



INTER ALIA

NEWSLETTER OF THE MANATEE
COUNTY BAR ASSOCIATION

OCTOBER 2023

*News, invitations,
photos and more!*

**VETERANS
APPRECIATION
OCTOBER LUNCHEON**

**IMPEACHING THE NON-
TESTIFYING HEARSAY
DECLARANT**

*Artificial Intelligence, a
new day for the legal
profession*

IT'S ALL INSIDE!



IMPEACHING THE NON-TESTIFYING HEARSAY DECLARANT

By Brian Iten, Esq. MCBA Secretary

While the novice lawyer will often reflexively object to an adversary's attempt to introduce hearsay evidence at a hearing or trial, the more experienced practitioner will instead ask oneself if the objection promotes a tactical advantage. This is especially true when the hearsay statement comes from a non-testifying hearsay declarant. When an attorney knows a particular hearsay declarant is subject to impeachment, it may be best to sit back and wait, considering the potential usefulness of Section 90.806(1) of the Florida Evidence Code, which reads as follows:

When a hearsay statement has been admitted in evidence, credibility of the declarant may be attacked and, if attacked, may be supported by any evidence that would be admissible for those purposes if the declarant had testified as a witness. Evidence of a statement or conduct by the declarant at any time inconsistent with the declarant's hearsay statement is admissible, regardless of whether or not the declarant has been afforded an opportunity to deny or explain it.

Impeachment can come in many forms. A few examples include impeachment by way of inconsistent statement, prior conviction (for a felony or misdemeanor involving dishonesty or false statement), reputation for untruthfulness, and bias.

A pair of Florida Supreme Court cases illuminate an advocate's skillful use of Section 90.806(1). The first, *Huggins v. State*, 889 So. 2d 743 (Fla. 2004), involved a defendant charged with, and ultimately convicted of, first degree murder. At the time of the trial, John Steven Huggins had nine prior felony convictions. *Id.* at 754. Had Huggins opted to testify before the jury, he would have almost certainly opened himself up to cross-examination about his status as a nine-time convicted felon. It thus came to pass that in lieu of Huggins testifying, the defense called a correctional officer to the witness stand, to have the officer relate to the jury a statement made by the defendant before trial; that statement supplied an innocent explanation for the defendant shaving his pubic region after the trial judge granted a motion to compel the

collection of hair samples. *Id.* The State, in its case-in-chief, had offered evidence of the shaving to show consciousness of guilt. *Id.* at 755. "At the close of the defense's case-in-chief, the State requested judicial notice of Huggins' nine prior felony convictions and an instruction to the jury that they could consider the fact of those convictions in assessing the credibility of Huggins' statement, as related by the correctional officer, that he had shaved due to crab lice." *Id.* at 754. The request was granted, and the jury so instructed, with the court properly withholding from the jurors the nature of the prior convictions. *Id.* The trial judge was affirmed on appeal. *Id.* at 757.

The second case is *Nock v. State*, 256 So. 2d 828 (Fla. 2018). In *Nock*, which likewise involved a first-degree murder, the prosecution decided to have a detective testify at trial about the inculpatory – but not the exculpatory – statements made by the defendant in a video-recorded interview. *Id.* at 835-56. The video was not introduced into evidence by either party. *Id.* at 831. Before trial, the defense sought to require the State to introduce the entire video recording under the best evidence rule and the statutory rule of completeness. *Id.* That request was denied. *Id.* In issuing its pretrial ruling, the trial court held that if the defense – while cross-examining the detective – chose to elicit the defendant's self-serving exculpatory statements, Section 90.806(1) authorized the State to use Gabriel Brian Nock's prior convictions to impeach him. *Id.* at 831. The trial judge was affirmed by both the Fourth District Court of Appeal and the Florida Supreme Court. *Id.* at 839.

As demonstrated above, the power of effective impeachment cannot be overstated. Given the challenges inherent in deftly navigating the Florida Evidence Code, all trial lawyers would be well-served to periodically brush up on the provisions of Chapter 90, to reacquaint themselves with the myriad tools at their disposal for bringing forth all pertinent information to the factfinders before whom they appear, including Section 90.806(1).

DISCLAIMER: The views and opinions expressed in each Inter Alia article are solely those of its respective author and do not necessarily reflect the views or opinions of the MCBA or its Board of Directors.

Lancaster & Eure, PA is pleased to announce the addition of **Attorney Laura Ocampo** to the Personal Injury section of the firm.

Ms. Ocampo has been practicing law for over 3 years, with a focus on auto accidents, slip and falls, premises liability, wrongful death, products liability, and catastrophic injuries.

Welcome New Members

Elizabeth L. Alpert, Esq.

Stetson University College of Law, 2005
 Year Admitted to The Florida Bar, 2006
 Firm: Alpert Law, PA
 Area(s) of Practice: Family Law

Amanda Kison, Esq.

Charleston School of Law, 2008
 Year Admitted to The Florida Bar, 2012
 Firm: Bentley Goodrich Kison P.A.
 Area(s) of Practice: Civil Litigation,
 Commercial Litigation, Construction Law

Laura Ocampo, Esq.

Stetson University, 2020
 Year Admitted to The Florida Bar, 2020
 Firm: Lancaster & Eure, PA
 Area(s) of Practice: Personal Injury

2024 JUDICIAL NOMINATING COMMISSION NOMINATIONS TO BE MADE

Judicial Nominating Commissions: One attorney vacancy for each of the 27 JNCs. The Florida Bar has the opportunity to nominate three lawyers for each Judicial Nominating Commission to Gov. Ron DeSantis for his appointment. Each appointee will serve a four-year term, commencing July 1, 2024. Applicants must be members of The Florida Bar engaged in the practice of law and a **resident of the territorial jurisdiction** served by the commission to which the member is applying. Commissioners are not eligible for state judicial office for vacancies filled by the JNC on which they sit for 2 years following completion of their term.

Applications will be accepted until close of business on Friday, December 15, 2023. Resumes *will not be accepted* in lieu of an application. Screening committees of the Board of Governors will review all JNC applications. The Executive Committee will then make recommendations to the Board of Governors.

Persons interested in applying for any of these vacancies may [download the Florida Bar's JNC Application for Appointment](#) to begin the application process. If you [require assistance, please call](#) Bar headquarters at (850) 561-3127 or email bblake@floridabar.org.



- Tue., Oct. 17, 2023 CLE: Probate & Guardianship Section
- Wed., Oct. 25, 2023 General Membership Luncheon
- Wed. Nov. 1, 2023 YLD Table for 8
- Fri., Dec. 1, 2023 Holiday Party
- Wed., Jan. 31, 2024 General Membership Luncheon
- Wed., Feb. 28, 2024 General Membership Luncheon
- Wed., March 27, 2024 General Membership Luncheon
- Wed., May 29, 2024 General Membership Luncheon
- Wed., June 26, 2024 General Membership Luncheon

*Dates are subject to change

TABLE FOR 8 YLD DINNER EVENT

Young Lawyers Division

This event is a small, intimate dinner for MCBA young lawyers providing casual conversation and comradery with featured guest and host Judge Charles Sniffen.

Limited to only 7 YLDers!
 Prepayment of \$25 required to reserve seat. No refunds!

Wednesday, November 1, 2023
6:00 pm
Palm Aire Country Club

[CLICK HERE TO BOOK NOW](#)





October 2023 Membership Luncheon

VETERANS APPRECIATION EVENT

[RSVP HERE](#)

MCBA Members: Free/ Guests: \$30

Wednesday, October 25, 2023

Manatee Performing Arts Center- Kiwanis Hall

11:45 Lunch, Noon Meeting Start



Lou Gregory, MCSO Deputy, Range Master

Sergeant Lou Gregory led his recon platoon as they accompanied a convoy on the opening day of the drive toward Kuwait City, February 24, 1991. As they entered a minefield, tank and machine gun rounds began ripping through the column. Gregory watched as many of the Marines in the convoy, confused by the chaos, exited their vehicles and ran straight into the minefield. He sprinted after them and stopped them before anyone was hurt, then directed them toward a depression in the ground offering some cover. He realized the tanks lighting up their column were friendly. Gregory braved the intense fire to get to the lead vehicle and radio for a cease fire. He checked each vehicle of the column as he moved back past them. He came across Lance Corporal Christian Porter still sitting behind the wheel of his truck. As Porter opened the door to exit, an armor piercing Sabot round passed through the cab and Porter's chest, killing him instantly. Gregory covered his body then continued back the column, locating two more Marines in the minefield and directing them toward safety. When the friendly fire finally ceased, Porter was killed and 3 vehicles destroyed. For his courageous actions helping ensure no more casualties were taken, Gregory was awarded the Silver Star.

**Special
Presenting
Sponsor:**



Over a decade later in 2002, Gregory was a First Sergeant participating in a training exercise in Alaska. They received word of a critically injured hiker trapped in an avalanche on a mountain. Gregory led a 7-man team on a search and rescue mission over 2000 feet up the mountain. Despite the risk of exposure, another avalanche, and waist deep snow, they located the man and began first aid. Gregory directed the victim's movement over 650 feet using a sled, ropes, and belay points to a part of the mountain where a helicopter could evacuate him. For his outstanding efforts to rescue the victim and save his life, Gregory was awarded the Navy and Marine Corps Medal. Gregory currently is a Deputy with the Manatee County Sheriff's Office and is a Range Master.

Presented by:

[RSVP HERE](#)

MCBA Members: Free/ Guests: \$30



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The Fund



Court opens application period for expedited security screening with JCID

Attorneys who present a valid Judicial Center Identification card (JCID) can enjoy an expedited security screening line – *when feasible* – during peak times at the judicial centers in Bradenton and Sarasota.

Pursuant to [AO2022-10.2](#), *In Re: Security of Operations of Court Facilities*, under conditions of high volume, when feasible and practical, judicial security at the Manatee County Judicial Center and the Silvertooth Judicial Center will open dedicated, expedited screening lines for attorneys who display a current JCID.

HOW IT WORKS

During peak times and upon presentation of a current JCID card, attorneys will move through their own screening line without having to remove shoes or belts. All items in your care, control or possession must also be screened by security. If you forget your card, you may be denied expedited screening and/or redirected to the public screening line.

Attorneys can visit the [JCID application page](#) on the Court's website during the annual open enrollment period: October 1st through November 30th. Attorneys are required to renew their JCID each year during the enrollment period to be eligible for continued access to the expedited screening line. The application includes consent to a criminal background check. Attorneys with pending criminal charges may apply but will not be eligible to obtain a JCID card until their criminal case is resolved.



Please note that the application period is limited to the months of October and November – if you miss it, you cannot apply again until next October.

The application fee is \$25; the fee for a replacement JCID is \$10. Both fees must be paid by credit card online. The application fee is waived for government¹ attorneys; replacement card fees will *not* be waived.

¹ Government attorneys include SAO, PD, AGO, ORC, GAL, DCF, county attorneys, city attorneys, clerk's office, attorneys employed by LEOs, etc. The government employer must be listed on your Florida Bar profile to qualify.

GENERAL MAGISTRATE OPENING

If you are a licensed attorney looking for a challenge, consider a quasi-judicial role as a general magistrate supporting the Circuit Civil division in Sarasota County.

Administrative support is provided. This Sarasota County-funded position comes with a generous benefits package, including retirement, health and supplemental

insurances, and PTO. PLUS: Your work may qualify for public service loan forgiveness. Read the full job description and learn how to apply on the

Career Opportunities page on the 12th Circuit's website.

Just a Few Member Benefits 🔍

1. Free Lunches
2. CLEs - local and many are Free!
3. Free Events
4. Free Online Directory Listing



[Join Now](#)

www.manateebar.com



MCBA Community Outreach Project!

Help pack Thanksgiving Meal Boxes with Ray Bellamy !

Meals are distributed to families in need within Manatee County.

SAVE THE TENTATIVE DATE!
Tuesday, November 21st

More details to come!



SAVE THE DATE!

FRIDAY, DECEMBER 1, 2023

MCBA HOLIDAY PARTY



Artificial Intelligence, a new day for the legal profession.”

By Matthew Unzicker, Esq., MCBA YLD Treasurer

When broaching the topic of Artificial intelligence (“AI”) to an attorney, you’re likely to get one of the two responses, “AI provides the opportunity to practice law like never before” or “AI is going to replace us all.” Regardless of which camp you’re in, AI isn’t going anywhere.

AI is an umbrella term for technologies that use computers and software to create intelligent, almost human-like behavior. With the recent release of ChatGPT, a sophisticated chat software, AI is now accessible to anyone with a computer or smart phone. Let’s take a brief look into a how AI is changing the landscape of the legal community.

Pro:

AI gives attorneys the tools to automate essential but tedious functions, allowing them to spend their valuable time strategizing and negotiating rather than drafting.

For example, Bloomberg Law’s Draft Analyzer uses several machine learning models to identify how draft language may deviate from the “market standard.” The program detects clauses and builds a clause outline. The Draft Analyzer compares the language of a draft to tens of thousands of publicly filed M&A agreements and identifies any text with a similar meaning. Numerous filtering options automatically adjust the results, allowing you to focus on the language most relevant to your agreement or transaction. This allows the attorney to be more efficient and use applicable provisions they may not have otherwise thought of.

Con:

With the ability for just about anyone to use AI, the practice of law without a license is a fast-growing problem.

In law school, we’re taught to spot issues by being asked questions in a nuanced and pointed way and then derive answers by using reasoning. We learn to read a case or fact pattern to identify the legal issues. After law school (and of course the bar exam), junior attorneys learn from senior attorneys by working closely with them, learning how to interact with clients, reviewing redlines with comments, and how to do document review from their senior’s instructions.

AI is changing all of that, by providing a medium for those who are untrained to take matters into their own hands. You wouldn’t allow just anyone to get behind the wheel of a commercial airline plane. Conceptually, I don’t see how the public using AI to practice law is any different. AI still needs a competent attorney to give it direction (pose different questions or fact patterns), and serve as the control (i.e. spot errors and flaws). Yet with the accessibility the public has to AI, non-attorneys think they can do what we do without law school or practical experience.

There’s no doubt that AI is changing the legal profession. It’s up to us to adapt and use it to our advantage, while continuing to caution clients about the pitfalls of using AI without the proper training and experience that only comes from the work needed to become successful attorneys.

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JOB POSTINGS:

Business Litigation Associate Attorney

Business Litigation Associate Attorney, Bradenton, FL. Experience preferred but not required. Active involvement in case preparation and discovery. Detail oriented, self-motivated Associate needed for transactional work. MS Word and Lexis Nexis proficiency required. 1-4 years' experience. Must be a member of the Florida Bar and have strong research and writing skills. Salary, bonus and benefits commensurate with experience. Email resumes to ccoey@barneswalker.com.

Associate Attorney

Associate Attorney, Bradenton, FL. Detail-oriented, in-office associate needed for a corporate and real estate practice. Good legal research & writing skills, along with self-motivation, a must. Community involvement required. MS Word and Lexis Nexis proficiency required and 2-4 years' experience preferred. Must be a member of the Florida Bar. Salary & benefits commensurate with experience. Email resumes to Barnes Walker, Goethe, Perron, Shea & Robinson, PLLC, Bradenton, FL 34205. CCoey@BarnesWalker.com.



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1ST PLACE: \$300 AMAZON GIFT CARD
 2ND PLACE: \$150 AMAZON GIFT CARD
 3RD PLACE: \$50 AMAZON GIFT CARD

The top three members, listed on a New Member Application as "Referred By" will win! Just sign up new members between now and June 1st, 2024. Winners will be announced at the Annual Meeting in June.

* New Members must not have been a member of the MCBA within the last 3 years. Applications are online at www.manateebar.com

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HIGHLIGHTS OF THE SEPTEMBER 2023 GENERAL MEMBERSHIP LUNCHEON

US Attorney Roger B. Handberg was the special guest speaker at the MCBA September General Membership Luncheon on Wednesday, September 27th, 2023. Mr. Handberg led a very informative Overview of the U.S. Attorney’s Office work on fentanyl prosecutions, ransomware investigations/technology, COVID fraud, and efforts to protect the civil rights of servicemembers. CLE credit was obtained and available to attendees. Also at the luncheon, MCBA President, Aaron Crittenden, was ceremoniously sworn in by the Honorable Gilbert Smith, Jr. and attendees celebrated the event with a fantastic lunch and celebration cake.



FL Bar Board of Governors Rep. Jesse Butler, US Attorney Roger Handberg, MCBA Director Alex Nicodemi, MCBA President Aaron Crittenden and MCBA Director James Lynch



Judge Gilbert Smith, Jr. gives the MCBA Oath of Office to President Aaron Crittenden.



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Alex Nicodemi, our Governor on the Florida Bar YLD, representing the 12th Judicial Circuit, invites ALL Young Lawyers to attend! This is an opportunity to earn CLEs for free!

YLD NEWS!

SAVE THE DATE
YLD SUMMIT - MASTERING THE PRACTICE OF LAW

The Florida Bar Young Lawyers Division ("YLD") invites you to its first half-day virtual YLD Summit, where attendees can choose to attend a variety of continuing legal education breakout sessions, including professionalism and ethics, technology, legislative updates, public service loan forgiveness, career development, information on starting and developing your own law firm, lawyer wellness, and sessions created for government lawyers and law students! A full schedule of educational sessions will be released soon.

Thursday, November 2, 2023
8:30 a.m. to 2:00 p.m.
[CLICK TO REGISTER](#)
Cost to Attend: FREE

For more information, contact the Virtual Summit Chairs:
Tiffany Hilton (tshilton22@gmail.com) and
Warren Chin (warren@bcd.law)

<https://flayld.org/affiliates/yld-summit-registration/>



 Freedom Village of Bradenton

Welcome to Freedom Village

Freedom Village is a premier Life Care senior living community that features beautiful living accommodations and a full range of health care services at our scenic 34-acre campus located in West Bradenton.

Our community provides financial security and peace of mind in a safe, friendly, and comfortable environment where daily living is stress-free, and friendships come easily.

Simply stated, we take care of our residents for life.

Please invite your clients who may benefit from senior living to enjoy a free luncheon to learn more. RSVPs are required by calling **941-798-8122**.

OCTOBER EVENTS

**A Taste of Freedom Village
Cooking Demonstration**
Thursday, Oct. 12
11:30 a.m. to 1:30 p.m.

**Senior Solutions: How
Freedom Village Helps Seniors
Overcome Common Issues**
Thursday, Oct. 19
11:30 a.m. to 1:30 p.m.

**Friendship Lunch Table for
Widows, Widowers, Singles**
Tuesday, Oct. 24
11:30 a.m. to 1:30 p.m.

**Director's Roundtable:
Benefits of Worry-free Living
at our Life Care Community**
Thursday, Oct. 26
11:30 a.m. to 1:30 p.m.

SouthState: Setting the ‘Bar’ for Legal Banking Services

In the competitive world of law, every detail matters. Whether you’re representing clients in the courtroom or ensuring the smooth operation of your firm, every decision counts. With SouthState on your side, your financial decisions become seamless. We’re here to empower legal professionals, like you, with expert banking partners and a robust suite of solutions tailored to the unique needs of the legal industry.

Unparalleled Industry Expertise

SouthState understands that the legal industry is full of intricacies and nuances like no other. With years of experience serving law firms, we’ve honed our expertise to provide specialized financial guidance to complement your business. Our team of financial experts are well-versed in the challenges and opportunities that legal practices face, making us your trusted partner in financial success.

Robust Treasury Management Solutions

Efficiency and precision are paramount in the legal world. SouthState’s treasury management solutions are designed to streamline your firm’s financial operations. From our secure online treasury management platform, Treasury Navigator, to our custom payment solutions, we offer a suite of tools that allows you to focus on what you do best - practicing law.

Staying true to our commitment to excellence, SouthState swiftly embraced the recent updates made to the Florida Bar Association’s guidelines. These changes include new pricing guidance for banks handling IOTA Trust accounts, which became effective May 15, 2023.

Premier Private Client Services

Your success deserves personalized, white-glove attention. SouthState’s private banking services cater to the distinctive financial needs of legal professionals. Leverage dedicated relationship managers who will work closely with you to create wealth management strategies, optimize your investments, and secure your financial future.

At SouthState, we’re more than just a financial institution. We’re a trusted partner committed to your personal and professional success. Whether you’re preparing for the bar exam, starting up your own firm, or planning for what’s next, choose a bank that understands your unique journey and can provide the best-in-class services and solutions you need.

Discover the SouthState advantage and experience how our services can enhance your legal practice. Visit us online at www.southstatebank.com or visit a local branch near you to take your next step forward. Your success is our mission.





Angelina "Angel" Colonnese

Clerk of the Circuit Court & Comptroller of Manatee County

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MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
JUDICIARY
CONSTITUTIONAL OFFICERS
MANATEE COUNTY BAR ASSOCIATION
NEWSPAPERS
GENERAL PUBLIC

FROM: Angelina "Angel" Colonnese

DATE: September 27, 2023

RE: *AMENDED* HOLIDAY SCHEDULE FOR THE YEAR 2024

Please be informed that the Clerk of the Circuit Court's Office will be following a combination of the Board of County Commissioners', Court and State holidays as designated below.

Jan. 1	New Year's Day	Monday	1 day
Jan. 15	Martin Luther King Jr. Day	Monday	1 day
Feb. 19	Presidents' Day (with Court coverage - Clerk to provide coverage for court as needed)	Monday	1 day
Mar. 29	Good Friday	Friday	1 day
May 27	Memorial Day	Monday	1 day
June 19	Juneteenth	Wednesday	1 day
July 4/5	Independence Day/Day after Independence	Thurs./Fri.	2 day
Sept. 2	Labor Day	Monday	1 day
Oct. 3	Clerk's In-Service Day/Closed to Public	Thursday	1 day
Nov. 11	Veterans Day	Monday	1 day
Nov. 28/29	Thanksgiving Day/Day after Thanksgiving	Thurs./Fri.	2 day
Dec. 24/25	Christmas Eve/Christmas Day	Tues./Wed.	2 day

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How to Deal with Difficult Families*

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TUESDAY, NOVEMBER 14, 2023

Registration and Breakfast 8:00 a.m.

Program: 8:30 a.m. - 9:30 a.m.

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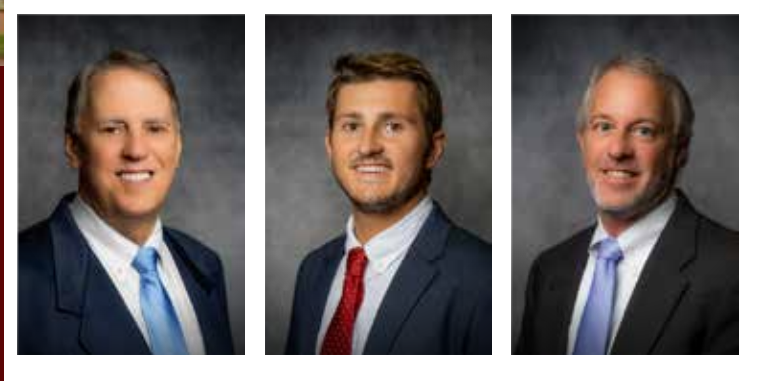
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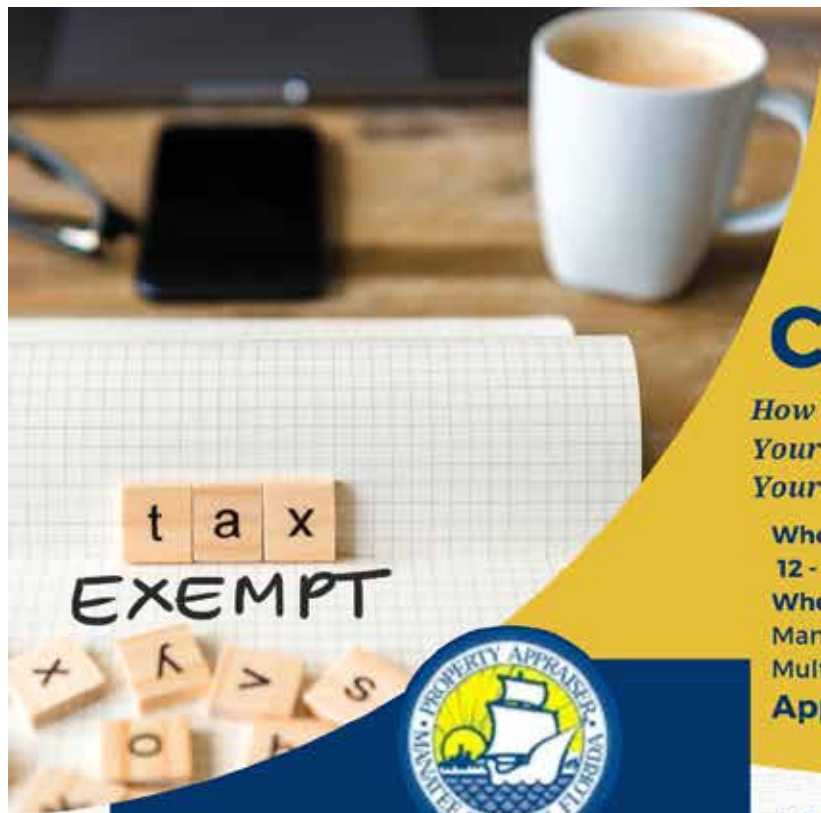
Curtis D. Hamlin, Esq.



James C. Turff, Esq.

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CLE COURSE

How to Make Exemption Issues Easier for Your Clients, Your Property Appraiser, and Yourself

**When: Tuesday, October 17th, 2023,
12 - 1:30 pm.**

**Where: Manatee County Judicial Center, 1051
Manatee Ave. W., Bradenton, FL 34205 8th Floor
Multipurpose Room**

Approved for 1.5 General Credits



About The Presenter, Scott Tussing:

Scott Tussing has been employed with the Manatee County Property Appraiser's Office since 1993. Scott graduated from The University of Michigan in 1986 with a Bachelor of Arts degree in Economics. He serves as the Director of the Public Service and Exemptions Department. His department oversees the homestead status for over 100,000 parcels with current homestead exemptions, and over 2,000 parcels with Greenbelt exemptions, as well as other exemptions available under Florida law.

**Jeffrey S. Goethe, Esq.,
Chairman of MCBA
Guardianship & Probate Section**

About the Course:

As Florida's property values and population continue to grow beyond expectations, the statutory and constitutional property tax exemptions are more valuable than ever. Scott Tussing will share his extensive real-world experiences to help attendees guide their clients qualify, maintain, and protect these increasingly valuable exemptions and avoid pitfalls that result in the denial of an application, the loss of exemptions, or, even worse, the retroactive assessment of back taxes, penalties and interest.

\$10 for MCBA Members
Only MCBA members may attend - space is limited!

CLICK HERE TO REGISTER

When registering, click the date, time, and then enter your information. Questions? Email Graceann at mcba@manateebar.com Lunch included.

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- Harvard Law School Mediation Training Program
- Chairman, Florida Bar Alternative Dispute Resolution Section 2015-2016
- Chairman, Florida Bar Council of Sections 2018-2019
- Certified Circuit Civil Mediator
- Certified County Civil Mediator

23-24 Musical Series

 CELEBRATING 75th ANNIVERSARY	The Drowsy Chaperone Oct/Nov	 SHE LOVES ME Nov/Dec
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Subscribe now for the 2023-2024 Manatee Players Musical Series

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Scott Brownell
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- Past President, Manatee County Bar Association
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- J.D., The University of Tennessee College of Law



M. Brandon Robinson, Esq.

- Admitted to the Florida Bar in 2015
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We are pleased to announce
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has joined the firm in 2023



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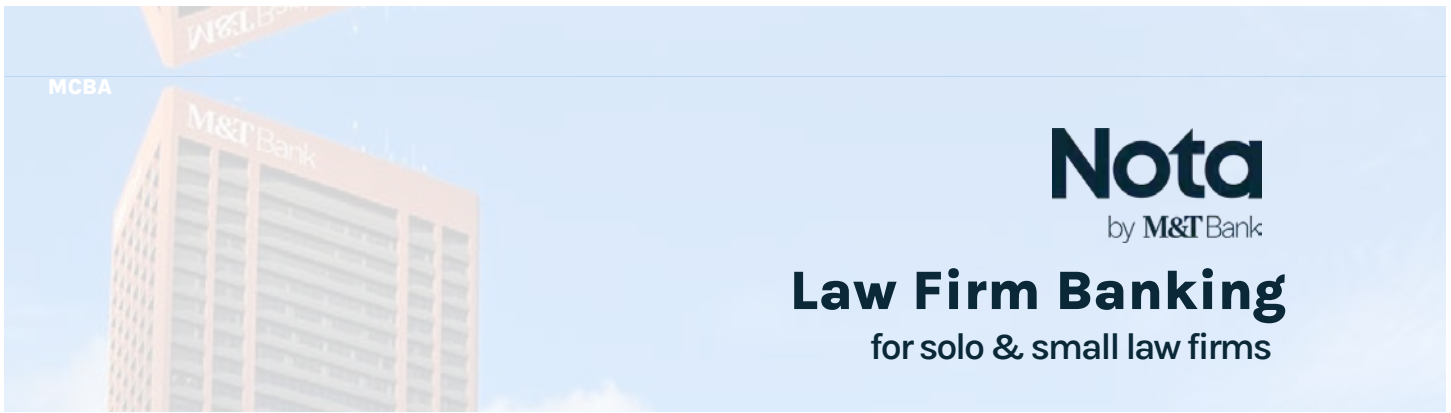
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