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NOVEMBER/DECEMBER 2021

NEWSLETTER OF THE MANATEE COUNTY BAR ASSOCIATION

Post COVID-19 Return to Work

By Andre Perron, Esq., MCBA Director

Employers may face liability under OSHA regulations for actions taken before, during and after the COVID-19 Crisis. The messaging of the CDC, OSHA and other regulatory agencies has been inconsistent during the crisis and often times just plain wrong. Under the "General Duty Clause" 29 USC 654 (a)(1) OSHA requires employers to furnish workers "employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm." We all therefore have an obligation to keep up with OSHA guidance not only from a liability standpoint but from a best practices policy to safeguard our staff, ourselves and our families. To this end I thought it advisable for our membership to review OSHA's recent guidance "Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace": posted on January 29, 2021 and updated on June 10, 2021.



1. Facilitate employees getting vaccinated. OSHA suggests granting paid time off for vaccination and adopting policies that require workers to get vaccinated or to undergo regular COVID-19 testing-in addition to wearing masks and physical distancing-if they remain unvaccinated.
2. Instruct any workers who are infected, unvaccinated workers who have had close contact with someone who tested positive for SARS-CoV-2, and all workers with COVID-19 symptoms to stay home from work to prevent or reduce the risk of transmission of the virus that causes COVID-19.
3. Implement physical distancing in all communal work areas for unvaccinated and otherwise at-risk workers.
4. Provide workers with face coverings or surgical masks, as appropriate, unless their work task requires a respirator or other PPE. Under Federal anti-discrimination, employers may need to provide reasonable accommodations for any workers who are unable to wear or have difficulty wearing certain types of face coverings due to disability or who need religious accommodations under Title VII of the Civil Rights Act of 1964.
5. Educate and train workers on your COVID-19 policies and procedures using accessible formats and languages they understand. See: <https://www.osha.gov/coronavirus/safework#about-covid-19>, and <https://www.osha.gov/coronavirus/safework#what-workers-need-to-know>.
6. Suggest or require that unvaccinated clients or guests wear face coverings in public-facing workplaces and in indoor settings of substantial or high transmission. Our conference rooms obviously meet that criteria.
7. Maintain ventilation systems. OSHA suggests improving ventilations is key engineering control to reduce COVID-19. This is especially true in Florida with our closed HVAC systems. Some measures to improve ventilation systems are discussed in <https://www.cdc.gov/coronavirus/2019-ncov/community/ventilation.html> and in the OSHA Alert: <https://www.osha.gov/sites/default/files/publications/OSHA4103.pdf>.
8. Record and report COVID-19 infections and deaths: Under mandatory OSHA rules in 29 CFR part 1904 employers are required to record work related cases of COVID-19 illness on OSHA's Form 300 logs if the following requirements are met (1) the case is a confirmed COVID-19; (2) the case is work related (as defined by 29 CFR 1904.5); and (3) the case involves one or more recording criteria (set forth in 29 CFR 1904.7). You should note 29 CFR 1904.35 (b) prohibits discrimination against an employee for reporting a work-related illness.
9. Perform routine cleaning and disinfection. It has been particularly easy to let our guard down as to cleaning practices over the last couple months but good cleaning practices are a critical component to providing a safe working environment.
10. Implement protections from retaliation and set up and set up an anonymous process for workers to voice concerns about COVID-19 related hazards. Section 11(c) of the OSH Act prohibits discharging or in any other way discriminating against an employee for engaging in various occupational safety and health act.
11. Follow other applicable mandatory OSHA standards. All of OSHA's standards that apply to protecting workers from infection remain in place. These mandatory OSHA standards include: requirements for PPE (29 CFR part 1910, Subpart I (e.g., 1910.132 and 133)), respiratory protection (29 CFR 1910.134), sanitation (29 CFR 1910.141), protection from bloodborne pathogens: (29 CFR 1910.1030), and OSHA's requirements for employee access to medical and exposure records (29 CFR 1910.1020). Many healthcare workplaces will be covered by the mandatory OSHA COVID-19 Emergency Temporary Standard. More information on that standard is available on OSHA's website. Employers are also required by the General Duty Clause, Section 5(a)(1) of the OSH Act, to provide a safe and healthful workplace free from recognized hazards that are causing or likely to cause death or serious physical harm.

This summary hopefully will enable you to be more vigilant in your COVID-19 practices. Please feel free to review the entire OSHA report at: <https://www.osha.gov/coronavirus/safework>.

Kiwanis Celebrates Veterans Day



*Judges Gilbert Smith, Jr., Lee Haworth,
and Ed Nicholas at Kiwanis Hall*

On Tuesday, November 9th, 2021, Bradenton Kiwanis celebrated Veterans Day at the Manatee Performing Arts Center, Kiwanis Hall. Several members of the MCBA and the judiciary were in attendance for the annual event. Judge Lee Haworth was the guest speaker, telling of his experience as being deployed to Iraq while a sitting judge. A very interesting and quite unique experience for sure and one that needed to be told. If you missed the event, please visit METV's YouTube channel to view the event.

The MCBA Welcomes Barnes Walker as an Annual Law Firm Sponsor!



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Holiday Hours:

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YLD News & Happenings



Operational Stress vs. Organizational Stress in the Legal Profession

Patrick A. Barnes, Esq. and Michael F. Barnes, PhD, LPC, LAC

Working as a legal professional is hard! Any attorney, no matter the practice area, will tell you that the profession is stressful. Sometimes it can feel like juggling, while walking through a mine field! Phone calls, deadlines, long hours, heavy caseloads, angry clients and working with traumatic material are just a few of the reason's attorneys should be concerned about the cost of stress on their job performance, job satisfaction, mental health and overall wellness.

Attorneys frequently talk with colleagues about the stressors they experience in their daily work responsibilities. The longer they carry on without relief, the easier it is to exceed their emotional and intellectual bandwidth. In order to avoid certain exhaustion, it is critical for legal professionals to understand the various sources of stress in the work environment, and the consequences that can

lead to the experience of Compassion Fatigue.

Compassion Fatigue is a reaction to stress and regular interaction with traumatized clients and their stories. It commonly emerges when helping professionals experience work related burnout and secondary trauma. It is experienced as physical and emotional exhaustion, and it results in doubts about our self as an effective professional, a negative view of our clients, negative alterations in worldview,¹ increased work-related cynicism,² and a number of biological, psychological, and relational symptoms.

When most attorneys are asked to consider the possibility that Compassion Fatigue is an issue for legal professionals, their first reaction is to minimize or dismiss it. After some discussion and consideration, they are able to recognize that most clients seek legal assistance after an event that would be considered traumatic by most people. Once they gain this insight, they can begin to consider the impact that it can have on the legal team.

It is critical for attorneys and other legal team members to recognize the various stressors that lead to this reaction, as well as the importance of understanding how each is different! Operational stress (secondary trauma), organizational stress (burnout), along

(continued on page 8)

Win an official football autographed by "GRONK" and help support Southeastern Guide Dogs!

The Manatee Bar's Young Lawyers Division is holding a raffle for an official "Gronk" football to benefit Southeastern Guide Dogs. Tickets will be available at the Bar's "Holiday Party" and the winner will be announced that evening. Tickets are cash only.





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**WINNER ANNOUNCED AT THE MCBA
 HOLIDAY PARTY!**

Investiture of Kevin Bruning



Judge Kevin Bruning and
Judge Gilbert Smith Jr.

On Friday, November 5th, 2021, colleagues, friends and family gathered at the Sarasota County Administration Building for the investiture of Judge Kevin Bruning. MCBA Past President Charles Telfair presented Judge Bruning with a customized gavel box and MCBA Young Lawyers President, Dustin Wagner presented the judge with a personalized robe hanger. The event had been postponed several times due to Covid 19.

Out and About:

Axe Throwing and Networking!

In November, the Solo Small Firm Section of the MCBA held a networking event at Three Keys Brewery in Bradenton. Several members came together for burgers, brews and axe throwing, sponsored by Steele Williams, Esq., Solo Small Firm Section Chair. Burgers were fantastic and the axe throwing did not disappoint. Highly recommended! Sorry, no photos available.

YLD Holds Mix & Mingle!



Earlier, the Young Lawyers Division held a mix and mingle at The Naughty Monk, in Lakewood Ranch, sponsored by YLD President, Dustin Wagner, Esq.

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Harllee & Bald, PA is proud to announce its 20-year anniversary. The firm was founded in 2001 on the belief that a small boutique trial firm could offer clients, facing the most difficult challenges, exceptional, creative, and tailored legal advice and advocacy. Founders, John P. Harllee, III, Kimberly A. Bald, Adam Mohammadbhoy and Brian L. Trimyer were later joined by shareholder James E. Lynch and, with the addition of Aaron B. Crittenden, have continued to foster those founding principles.

We celebrate this milestone with great pride in what we have accomplished, and heartfelt gratitude to the loyal clients and professional colleagues with whom we have had the privilege of working during the past two decades.

It continues to be our privilege to help our clients rise to their most complicated challenges, and we are proud of the firm's past and excited for its future.

The firm is just as proud of our involvement and commitment to the community. We have served and contributed to those community causes near and dear to each of us including, The Pines of Sarasota, Women's Resource Center, Boys and Girls Club, the Early Learning Coalition of Manatee County, Legal Aid of Manasota, Junior League of Sarasota, Lawyers for Literacy, Meals on Wheels, All Faiths Food Bank, Feeding Empty Little Tummys, Canine Castaways, the Humane Society of Manatee, Seasons of Sharing, Mayors Feed the Hungry Program, Food Bank of Manatee and Habitat for Humanity. Harllee & Bald, PA looks forward to meeting new challenges and continuing to represent its clients with the intensity, tenacity, dedication, and creativity that they have come to expect.

Congratulations, Kim Bald on Your Induction into the American College of Trial Lawyers!



Harllee & Bald, P.A. is proud to announce that shareholder, Kimberly Alario Bald, has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in North America. The induction ceremony at which Ms. Bald became a Fellow took place on October 2, 2021 during the Annual Meeting of the College in Chicago, Illinois. Founded in 1950, the College is composed of the best of the trial bar from the United States, Canada and Puerto Rico. Fellowship in the College is extended by invitation only and only after careful investigation, to those experienced trial lawyers of diverse backgrounds, who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. There are currently approximately 5,800 members in the United States, Canada and Puerto Rico, including active Fellows, Emeritus Fellows, Judicial Fellows (those who ascended to the bench after their induction) and Honorary Fellows. The College maintains and seeks to improve the standards of trial practice, professionalism, ethics, and the administration of justice through education and public statements on independence of the judiciary, trial by jury, respect for the rule of law, access to justice, and fair and just representation of all parties to legal proceedings. Ms. Bald has been practicing in the Twelfth Judicial Circuit since 1984. She is an alumna of Vanderbilt University and Stetson University College of Law. She is a Past-President of the Manatee County Bar Association.



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(Operational Stress vs. Organizational Stress, continued from page 3)

with personal stressors can all contribute to compassion fatigue. We use the term “attorney,” in this article, but these concepts can be applied to paralegals, administrative assistants, judges, and lots of other professionals in the legal field.

What is Operational Stress?

Operational stress is derived from an operational stress injury (OSI), a Canadian term referring to “persistent psychological difficulty” as a result of serving in the Canadian military.³ “Common OSIs include posttraumatic stress disorder (PTSD), anxiety disorders, depression, substance abuse disorders, and other conditions that may interfere with daily functioning.”⁴

OSI’s derivative, operational stress, is broadly defined as, “any persistent psychological difficulty resulting from operational duties performed as part of the job.”⁵ Operational stress parallels secondary trauma, which is the “profound shift that workers experience in their world view when they work with clients who have experienced trauma.”⁶ Operational stress comes from speaking with upset clients, maintaining deadlines, ensuring trust accounts are balanced, preparing for trial, all aspects of litigation, and any other “lawyer” tasks.

A BMC Public Health Study by Amrit Purba and Evangelia Demou on organizational and occupational stressors for police officers mention three stressors that we believe are parallel to the work experience of attorneys: constant exposure to people suffering distress and pain, having to be in control of emotions when provoked, and the inconclusive nature of police work.⁷ Most attorneys work with individuals that suffered some kind of harm or injustice causing pain and distress. Regular dealings with upset clients, opposing counsel, and others, require the attorney to maintain a cool head in heated situations. Attorneys may also begin to experience emotions associated with the empathy that they have for their clients’ situation. Anger, sympathy, hopelessness, etc. are all emotions that attorneys must keep under control while working.

The inconclusive nature of our work is an interesting stressor. Some jobs have new clients or new situations every day. These professionals can arrive at work with the assurance that each day will be started with a clean slate. Attorneys do not usually have this luxury. As most cases can last months or years, there is little opportunity for daily closure. The same cases will be there tomorrow and the foreseeable future. An anxious or angry call from a client will often result in intrusive thoughts about the case after business hours. These work-related thoughts can negatively interfere when the attorney is spending time with family and friends. As the case can progress for months or even years, the client and legal team are challenged to review the traumatic story, images, and emotions through the intake, deposition, in-person and telephone contacts, and through the trial. This provides many opportunities for re-traumatization of the client and secondary trauma for members of the team.

What is Organizational Stress?

Operational stress comes from the actual work and tasks of the profession. Organizational stress is commonly associated with burnout that evolves from the expectations, interactions and relationships within the firm. The more toxic a workplace, the higher the likelihood of organizational stress. Office politics, rumors, job

performance and evaluations, turnover, anger and anxiety all contribute to organizational stress.

The methods of mitigating organizational stress revolve around how partners, managing partners, and supervising attorneys maintain the structure of the firm. Traditionally, law firms are hierarchical in nature, with each level being less available to the lower levels. An employee dealing with symptoms of operational stress and secondary trauma can be made to feel worse if those that are in charge of their wellbeing in the office are not available. A lack in security and the feeling of safety from those in charge is a form of organizational stress for employees.

Interweaving of the Stresses

There is only so much bandwidth or energy for an attorney. Operational stressors and organizations stressors play off one another, and typically cannot exist without each other. For instance, a particularly traumatic case leads to a greater chance the attorney will experience secondary trauma responses and symptoms. Increased secondary trauma responses require more energy to maintain composure and carry out work on the case, which can lead to increased burnout. As attorneys experience more burnout, they become more exhausted and have reduced ego defenses. Thus, increased burnout will cause the attorney to be more impacted by normal daily activities and situations that would typically be acknowledged and let go of. In this situation, the burnout and secondary trauma will serve a recursive process, that forces the attorney to experience both as more severe than would be experienced if they were to only experience one of the stressors. In these cases, problems will linger and become increasingly challenging.

Attorneys and other legal team members are not superhuman! They only have so much energy to engage in their work and personal lives. Given the significant number of cases that most teams are managing, it doesn’t take many traumatic cases to exhaust the team members and negatively impact how they manage all of their cases, inter-team interactions, and relationships with other employees within the firm. This in turn, can greatly impact employee job satisfaction, turnover rates, and organizational trauma.

For example, a personal injury attorney who is inundated with the details of an auto accident that involved the death of a minor child, may unknowingly take that case home with them. They may experience intrusive thoughts and concerns about the wellbeing of the client/family and a sense of responsibility to ensure the case is handled properly. As they review the details of the case, it may become clear that this type of event could happen to anyone. They may experience transference of feelings associated with the case, leading to hypervigilance and an increased focus on protect their own family from a similar situation. The fixation and worry take away energy needed for other daily functions. If the attorney’s paralegal brings a relatively minor issue regarding another client to the attorney’s attention, one that would typically be an easy fix, the attorney may overreact, or worse, engage in avoidance behaviors, allowing the minor issue to fester into a larger problem.

Spending time in deposition preparation meetings with a client dealing with a horrific car wreck may drain the lawyer’s energy to such an extent that they choose to not return voicemails from other clients that built up during the deposition prep, irritating those clients, and causing more issues in the days to come. This scenario can cause organizational stress for the other employees, who may have to handle the fallout from the missed communication.

(continued from page 8)

Conclusion

Françoise Mathieu categorized compassion fatigue as an occupational hazard, and anybody empathically working with traumatized clients will likely develop compassion fatigue to one degree or another. As operational stress is unavoidable in the legal profession, and closely tied to secondary trauma, awareness of and mitigation of the symptoms are crucial to combat compassion fatigue.⁸

Attorneys must prepare their body and mind for the inevitable occupational stressors of the profession. Taking care of your physical body by exercising, eating right, and getting enough sleep will help you combat the stressors of the day. Having peer groups to blow off steam and talk about how you're feeling is essential.

Firms can assist in this process by acknowledging that Compassion Fatigue is real and that it can be experienced by any employee. It is important to provide opportunity for communication between staff members who may be impacted, as well as providing supervision and opportunity to interact with mentors within the firm. It is critical for firm leadership to be aware that rates of addiction, depression, and anxiety within the legal profession are in many cases double what is found in the general population.⁹ Providing opportunity for self-care, counseling and coaching will assist employees to deal with these issues and reduce costly turnover rates.

¹ Mathieu, Françoise. "Chapter 2: Understanding the Cost of Caring." The Compassion Fatigue Workbook, Taylor & Francis Group, LLC, 2012, p. 8.

² Hopkins, V. & Gardner, D. (2012). The Mediating Role of Work Engagement and Burnout in the Relationship between Job Characteristics and Psychological Distress among Lawyers. *New Zealand Journal of Psychology*, 41(1), pp. 59-68.

³ "Operational Stress Injury Clinic." *The Royal*, <https://www.theroyal.ca/patient-care-information/clinics-services-programs/operational-stress-injury-clinic>.

⁴ "Operational Stress Injury Clinic." *The Royal*, <https://www.theroyal.ca/patient-care-information/clinics-services-programs/operational-stress-injury-clinic>.

⁵ Maran, Daniela Acquadro, et al. "Organizational and Occupational Stressors, Their Consequences and Coping Strategies: A Questionnaire Survey among Italian Patrol Police Officers." *International Journal of Environmental Research and Public Health*, 21 Jan. 2018, p. 1., <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5800265/pdf/ijerph-15-00166.pdf>.

⁶ Mathieu, Françoise. "Chapter 2: Understanding the Cost of Caring." *The Compassion Fatigue Workbook*, Taylor & Francis Group, LLC, 2012, p. 9.

⁷ Purba, A., Demou, E. The relationship between organisational stressors and mental wellbeing within police officers: a systematic review. *BMC Public Health* 19, 1286 (2019) doi:10.1186/s12889-019-7609-0

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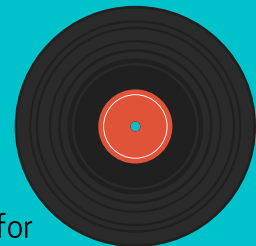
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DATES TO REMEMBER:

November 25 & 26, 2021	MCJC and MCBA CLOSED FOR THANKSGIVING
December 1, 2021	MCBA BOD Meeting
December 3, 2021	Holiday Party at Heritage Harbour Golf Club
December 8, 2021	MCBA YLD BOD Meeting
December 23 & 24, 2021	Clerk of the Circuit Court and MCBA are CLOSED FOR CHRISTMAS
December 24, 2021	MCJC is Closed for Christmas

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

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Highlights of the October 2021 General Membership Luncheon!

The October 27th, 2021, MCBA General Membership Luncheon paid tribute to our veterans with special guest speaker, Col. Larry Bustle. Bill and Cathy Melvin, from the Suncoast Baptist Church Choir, delighted members with an acapella rendition of America the Beautiful. Soon after, a tribute remembering the thirteen soldiers who lost their lives in Afghanistan over the summer was shown; while a table set for the thirteen remained empty throughout the meeting. When Col. Bustle spoke, you could have heard a pin drop, as he told the story of his experience as an Air Force pilot shot down during the Vietnam War. From start to finish, Col. Bustle described the event, in such detail, recalling a picture so vivid, one felt like they were there in the aircraft with him. Faith Brown, President Elect of the MCBA, stated, "The presentations moved me to tears. It was a reminder of how blessed we are to be citizens of this amazing country and how grateful I am for the men and women that put on their uniforms and fight to protect our freedoms." Veterans of the MCBA were honored with a video presentation created by Executive Director, Graceann Frederico. Overall, it was a fantastic event. Special thanks to METV for their participation and their filming of the event and our annual sponsors.



*Bill and Kathy Melvin were guest vocalists,
singing America the Beautiful*



*MCBA President
Stephen Dye and
Colonel Larry Bustle*



*MCBA President Stephen Dye, Colonel
Larry Bustle, and MCBA Treasurer David
Wilcox smile for the camera*

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The Department of Justice, United States Trustee Program is seeking a trial attorney in Tampa, FL who is experienced in litigation practice and bankruptcy law to oversee bankruptcy cases, litigate enforcement matters, oversee private trustees, and handle appellate matters. The USTP is committed to hiring and cultivating talented trial attorneys and providing them with frequent and meaningful court experience on a variety of issues arising in bankruptcy cases.

Applications are due by 26 November 2021. For more information on the position, qualifications, and application procedures, visit <https://www.justice.gov/legal-careers/job/trial-attorney-549>.

MCBA YLD CLOTHING DRIVE

The MCBA Young Lawyers are collecting adult and kids jackets, hats, and gloves for Turning Points now through November 23rd

Drop Off Locations: 10 - 4 M-F

Connect Bradenton, 1201 6th Ave. W.

Barnes Walker, 3119 Manatee Ave. W.

Boyer & Boyer, 46 N. Washington Blvd, Ste. 21, Sarasota





In Memoriam

Braxton Robert Ezell – Lawyer And Magistrate



The Manatee County Bar Association lost one of its long-time members last week with the passing of Braxton Robert Ezell. He was an active member of the association for over 50 years and mentored many lawyers and court personnel. Braxton was courageous, persistent, and loved being a lawyer and then a magistrate. He was born in Tampa on November 29, 1943, to James B. and Mamie Ezell. His family settled in the area in the early 1900's. Braxton

was raised in Bradenton and graduated from Manatee High School in 1961. He then graduated with his bachelor's degree from Florida Southern University in 1971. Braxton went to work in the family business, Ezell Fruit Company for several years before returning to school. In 1971, he graduated with his law degree from Cumberland Law School. Braxton began his legal career practicing with the firm of Garland & Garland before establishing his own firm where he concentrated in civil, criminal, juvenile and family law cases. He became an experienced trial attorney. Braxton also served as a public defender and prosecutor for municipalities in Manatee County. In 1980, he established the firm of Coker & Ezell with Robert Coker. In 1982, Braxton decided to serve the public by first practicing with the Florida Department of Health & Rehabilitative Services before becoming the Director of the Manatee County Child Support Enforcement Department. In 1989, the 12th Judicial Circuit appointed him as the first hearing officer and later as a magistrate. He served in that position until he retired in 2010 and returned to practicing law. Braxton returned a few years later to serve again as a magistrate. Braxton married Suzanna and they raised five children. His family and friends were the light of his life. Braxton was always involved in the community, volunteering for many organizations throughout Manatee County. He was a volunteer with the Coast Guard Auxiliary and served as a Commander spending many hours patrolling the Manatee River and local waterways to help boaters in distress. Braxton also obtained his pilot's license and enjoyed flying planes as a hobby. He will be missed by all who remember his sense of humor and dedication to his family and friends.

Edward N. "Bill" Fay – Lawyer

The Manatee County Bar Association lost one of its long-time members with the passing of Edward N. "Bill" Fay Jr. He was an active member of the association for many years and served as president in 1970-71. Bill was part of the 11th Airborne Division with the Army of Occupation of Japan after World War II. He then graduated with his bachelor's degree and law degree from the University of Florida. Bill began his legal career practicing with the firm of Daniel, Woodward and Stewart. He later practiced with W. Robert Mann and L. Floyd Price. In 1982, he established his own firm where he practiced until he retired in 2012. Throughout his career, Bill specialized in representing governmental agencies, including Manatee County, Manatee County School Board, Manatee County Port Authority and Manatee County Housing Authority.

Bill was a family man and raised three sons. He was also involved in the community. Besides being an active member of the association Bill was a long time member of the Bradenton Rotary Club where he served as its president in 1971 – 1972. He also attended Christ Church in Bradenton and was a supporter of St. Stephens Episcopal School. Bill assisted in establishing the Day Spring Episcopal Conference Center in Ellenton. He will be missed by all who remember his dedication to his family and friends and the community.



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First, I would like to thank the Manatee County Bar Association for your partnership with the Manatee County Clerk’s Office. The liaison group and I have met a couple of times, which I believe has been very beneficial. I want to provide you with a brief update on the direction I am taking regarding the visibility of court records in Manatee County.

Many years ago, at the advent of online court records and before the statewide security matrix, it was determined that civil traffic citation images would be maintained as confidential on the web. According to the Access Security Matrix, approved by the Florida Supreme Court, these records are public and should be viewable. To comply with the statewide matrix, we are now displaying all civil traffic citation images online. Please note, any citation received by our office as a text file will not include an image, therefore, an image will not be available.

In addition, I have reevaluated our Viewable On Request (VOR) feature, which is the “padlock” icon. VOR was a very cost-effective feature during the onset of online court records, but as time has changed, so have the needs of our customers. Moving forward, we will begin phasing out this feature gradually to make access quicker to the public. However, the need for a hybrid system may still be present for larger documents until they are requested. The first phase will take place in our civil records divisions. This process will be ongoing and it will take time, but this is our current trajectory.

Our office is working hard to get back on track to pre-pandemic levels. Here are some ways I am addressing these issues.

Most recently, it became necessary to replace our AI software because the software we were using was no longer supported by the vendor. The new software is designed to make our workflow processing quicker and more efficient. Unfortunately, as a pilot county for this project, the integration did not go as smoothly as planned. The vendor was involved in every step to fix the issues we were having as quickly as possible. However, the integration issues did cause processing issues, which I am happy to report have been corrected.

Furthermore, we recently hired several new people to fill open positions from our pandemic, budget-related lay-offs. Our experienced clerks have been tasked with training our new clerks while simultaneously keeping up with the phones, customers at the counters, and processing case filings and documents.

With the statewide Clerks’ broken funding model, we could not continue funding overtime out of our Court operating budget when the new fiscal year began on October 1. Last week, to bring us up to date, I approved overtime temporarily.

All these measures should already be providing a noticeable difference in our docketing. Additionally, I have taken the extra step to approve two part-time positions and develop a few after-hour positions to enhance processing behind the scenes. The latter two measures will take time to set up, but the process is in motion.

The Manatee County Clerk’s Office prides itself on our customer service and commitment to prompt service. We do not waiver on this commitment and continue to stand firmly behind it. If any Manatee County Bar Association member has any issues or concerns, please do not hesitate to contact me at (941) 741-4002

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PUBLIC NOTICE

Reappointment of Chief Bankruptcy Judge Caryl E. Delano United States Bankruptcy Judge, Middle District of Florida

The current 14-year term of The Honorable Caryl E. Delano, Chief United States Bankruptcy Judge for the Middle District of Florida at Tampa, is due to expire on 24 June 2022. The United States Court of Appeals for the Eleventh Circuit is considering whether to reappoint Chief Bankruptcy Judge Delano to a new 14-year term of office as a bankruptcy judge.

Upon reappointment, the incumbent would continue to exercise the jurisdiction of a bankruptcy judge as specified in United States Code title 28, United States Code title 11, and the Bankruptcy Amendment and Federal Judgeship Act of 1984, Pub. L. No. 98-353, §§ 101-122, 98 Stat. 333-346. In bankruptcy cases and proceedings referred by the district court, the incumbent would continue to perform the duties of a bankruptcy judge that might include holding status conferences, conducting hearings and trials, making final determinations, entering orders and judgments, and submitting proposed findings of fact and conclusions of law to the district court.

Members of the bar and the public are invited to submit written comments for consideration by the Court of Appeals concerning the reappointment of Chief Bankruptcy Judge Delano to a new term of office in Tampa. If requested, the identity of a respondent to this solicitation will not be divulged without prior consent. However, the incumbent will be provided with a general description of the source and nature of any comments. All comments should be submitted to Mr. James P. Gerstenlauer, Circuit Executive, Eleventh Circuit Court of Appeals, 56 Forsyth Street, NW, Atlanta, Georgia 30303. Comments must be received in the Circuit Executive's Office no later than **16 December 2021**.



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