfelter & Galvano, P.L. 1023 Manatee Avenue West Bradenton, Florida 34205 Email: jhawkins@grimesgalvano.com Website: www.grimesgalvano.com

ebsite: www.grimesgalvano.com Phone: 941-748-0151 Fax: 941-748-0158



Affordable Attorneys, Gerling Law Group Chartered
Blalock Walters, PA
Boyer & Boyer, PA
Dye, Harrison, Kirkland, Petruff, Pratt & St. Paul, PL
Lancaster & Eure
Mackey Law Group, PA
Manatee County Attorney's Office
Porges, Hamlin, Knowles & Hawk, PA

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:

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.

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.



MCBA Young Lawyers Division Holds "Run for Fun 5K"

In May, the Young Lawyers Division hosted a 5K at the Sand Bar Restaurant on Anna Maria Island. Dustin Wagner of Lightening Law, PLLC sponsored the event where participants could walk or run the 5k on the beach, and then enjoy a refreshing beverage afterward. Lots of energy, fun, and a beautiful sunset was on hand – and plenty of laughs. Despite the wind, the runners and walkers persevered with the fastest finish of 18:30 going to Trenton Johnson, son of MCBA Past President, Andrea Johnson. The event was part of the YLD's participation in a larger health and wellness initiative of the Florida Bar YLD, #YLDMotionGranted.









Young Lawyers Division 2021-22 Board of Directors!

At the June 9th, 2021 annual meeting of the Young Lawyers Division, the following were elected to serve on the YLD Board of Directors:



President: Dustin Wagner, Esq.



President Elect: Grace Reeves, Esq.



Treasurer: Brandon Robinson, Esq.



Secretary: Kate Fall, Esq.



Past President: Alexandria Nicodemi, Esq.

Directors:



Aaron Crittenden, Esq.



Sierra Butler, Esq.



Jami Worley, Esq.



Anisley Mena, Esq.



Kari Martin, Esq.



Patrick Barnes, Esq.



Luis Silva, Esq.



James "Jay" Horne, Jr., Esq.

The newly elected Young Lawyers Division Board of Directors will be sworn in at the upcoming MCBA Annual Meeting on Wednesday, June 30th at Pier 22.

The Young Lawyers Division is very active within the MCBA and throughout the community. The YLD actively applies for and receives grants from the Florida Bar; and, in the past, have had the honor of winning several awards for their projects, such as the Children's Waiting Room in the Manatee County Judicial Center. The YLD host the very popular, Java with the Judges, as well as social and wellness activities. If you are a young lawyer, under 40 years of age, or may be a "young lawyer" who is new to the profession, we suggest you check out our Young Lawyers Division!

ф

MCBA Announces Slate for 2021-22 Board of Directors

At the May, 2021 virtual General Membership Meeting, the MCBA announced its 2021-22 slate as follows:

PRESIDENT: Stephen Dye, Esq.

PRESIDENT-ELECT: Faith Brown, Esq.

SECRETARY: Brian Iten, Esq.

TREASURER: David Wilcox, Esq.

DIRECTORS: Mary LeVine, Esq.

James Lynch, Esq.

Andre Perron, Esq.

Alexandria Nicodemi, Esq.

Aaron Crittenden, Esq.

Stacey Maloney, Esq.

YLD PRESIDENT: Dustin Wagner, Esq.

IMMEDIATE PAST-PRESIDENT: Charles Telfair, IV, Esq.

Many thanks to outgoing board members, Alexandra St. Paul, Esq. (Past President) Greg Hagopian, Esq. (a Past President) and Rebecca Proctor, Esq. RSVP now to attend the Annual Meeting on Wednesday, June 30, 2021 at MCBA@manateebar.com. Our special guest speaker is Emily Lekahal, Esq. Legal Counsel for the Tampa Bay Buccaneers!



John M Campora, CRPC* Financial Advisor

3226 East Bay Drive Anna Maria Island Centre Holmes Beach, FL 34217 941-779-2499

Edward Jones

Construction Consultant - Arbitrator Owner's Representative - Expert Witness

Charlie Wilson

Commercial General Contractor for 35 years LEED AP

MKT-58941-A

HEINTZ LAW

A Law Firm Serving Accident Victims

941. 748.2916 • HEINTZLAW.COM

We welcome personal injury case referrals.

Please look into the qualifications, credentials and experience of any firm before you make a referral.





















All of the awards above that our firm has attained are non-tested. Board certification is significantly more difficult to achieve than any of the above.



Steven Heintz is in the less than 1% of Florida lawyers that are board certified by the Florida Bar. Less than 1/2 of 1% are board certified by the National Board. Steve is certified by the National Board of Trial Advocacy





Super Lawyers





Welcome New Members

Cynthia Evers, Esq.

Nova Southeastern University, 1991 Year Admitted to the Florida Bar, 1991 Ms. Evers is the Chief Assistant State Attorney at the State Attorney's Office, PO Box 1000, Bradenton, FL 34206. Area(s) of Practice: Criminal Prosecution

Cory A. Stewart, Esq.

Penn State Law School, 2019
Year Admitted to the Florida Bar, 2020
Mr. Stewart is an associate attorney with Mackey Law Group,
PA, 1402 3rd Ave. W., Bradenton, FL 34205.
Area(s) of Practice: Civil Litigation



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 MCBA@ManateeBar.com to request more information.



- Personal Injury Matters
- REAL ESTATE LITIGATION
- MEDICAL MALPRACTICE
- BUSINESS AND COMMERCIAL LITIGATION
- Labor and Employment Issues
- PRODUCT LIABLILITY
- Local Government Disputes
- PROFESSIONAL FEE DISPUTES

Scott Brownell scott@brownellmediation.com 941.447.3701

WWW.BROWNELLMEDIATION.COM

WILL SEARCH

I am looking for a Will for Eric Raymond Garson D/O/B 4/29/49

Please contact attorney, Peter Peak at petepeak@ij.net or call 941-742-6671.









The Manatee County Bar Association offers a wide range of benefits and resources to its members. We've been serving the Manatee County legal community since 1902!

BE SEEN

Gone are the days of hanging your sign and clients would appear. Our members are seen by others on our website, social media, and at both membership-wide and community events!

CLE COURSES

We offer numerous CLE courses throughout the year - many are FREI for our members! No need to travel and incur an extra expense, when you can be on your way to fulfilling your CLE requirements with us!

NETWORKING

Build your law practice network by attending our luncheons, events, meetings, and socials. Your lunches at our General Membership Meetings are included in your dues!

ONLINE DIRECTORY LISTING

Your membership includes a basic feeing in our searchable online directory. The public can find you when they search our online directory for a local attorney!

INTERACT WITH YOUR JUDGES

Our judges often can be found teaching or participating in our CLEs, and attending our various events!

REFERRALS & MENTORING

MCBA attorneys are known for their professional manner and willingness to assist other attorneys with referrals and mentoring!

JOIN OR RENEW TODAY!

All this and more is included in your MCBA duest. At only \$225

Vielf our website at www.mimateebar.com ar email our office at midos@manateebar.com

Welcome Emily Lekahal, Legal Counsel of the Tampa Bay Buccaneers

The MCBA is honored to welcome Emily Lekahal to our Annual Meeting! Born and raised in Denver, Colorado – Emily Lekahal studied Broadcast Journalism at Colorado State University. Her law school search took her to Minneapolis where she received her Law Degree from the University of Minnesota. While in law school – she spent two and a half years interning in the legal department for the Minnesota Vikings. The connections she made in Minnesota – brought her to Daytona Beach, Florida right after graduation – where she served as Corporate Counsel for the Ladies Professional Golf Association. In 2019 she transitioned back to the NFL and is now Legal Counsel for the Tampa Bay Buccaneers. She is one of two attorneys for the company and handles all commercial transactions and risk management for the team as well as oversees litigation, employment matters, and security compliance.

Want to meet Emily, and learn more about her daily life working for a Super Bowl team? RSVP by June 25th, 2021 to Graceann at MCBA@ManateeBar.com Guests may attend, with an MCBA member, for \$30.



Trusted. Committed. Banking Forward.





South State Bank and CenterState Bank have joined together to create one of the leading regional banks in the Southeast. As trusted partners, we are committed to providing more locations, enhanced products and services and innovative digital banking technology to make our customers' lives easier and more convenient.

We've provided financial solutions to individuals, families and businesses throughout the Southeast for more than 100 years. Both companies were built on the same founding principles of relationship banking and investing in the communities we serve. It's the commitment to these values that made us the strong and successful companies we are today and these values will continue to guide us in the future.

Together, we're Banking Forward.



SVP. Market President Manatee/Sarasota



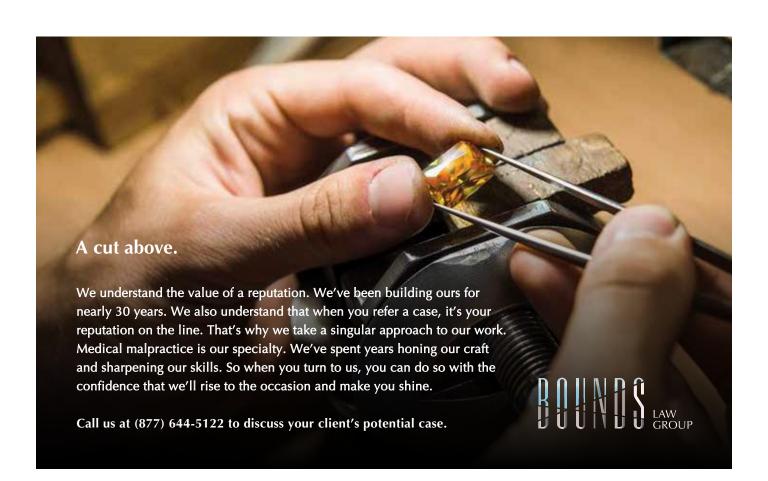
Chris Perkins SVP, Area Executive Manatee/Sarasota



Renee Brady FVP, Private Banking Relationship Manager

South State Bank and CenterState Bank, N.A. have merged to become South State Bank, N.A. Please visit BankingForward.com to learn more.





June 17, 2021 **Diversity & Inclusion Committee Meeting**

June 17, 2021 Judge Farrance Retirement Party

June 30, 2021 Annual Meeting: General Membership

Meeting - Elections & Tampa Bay

Buccaneers Legal Counsel

DUES ARE DUE July 1, 2021

MCBA Office is CLOSED July 1-July 11, 2021

August 4, 2021 MCBA Board of Directors Planning Meeting

August 11, 2021 MCBA YLD Board of Directors Planning

Meeting

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







BARNES WALKER, GOETHE, PERRON & SHEA, PLLC

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

- Estate planning
 Probate and trust administration and litigation
 Elective share and surviving spouse rights
- Homestead issues Probate and trust related appeals
- Guardianship administration and litigation Public benefits and Medicaid planning Veteran's benefits

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



Kevin M. Collver, Esq

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



Lawrence W. Thomas, Esq.

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



M. Brandon Robinson, Esq. Admitted to the Florida Bar in 2015

United States Dept. of Veteran's Affairs Accredited Attorney Combat Veteran, United States Marine Corps Director, Manatee County Bar Association Young Lawyer's Division

Serving Sarasota and Manatee County from our main office in Bradenton. Avail by appointment at additional locations

BRADENTON 3119 Manatee Ave. W. Bradenton, FL 34205

ach, FL 34217 Telephone (941) 778-7721 Facsimile (941) 779-2042 STATE ROAD 70 EAST 9020 58th Dr. E.

PARRISH 8405 U.S. Hwy. 301 N.

"A REAL ESTATE, WILLS/TRUSTS, CIVIL LITIGATION AND BUSINESS LAW



ANNUAL 2021 SPONSORS OF THE MCBA!













We appreciate our sponsors!

Law Day 2021 Celebrated the Local Men & Women of Law Enforcement!



Lt. Jeremy Bertolino and K9 Deputy Vinnie



Law enforcement personnel receiving proclamations



Panel taking questions: Spcl Agent Baugher, Judge Charles Roberts and Sheriff Rick Wells



Delicious dessert display



Sheriff Rick Wells speaking to the membership and guests



President Elect Steve
Dye and Bagpiper, MCSO
Deputy Nate Boggs



Former Manatee County Sheriff Brad Steube and wife, Debbie Steube

On May 26th, 2021, Sheriff Rick Wells addressed the membership at the MCBA Annual Law Day Luncheon, held at the Manatee Performing Arts Center, Kiwanis Hall. Sheriff Wells gave valuable insight regarding the Sheriff's Office, and its operations throughout a pandemic year. The celebration began with the Pledge of Allegiance led by the Manatee County Explorer Post 6, Deputy James Fazio, Explorer Captain Jackson Dugmore, Explorer Lieutenant Jasmine Pena, and Explorer Sergeant Cleide Velasquez.

Several area law enforcement organizations were represented, and received special proclamations, by President Elect Steve Dye, in recognition of the labor and sacrifice of law enforcement personnel. Receiving proclamations were: Special Agent Konstantinos "Dino" Balos, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives,; Special Agent Tom Baugher, Federal Bureau of Investigation; Chief Melanie Bevan, Bradenton Police Department; Lt. George McCorkle, Florida Fish & Wildlife Conservation Commission; Special Agent Greg Monk, Resident Agent in Charge, Florida Department of Law Enforcement; Chief William Tokajer, Holmes Beach Police Department; Chief George Turner, Longboat Key Police Department; Chief Scott Tyler, Palmetto Police Department; and, Manatee County Sheriff Rick Wells. K9 Officer "Vinnie", attending with K9 Deputy, Lt. Jeremy Bertolino, received special recognition and received delicious "Pupperoni" treats and a new Kong toy.

MCBA Secretary, Brian Iten, organized a discussion panel, which answered questions submitted by the MCBA membership. On the panel were Sheriff Rick Wells, Special Agent Tom Baugher of the FBI, and Judge Charles Roberts, of the 12th Judicial Circuit. Manatee County Sheriff's Deputy Nate Boggs made a special appearance when President Elect Dye called for a moment of silence, in remembrance of fallen law enforcement officers. Deputy Boggs played the old hymn, Amazing Grace, as attendees reflected on such sacrifices.

Attendees were surprised with gourmet donuts, and surrounded by a patriotic theme of red, white, and blue. Member, and Past President Jeff Goethe, was the winner of a pair of Apple Ear Buds, donated by annual sponsor, LAW PAY. CLE credit was granted for the event. The event can be viewed on the association YouTube channel. If you were unable to attend, but would like to view the event, please contact Graceann at MCBA@ManateeBar.com to receive the YouTube link.

Special thanks to our annual sponsors, Westminster Communities of Bradenton, CenterState Bank, Law Pay, Firkins Automotive, and Lucente & Associates.



•••• NOTICE •••• 2021-22 DUES RENEWAL MANATEE COUNTY BAR ASSOCIATION

Manatee County Bar Association Annual Dues for current members are \$225.00* for the year (July 1st through June 30th). This notice is payable upon receipt. Please return this completed form with check payable to:

Manatee County Bar Association ~ P.O. Box 796 ~ Bradenton, FL 34206

Note: Renewals may also be paid online at www.manateebar.com

Subject to a 3.5% administration fee

~ UPDATE YOUR CONTACT & PRACTICE INFORMATION AS YOU WOULD LIKE IT TO APPEAR IN OUR *ONLINE* DIRECTORY ~FORM MUST BE COMPLETED IN ITS ENTIRETY

Member Name:	FL. Bar #:
(lastname, firstname, mide	dle initial)
Complete name of firm:	
StreetAddress:	
City:State:	Zip:
Phone:	Cell:
E-mail address:	
List 3 primary areas of practice (use attached l	ist to make your selections)
1	
2	
3	
FL Bar Certifications held:	
Federal Court Admissions:	
	Year Admitted to The Florida Bar:
*Annual dues paid by credit card require a 3.	
	site at <u>www.manateebar.com</u> and email your Dues Renewal
Notice to MCBA@ManateeBar.com	

For Office Use: Check #:_____ Amount: \$_____ CC: \$____ Date recvd:__

SECTIONS:

......COMMITTEE and SECTION PREFERENCE......

Please indicate your interest for the 2021-22 Bar Association year:

Practice sections offer continuing legal education programs and events focused on relevant

	ract with others practicing similar areas of law.	Forum to enhance their substantive practice skills, and Please indicate your interest in any of the Sections
	_ Family Law	Real Property
	_ Probate, Estate, Guardianship	Solo/Small Firm
	_ Young Lawyers (40 yrs. & younger)	
<u>COMMI</u>	TTEES: Please indicate your choice(s) below.	
	Membership: To include recruitment/retention of r	nembers and beneficial services for members.
	Youth Related Education: To include activities rela	ting to civics education, classroom speaker's
	bureau and youth education programs.	
	Events: To include the planning and preparations	for social activities throughout
	the year, to include Law Day, Spring Beach Party	and Holiday Party in December.
	PR/Communications: Solicits and reviews monthly	v articles for the Inter Alia, press releases, etc.
	Community Service: To include the coordination o	f the annual Community Service recognition awards
	and participation in local community service proje	ects.
	_Heritage Committee: Collects and preserves the his	story of the MCBA
	_ByLaws Committee: Reviews and creates proposed	revisions as needed
	_Technology Committee: All things social media, ph	otography, taping, editing, etc.
	_Diversity Committee: Promotes and encourages di	versity
	No Are you interested in Pro Bono volunteer of No Are you a Young Lawyer (40 yrs. or less -o	11

Please complete all pages

<u>Disclosure</u>: Association dues, except as noted below, may be deductible as professional or business expenses, to the extent allowable by law. Dues and other contributions to local, state or national associations are not deductible as charitable contributions for federal income purposes.

THE FLORIDA BAR AREAS OF PRACTICE

Administrative Eminent Domain Legal Malpractice

Admiralty and Maritime Employee Benefits Litigation/Trial Advocacy/Advocacy

Adoption Energy, Environment/Natural Resources Media
Agricultural Entertainment, Arts and Sports Mediation

American and International Environmental and Land Use Medical Malpractice

Animal Law Equal Opportunities Mergers and Acquisitions

Antitrust and Trade Regulation Estate Planning Military

Appellate Practice Family Natural Resources

Arbitration Finance and Investments Occupational Safety and Health

Asian and Comparative General Practice Ocean and Coastal

Asset Forfeiture Global Technology Patent

Aviation Governance and Rule of Law Personal Injury

Banking Government Probate and Trust Litigation

Bankruptcy Government Administration and Regulation Product Liability

Biotechnology and Genomics Government and Administrative Professional Liability

Business Government and Public Policy Public Finance and Bonds

Business and TaxationGovernment ContractsPublic InterestCity/County/Local GovernmentGuardianshipPublic UtilitiesCivil LitigationHealthReal Estate

Civil Rights Health Administration Real Estate/Land Development

Civil Trial Immigration and Nationality Securities

Commercial Litigation Indigenous and Native American Law Social Security Disability

State and Federal Govt & Admin Practice

Communications Insurance Sustainable International Development Condominium and Planned Development Intellectual Property

Constitutional Inter-American Tax

Construction Intercultural/International Human Rights Technology and Science

Consumer International

Contracts International and Comparative Trademark
Copyright International Business Transportation

Corporate International Economic Trial

Criminal International Environmental Trusts and Estates

Criminal Appellate International Legal Studies Urban Affairs/Urban Studies

Debtor and Creditor International Litigation and Arbitration Wills, Trusts and Estates

Dispute Resolution International Taxation Workers' Compensation

Education Internet Workers' Compensation/Claimant

Elder Juvenile Workers' Compensation/Defense

Zoning, Planning and Land Use

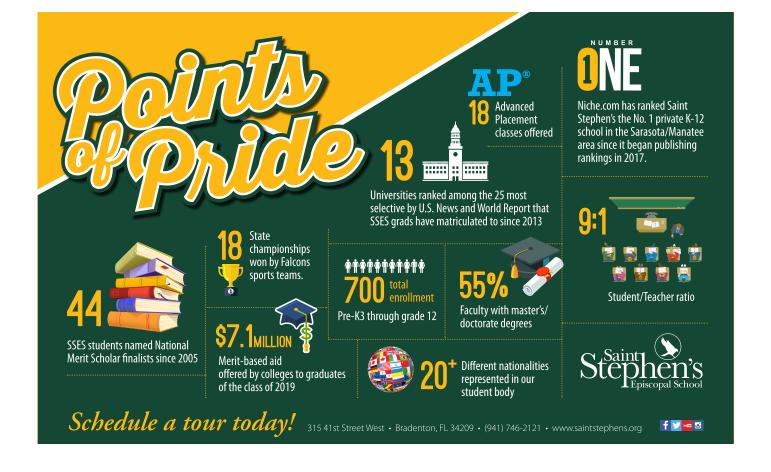
Toxic Torts

Election, Campaign and Political Labor and Employment

Florida Bar and Federal Court Admissions Listings:

Florida Bar Certifications:	Federal Court Admissions:
Admiralty & Maritime Law	US Court of Appeal for the Eleventh Circuit
	US District Court Middle District of Florida
	US District Court Northern District of Florida
Adoption Law	US District Court Southern District of Florida
Antitrust & Trade Regulation Law	
Appellate Practice	Florida Middle District Bankruptcy Court
	Florida Southern District Bankruptcy Court
Aviation Law	Florida Northern District Bankruptcy Court
	United States Supreme Court
Business Litigation	US Court of Appeals for Veterans Claims
City, County & Local Government Law	US Court of Appeals for the Armed Forces
Civil Trial	US Court of Federal Claims
Condominium & Planned Dev. Law	US Court of International Trade
Construction Law	US Tax Court
Criminal Appellate	
Criminal Trial	
Education Law	
Elder Law	
Health Law	
Immigration & Nationality	
Intellectual Property Law	
International Law	
International Litigation & Arbitration	
Juvenile Law	
Labor & Employment Law	
Marital & Family Law	
Real Estate	
State & Federal Govt, & Administrative Practice	
Tax Law	
Wills, Trusts & Estates	
Workers' Compensation	
·	









POWERING PAYMENTS FOR THE LEGAL INDUSTRY

The easiest way to accept credit, debit, and eCheck payments.

LawPay was developed specifically for the legal industry to ensure comprehensive security and trust account compliance.

866-376-0950 | lawpay.com

DONNA TISCH

MEDIATIONS • ARBITRATIONS



"We take an Active Role... We Never Give Up!"

Full-Time

Certified Circuit Civil Mediator Qualified Arbitrator AV Rated ~ Board Certified Civil Trial Lawyer

Schedule Mediations and Arbitrations Online at

DonnaTisch.com

Serving Sarasota and Manatee Counties

239.826.3644



News from the Manatee County Clerk of the Circuit Court & Comptroller,

Angelina "Angel" Colonneso, Esq.:

The 2020 pandemic continues to have a significant impact on employers across the globe, with government operations and the legal community not unscathed. With the onset of the pandemic last March, employers had to make critical decisions to protect the health of their employees, clients and customers, and follow the plethora of federal, state and local regulations and guidelines. The Clerk's office continued operations with a team of



essential members as in-person customer service was minimized late March/early April 2020 by the Florida Supreme Court. Our staff was reduced to an essential team allowing for "mission critical" services only, as designated by the Court. Telephones continued to be answered, electronic and paper filings/cases were docketed, and payments were taken over the telephone. Our lobby remained open – utilizing the Violence Protection Office for injunctions, Baker Acts, and emergency family law issues, and to allow access to the drop box and payment kiosk for traffic and child support payments. The remainder of our staff was placed on administrative leave.

During the spring of 2020, revenues declined and statewide clerks were encouraged to freeze hiring of attrition positions. During the summer of 2020 our budget was cut by nearly \$1 million for the remaining three months of the fiscal year, requiring our office to furlough and lay-off employees. In total, we lost 26 team members to furloughs/lay-offs and attrition. In October we had the ability to fill some attrition positions under FY20/21 budget – although being able to actually fill all of those positions has been a challenge, as there is a shortage of people seeking employment. Between filling positions and training, we are experiencing delays with the docketing workload. We have adjusted hours and added overtime to keep most docketing within 3-5 days of filing. As we move forward we are hopeful that the budget for Clerks statewide will improve and the number of people seeking employment will rise. This will allow us to gain back the positions that we lost.

Under the Florida Supreme Court plan, our circuit is currently in Phase 2 which allows for limited in-person court proceedings. Limited court proceedings continue to be held in person while the majority of civil/family cases are being held via Zoom hearings. Our Jury office is summoning jurors weekly for appearance most days of the week. This process allows for social distancing and scheduling of criminal and/or civil trials. As of the end of April, twenty-five criminal trials have been held since October 2020 and four civil trials have been held since January 2021.

Our office will continue to monitor Supreme Court and Local Administrative Orders as they are released and adjust our operations accordingly. We look forward to the courts move to Phase 3, hopefully in the near future, and the normalization of court proceedings.

Information from Chief Judge Kimberly Bonner Regarding Administrative Order AOSC21-17



Chief Justice Canady recently issued an administrative order AOSC21-17 that eliminates all requirements for social distancing and face coverings as of June 21. This new order also vacates most of his prior COVID-related administrative orders. Suspension of rules of procedure and judicial administration that would otherwise prohibit remote court proceedings remains in effect, although we do not know for how long. For those who wish to wear a face covering, they are permitted to do so and we will continue to make them available. Our COVID administrative orders will be rescinded as of June 21st.

We are still permitted and encouraged to conduct hearings remotely as may be appropriate and convenient for the parties. Judges may continue to use remote proceedings as they have been doing unless and until procedural rule reinstatements prohibit them. Because our hearings are often scheduled several weeks or even months in advance, there are many cases previously set to occur after June 21st that are scheduled to be heard using remote technology. I have instructed the judges to ensure that their division information on hearings post June 21st is consistent and up to date. Our website and JACS will also provide current information on scheduling for each division so that parties know how their hearings will be conducted. We anticipate that there will be some transition time before we are 100% in person because many parties have been noticed to appear remotely and we do not want to create more confusion by simply assuming they will appear in person based on news reports. Many judges will be issuing amended trial orders or notices for cases scheduled later in 2021 and many divisions will keep using zoom for certain proceedings that the Bar members and their clients have found efficient and convenient. There are several procedural rule changes currently under consideration by the supreme court, and I do expect that some rules will be permanently amended to allow for greater use of technology in many divisions of court.

I also want to remind those attorneys who practice in the criminal division that it will not be possible to "flip the switch" seamlessly on June 21 and proceed in person as we did pre-COVID. There are a few reasons for this, which vary from county to county, and include personnel issues, limited jail video feeds, and jail quarantine procedures that are still in effect. As we transition back to in person court events, this is will mean a gradual reduction in the number of available jail video feeds. Please do not assume a last minute request for an add on for inmate transport or for a jail feed can be honored. These first few weeks will almost certainly bring some confusion and frustration, but as we have over the last fifteen months, we will get through it.

A year ago it seemed like an easy enough proposition that we'd simply reopen and continue as normal after what we hoped would be a short interruption. Now that things have been scheduled months in advance using zoom, and after we have completely pivoted to a process that we now must un-assemble, it won't be quite as easy as simply reopening.

On behalf of all of the judges and staff of the 12th Circuit, I want to thank our bar members and their clients for their patience, courtesy and collaboration during the last year. We are truly blessed to work in the best circuit in the state. Without your willingness to embrace new technology and work together to get cases resolved, we could never have kept our doors open, virtually or otherwise. We owe all of you a huge debt of gratitude.



TRIAL LAWYERS

BRADENTON | SARASOTA | PUNTA GORDA | TALLAHASSEE

PERSONAL INJURY **COMPLEX CIVIL LITIGATION**





CHARLES W. TELFAIR, IV MCBA PRESIDENT





ARE YOU INTERESTED IN CHAIRING A SECTION OR COMMITTEE OF THE MCBA?

Calling all members! As we plan our 2021-22 year, we would like to know who is interested in chairing a committee or section for the upcoming MCBA year. Some committees are more active than others, but all play a part in making our association as vibrant as it is. Please complete the information below and return to Graceann Frederico, Executive Director, **by July 15, 2021**. Thank you for your interest!

"I am interested in Chairing the following committee (please check the appropriate box)"

	_ Family Law
	_ Probate, Estate, Guardianship
	Real Property Solo/Small Firm
	5010/ 5111411 1 11111
mittees:	
	Membership: To include recruitment/retention of members and beneficial services for members.
	Youth Related Education: To include activities relating to civics education, classroom speaker's bureau and youth education programs.
	Events: To include the planning and preparations for social activities throughout the year, to include Law Day, Spring Beach Party and Holiday Party in December.
	PR/Communications: Creates press releases/social media posts, and good PR material for the MCBA.
	Community Service: Coordinates volunteerism and participation in local community service projects.
	_ Heritage Committee: Collects and preserves the history of the MCBA.
	_ By-Laws Committee: Reviews and creates proposed revisions as needed.
	Technology Committee: Photography, taping, editing, etc.
	Diversity Committee: Promotes and encourages diversity within the MCBA.



Mediation Services BOB HOYLE

- Probate matters
- · Will and trust contests
- · Real estate
- Homeowner and condominium associations
- · Foreclosures
- Commercial and residential leases and tenancies
- Business and commercial litigation
- · Personal Injury

D. ROBERT HOYLE P.A. 941-745-1124 bhoyle@hoylefirm.com

1401 Manatee Avenue West, Ste. 900 Bradenton, FL 34205

Calendar availability and full bio at floridamediators.org/Robert Hoyle



34 YEARS EXPERIENCE

- Harvard College B.A. 1975
- 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.



5105 Manatee Avenue West, Suite 15 Bradenton, Florida 34209 Telephone (941) 798-3055 & Facsimile (941) 798-3163

Robert M. Elliott Certified Master Guardian robb@elliottfiduciary.com Lauren E. Ramirez

Certified National Guardian lauren@elliottfiduciary.com

Matthew Elliott, Esq. matt@elliottfiduciary.com

lliottfiduciary.com

Guardianship
Personal Representative
Trustee
Case Management
Veteran's Benefits

 \Diamond

OVER 40 YEARS OF EXPERIENCES

NATIONAL GUARDIANSHIP FOUNDATION ∘
 ◆ FLORIDA GUARDIANSHIP ASSOCIATION ∘
 ◆ GULF COAST GUARDIANSHIP ASSOCIATION ∘
 ◆ PINELLAS COUNTY GUARDIANSHIP ASSOCIATION ∘
 ◆ PLANNED LIFE ADMINISTRATORS NETWORK ∘
 ◆ MANATEE COUNTY CHAMBER OF COMMERCE ∘
 ◆ BETTER BUSINESS BUREAU OF MANATEE COUNTY ∘

Mediation | Arbitration



In my 30 years as a Supreme Court Certified Mediator I have successfully mediated every type of civil case including:

- Construction Litigation
- Business & Commercial Litigation
- Real Estate Litigation
- Personal Injury
- HOA, Condo & MHP Disputes
- Estate & Trust Litigation
- Labor & Employment

Use my experience to "help me help you" reach a settlement.

DANA J. WATTS

BOARD CERTIFIED CIVIL TRIAL LAWYER CERTIFIED CIRCUIT COURT MEDIATOR

941.955.5100 Dana.Watts@uswdlaw.com 713 South Orange Avenue, Suite 201 Sarasota, FL 34236



SAVE THE DATE

Twelfth Judicial Circuit Family Court Professional Coalition

The Sixteenth Annual Family Law Conference "As Time Goes by: Divorce in the Golden Years"

Friday October 1, 2021

This year's Family Court Professional Coalition (FCPC) conference will focus on addressing the issues that arise when assisting older couples through the divorce process. From assessing competency to providing accommodations and alternatives to resolution of these cases, we will consider all aspects of what is referred to as the Gray Divorce. Experts will provide insight on addressing Prenuptial Agreements, Special Needs and other Trust issues, and ethical concerns for all professionals when assisting persons with diminished capacity. The U.S. population is aging, and it is important that we all have the knowledge we need to assist in cases of older clients going through a divorce. In addition, we will have our annual case law review and Judicial Panel including our Circuit Twelve Family Judges and Magistrates.to discuss updates locally and statewide. This is the preeminent local continuing education training for professionals working in the family court system. We hope to see you there. The FCPC is applying for CLEs, CEUs and CMEs for this event.

What Is Family Court Professional Coalition?

The Twelfth Judicial Circuit Court Family Court Professional Coalition (formerly Family Court Professional Collaborative) was first founded in 2000 by Dr. Debra Carter and Judge Scott Brownell as a grass roots organization to provide a forum for communication, collaboration, and education and innovation among the professionals in the 12th Judicial Circuit. Our mission is to "Use the multidisciplinary resources of the legal, accounting and mental health professions to research, develop, and propose innovative programs and procedures which will facilitate the peaceful disposition of volatile legal issues enhance the reliability of in-court expert testimony, and minimize the trauma of litigation on the family." Interested in joining or additional information about the conference? Email: Circuit12FCPC@outlook.com.

MANATEE COUNTY BAR ASSOCIATION PROFESSIONALISM • FELLOWSHIP • SERVICE

OFFICERS

President Charles W. Telfair, IV, Esq. Lutz, Bobo & Telfair, P.A.

President-Elect Stephen R. Dye, Esq. Dye, Harrison, Kirkland, Petruff, Pratt &

St. Paul, PLLC

Secretary Brian A. Iten, Esq. Manatee County Sheriff's Office

Treasurer David W. Wilcox, Esq. David W. Wilcox, Attorney

DIRECTORS

Faith Z. Brown, Esq. Brown & Brown Law Firm Gregory S. Hagopian, Esq. Gallagher & Hagopian, PL Mary F. LeVine, Esq. Blalock Walters, P.A. James E. Lynch, Esq. Harllee & Bald, P.A.

Andre R. Perron, Esq. Barnes, Walker, Goethe, Perron & Shea, PLLC

Rebecca J. Proctor, Esq. Proctor Elder Law, P.A.

Alexandria Nicodemi, Esq. YLD Pres. Manatee County Attorney's Office

IMMEDIATE PAST-PRESIDENT:

Alexandra D. St. Paul, Esq. Dye, Harrison Kirkland, Petruff, Pratt & St. Paul, PLLC

Website: www.MANATEEBAR.com

Mailing address: P.O. Box 796, Bradenton, FL 34206

Phone: (941) 741-4091

Email: MCBA@manateebar.com

Executive Director: Layout & Design: Graceann Frederico Teledrex, Inc.

E-mail: MCBA@manateebar.com (941) 723-5003

Advertising in the 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 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



Manatee County Bar Association P.O. Box 796 Bradenton, Florida 34206

ADDRESS SERVICE REQUESTED