

NEWSLETTER OF THE MANATEE

MAY 2024

News, invitations, photos and more

WELCOME NEW MEMBERS!

MCBA assists SELAH Freedom & Victims of Human Trafficking

IT'S BEACH PARTY TIME!

Fish Fry-The Documentary

MCBA HONORS PAST
PRESIDENTS WITH
FLORIDA BAR
PRESIDENT



The MCBA Assists the SELAH Freedom Project

By Patrick Barnes, Esq.; MCBA YLD President

The MCBA Young Lawyer Division recently won the "Best Community Service Project" at this year's Florida Bar Affiliate Outreach Conference for their

upcoming money drive for the local organization, SELAH Freedom. The drive hopes to raise much needed money for the YLD to purchase items on SELAH Freedom's Amazon Registry and provide baskets for the women in their residential program.

SELAH Freedom is a multi-faceted anti-human trafficking non-profit organization located in Chicago and Sarasota. Their goal is to bring awareness to prevent sex trafficking and assist those that have been saved from the industry. SELAH Freedom does this through different programs: awareness, prevention, outreach, residential, and consulting.

According to their website, www.selahfreedom.com, 6,853 survivors have been served, 72,728 kids and adults have been trained, and have reached over 2 billion through media. SELAH Freedom combats trafficking by bringing awareness to the community by training adults on what trafficking could look like, and training children about how recruiting might occur and from whom.

The statistics in our own backyard are staggering. Sex trafficking is estimated to be a \$99 billion dollar industry, and 2 million children are sold each year. Traffickers can make up to \$1.6 million per victim, the average age ranging from 15-17 years old. Unfortunately, Florida ranks in the top 3 states for trafficking.

In addition to bringing awareness, training, and consulting to the community, SELAH Freedom also has a residential program for young women saved from trafficking. This house allows the women to re-acclimate back into society at their pace, while also protecting them in the process.

SELAH Freedom's website has an Amazon Registry full of essential items that keep this residence running. The list includes clothes, cleaning supplies, deodorant, paper towels, and much more. The link to the registry will be included at the bottom of this article.

One of the important purposes of the MCBA YLD is to empower lawyers to promote the wellbeing of the community at large. This organization is combating an invasive and devastating industry right in our community, and they deserve to be supported.

The YLD's drive will raise money for two purposes. The first is to encourage firms and MCBA members to make monetary

donations or gift donations from the gift registry in order to stock the house with these essential items. The second is to raise money to buy each of the current residents a basket full of personable items to make their stay as comfortable as possible. The basket includes a plush pillow, a blanket, hair clips, pens, a notebook, headphones, and more.

Once the drive is completed, the MCBA YLD will present SELAH Freedom with the gift baskets and encourage the organization to keep fighting for our community. An e-mail with details about the date of the drive will go out to all members by e-mail, and the MCBA YLD encourages the MCBA, as a whole, to show support for this amazing organization.

Link to the Amazon Registry:

 $\underline{https://www.amazon.com/hz/wishlist/ls/2QN0CV6LH3IIT/ref=hz_ls_biz_ex}$



CAN YOU SPOT THE MCBA GAVEL?

GERALD BUHR found the gavel in our March/April issue, Congratulations! You're \$10 gift card to Starbucks will be sent to you soon.

Within the pages of the Inter Alia, you will find one special gavel that looks like this:

No, this example does not count...so go look for it! It may be found in an article, a photo, or an ad.

If you can find it, email us at mcba@manateebar.com with your name, email and let us know where you found it (page/placement).

All correct submissions will be put into a raffle for some great prizes! This issue's winner will receive a \$10 Starbucks Gift Card! Submissions must be received by June 1, 2024!





MCBA CALENDAR OF EVENTS

MODA CALLINDA	III OI EVEIVIS
Wednesday, May 08, 2024	YLD Board of Directors Meeting
Friday, May 10, 2024	Annual Spring Beach Party
Friday, May 10, 2024	Judge Hankin Investiture
Wednesday, May 29, 2024	LAW DAY Luncheon
Wednesday, June 05, 2024	Board of Directors Meeting
Wednesday, June 12, 2024	YLD Board of Directors Meeting
Wednesday, June 26, 2024	MCBA Annual Meeting Luncheon
Wednesday, August 07, 2024	YLD Board Planning Meeting
Wednesday, August 14, 2024	Board of Directors Meeting
Wednesday, September 04, 2024	Board of Directors Meeting
Wednesday, September 11, 2024	YLD Board of Directors Meeting
Wednesday, September 25, 2024	General Membership Luncheon
Wednesday, October 2, 2024	Board of Directors Meeting
Wednesday, October 9, 2024	YLD Board of Directors Meeting
Wednesday, October 30, 2024	General Membership Luncheon
Wednesday, November 6, 2024	Board of Directors Meeting
Wednesday, November 13, 2024	YLD Board of Directors Meeting
Wednesday, December 4, 2024	Board of Directors Meeting
Friday, December 6, 2024	Annual Holiday Party
Wednesday, December 11, 2024	YLD Board of Directors Meeting
Wednesday, January 8, 2025	Board of Directors Meeting
Wednesday, January 15, 2025	YLD Board of Directors Meeting
Wednesday, January 29, 2025	General Membership Luncheon
Wednesday, February 5, 2025	Board of Directors Meeting
Wednesday, February 12, 2025	
Wednesday, February 26, 2025	
Wednesday, March 5, 2025	
Wednesday, March 12, 2025	YLD Board of Directors Meeting
Wednesday, March 26, 2025	•
Wednesday, April 2, 2025	
Wednesday, April 9, 2025	•
Wednesday, May 7, 2025	
Wednesday, May 14, 2025	
Wednesday, May 28, 2025 Gene	•
Wednesday, June 4, 2025	•
Wednesday, June 11, 2025	_
Wednesday, June 25, 2025	MCBA Annual Meeting Luncheon

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

ORDERS APPOINTING EXPERTS OR COMPETENCY EVALUATIONS

The Twelfth Judicial Circuit now has form orders for the purpose of appointing experts for competency evaluations in felony cases. The forms are specific to intellectual disability/ autism or mental illness, and each county has its own forms. You may find the form orders at:

https://www.jud12.flcourts.org/Documents/Court-Forms

Under "Circuit Criminal Forms" you will find the forms for each county.

Please note that when using these forms, you must convert the form to PDF format before filing in the e-portal. You are highly encouraged to share these forms with the attorneys and staff in your offices; orders using the previous forms may not be signed.

Should you have any questions about these forms, please contact Mary Ann Floyd, General Counsel, at mfloyd@jud12.flcourts.org.

"Divorce the House": CLE HELD IN APRIL

Amanda Reichert, a certified expert in the practice of Family Law based real estate in our local area presented an outstanding CLE entitled "Intersection of Divorce & Real Estate" at the MCJC in April. Amanda presented on topics such as "what to do with the house?", "what is the home really worth?", "what to do when your clients are married to their mortgage?", "where will the proceeds be going?" and much more! She also gave tips on how to discover and avoid pitfalls early in the divorce process. If you missed it, no worries! Amanda is happy to answer your questions and speak with you directly at 603-377-0281or 941-782-0000. Amanda Reichert, Certified Divorce Real Estate Expert Realtor is a proud sponsor of the Manatee County Bar Association.





Welcome New Members

Susan L. Hall, Esq.

Rutgers College of Law, 1984 Year Admitted to The Florida Bar, 2023 Firm/Office: Law Office of Susan L. Hall Area(s) of Practice: Estate Planning, Civil Litigation, Environmental & Land Use Law

Ryan T. Harris, Esq.

Stetson University College of Law, 2022 Year Admitted to The Florida Bar, 2023 Firm/Office: Blalock Walters, P.A. Area(s) of Practice: Real Estate, Finance & Investments

Amy K. Kenyon, Esq.

Barry University, 2009 Year Admitted to The Florida Bar, 2009 Firm/Office: Kenyon Law Group Area(s) of Practice: Personal Injury

Nick Roknich, IV, Esq.

John Marshall Law School, 2019 Year Admitted to The Florida Bar, 2021 Firm/Office: Roknich Law Firm Area(s) of Practice: Real Estate Law, Wills, Trusts & Estates, Civil Litigation

Johanne Valois Shoffstall, Esq.

Stetson University College of Law, 1993 Year Admitted to The Florida Bar, 1994 Firm/Office: Loftus Law Area(s) of Practice: Family Law

Laura Smidt, Esq.

Stetson University College of Law, 2022 Year Admitted to The Florida Bar, 2023 Firm/Office: Blalock Walters P.A. Area(s) of Practice: Real Estate



TRAUMA INFORMED COURTS

Regional Trainings

DESCRIPTION

We are pleased to announce a series of regional education programs beginning in November of 2023 and continuing through June of 2024. The target audience will include judges and magistrates who hear domestic relations cases, family law attorneys, and court staff. The events will feature experts on a host of timely topics, such as adverse childhood experiences, the impacts of toxic stress, trauma-responsive courts, tools for resiliency, attorney practices, and self-care.

6.5 CJE / CLE / CME

This statewide workshop series is different in the way that it incorporates the unique partnership lead by the Office of the State Courts Administrator, the Family Law Section of The Florida Bar, and you - local family law court teams, local bar, stakeholders, and local resource providers that support a trauma-informed approach - both locally and state wide.

OTHER SIDE: QR CODES TO REGISTER FOR THE MARCH, APRIL, AND JUNE 2024 EVENTS!



PRESENTED BY:

The Florida Bar Family Law Section

The Office of the State Courts Administrator (OSCA)

DATES & LOCATIONS

Jacksonville - November 16, 2023

Dianesville - November 17, 2023

Dianesville - November 17, 2023

Daytona Beach - December 14, 2021

Fort Walton Beach - March 25, 2024

Fort Walton Beach - March 25, 2024

Fort Walton Beach - March 27, 2024

Fort Lauderdale - April 17, 2024

Marni - April 18, 2024

Fort Lauderdale - April 17, 2024

Marni - April 18, 2024

Fort Marri - June 5, 2024

Summer is Heating Up at MPAC



Winnie the Pooh KIDS Camp Monday-Friday June 3-14

A delightful show based on the beloved Disney characters.

Show is June 14th at 7 PM Fun for the whole family!

IBF Presents The Wizard of Oz

An original dance production of this all-time classic musical.

2 Shows on May 26th Follow the Yellow Brick Road





CreArte Latino Presents VOCES de la Maternidad

VOCES aims to share the experiences and perspectives of the Latino community in Manatee & Sarasota counties.

May 30-June 2

Check out all of our great events at ManateePerformingArtsCenter.com

DG

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APPELLATE PRACTICE







SPOTTED!

At the Community Fish Fry...special screening that is!

Several 12th Circuit Judges were spotted at the opening of "Fish Fry" at the Manatee Performing Arts Center recently. The film, created by filmmakers Paul & Petra Ratner, Durand Adams, and Judge Charles Williams with a grant from the Manatee Community Foundation, documents many years of a community fish fry held at an African American church in Palmetto, FL. The weekly fish fry, held in a formerly segregated neighborhood, unknowingly brings people together acting as the catalyst to document and clean unmarked graves in an abandoned cemetery. In photo from I to r: Judge Durand Adams (Ret), Nikki Rutkowski, Judge Frederick Mercurio, Judge Charles Williams, Judge Matt Whyte, and Judge Jacqueline Steele.

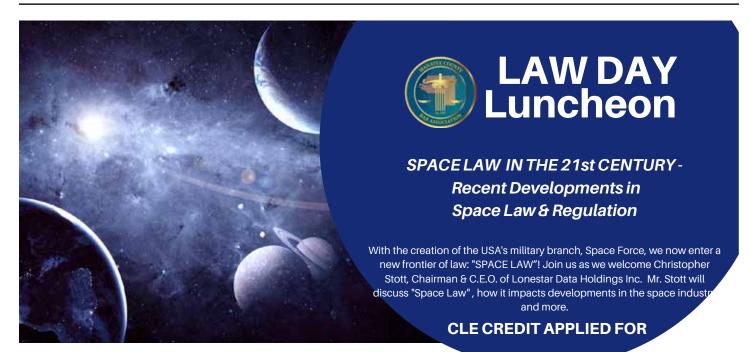


OH, THE A!!

Recently, Stephen Bradley was back in Bradenton to teach his 4 hr CLE "The Intersection of High Tech Stalking, Domestic Violence & Family Law". A special guest speaker, Judge Kevin Bruning, gave a family court update and answered attendee questions during the lunch segment. The luncheon event was held at The Manatee Community Foundation, an annual sponsor of the association. Just another fantastic CLE presented by The Manatee County Bar Association!











Wednesday, May 29th, 2024 Manatee Performing Arts Center- Kiwanis Hall 11:45 Lunch, Noon Meeting Start

Christopher Stott, Founder Chairman & C.E.O., Lonestar Data Holdings, Inc.

Chris Stott is the Founder, Chair, and CEO of Lonestar Data Holdings Inc., the Lunar information, technology, and communications company and the first to send and operate data centers from the Moon for global disaster recovery. A lifetime entrepreneur, Chris is also the Founder and Non-Executive Chair of River Advisors and ManSat, the world's largest commercial provider of satellite spectrum.

Chris serves as the Chair Emeritus, alongside the late Sir Arthur C. Clarke, of the Space and Satellite Professionals International (SSPI), the largest professional association in the global space and satellite industry, which also named him Satellite Industry Mentor of the Year in 2015.

Chris's passion for the economics and commerce of space has led him to co-found both the Institute of Space Commerce in Austin in the United States, and the International Institute of Space Commerce on the Isle of Man in the British Isles. He has served on faculty at the International Space University (ISU) since 2003 and is a former co-chair of the university's school of business and management. Chris is also a guest lecturer in space law and regulation at MIT Media Labs, the Harvard Smithsonian Center for Astrophysics, and the School of Law at the University of Houston.





RESCISSION OF MEDIATED SETTLEMENT AGREEMENTS FOR DISCOVERY VIOLATIONS

By D. Robert Hoyle, Esquire

Florida law has always favored the settlement of disputes. In the context of a mediation, Florida courts have also found grounds to set aside settlement agreements for various reasons. For example, in *Vitakis-Valchine v. Valchine*, 793 So.2d 1094 (Fla. 4th DCA 2001), the Fourth District Court of Appeal held that misconduct by a mediator in violation of the Florida Rules for Certified and Court Appointed Mediators can provide a basis for setting aside a mediated settlement agreement.

The Fourth District Court of Appeal recently held that in a case where one party withheld material information and discovery from the other party, a mediated settlement agreement can be rescinded. In *Garvin v. Tidwell*, 126 So.3d 1224 (Fla. 4th DCA 2012), Mrs. Garvin sued Mrs. Tidwell for injuries suffered as a result of a fall from a horse named Buster owned by Mrs. Tidwell. Prior to riding Buster, Mrs. Garvin inquired several times as to whether the horse had ever exhibited any dangerous behavior. Mrs. Tidwell advised Mrs. Garvin that the horse did not have any problems. However, on Mrs. Garvin's third ride, Buster reared up, bolted off at a fast gallop and then stopped suddenly to change direction. As a result, Mrs. Garvin fell off the horse and was injured.

Mrs. Garvin filed a complaint and alleged that Buster had a long and well known history of bucking and running away, and that Mrs. Tidwell negligently failed to disclose the horse's dangerous propensities.

Mrs. Garvin sent interrogatories and a production request to Mrs. Tidwell for information and documents concerning the care, maintenance, and training of Buster, including feeding, medical issues and riding. Mrs. Tidwell responded to the interrogatories and production request. Mrs. Tidwell testified at her deposition that Buster had no tendency for dangerous behavior and was a gentleman who was lazy, if anything.

The parties went to mediation and settled in the fall of 2010. Mrs. Garvin's attorney then received an unmarked envelope containing a magazine advertisement for a dietary supplement for horses dated "Spring 2010". The advertisement featured a page about a horse-calming supplement known as "Ex-Stress". The featured horse was Buster. Mrs. Tidwell was quoted as saying that she decided to give Ex-Stress to her horse because the horse could be a little difficult at times and that it made a

huge difference in his behavior.

Mrs. Tidwell and her attorney had not produced the advertisement in response to discovery. Mrs. Garvin moved to reopen discovery, rescind the settlement agreement and for sanctions. The trial court denied the motion to rescind the agreement and for sanctions, and Mrs. Garvin appealed.

The 4th DCA gave an extended discussion of the requirement of good faith discovery and found that Mrs. Tidwell violated her discovery obligations by failing to disclose the Ex-Stress advertisement and information known to her about the horse's behavior which prompted the use of Ex-Stress.

The court stated "Since our system of justice depends on truthful discovery, misconduct in discovery must be discouraged by disallowing the settlement which is the fruit of such misconduct". One legal basis for the court's decision was a finding that the discovery violation created a unilateral mistake by Mrs. Garvin in her assessment of the case based upon the failure of Mrs. Tidwell to disclose the use of the supplement for Buster's behavior.

The *Garvin* case has numerous implications for attorneys and parties to confirm full compliance with all discovery requests, including proper answers to interrogatories, production of documents, and also truthful responses in deposition. Attorneys should counsel clients as to the impact that a discovery violation may have upon a mediated settlement agreement. As noted by the court, the requirement of good faith discovery is to enable parties to enter settlement negotiations with an understanding of their chances of success at trial.

D. Robert Hoyle, Esquire D. Robert Hoyle, P.A.

6707 35th Avenue West Bradenton, Florida 34209 Telephone: 941.745 1124 bhoyle@hoylefirm.com

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Past Chair of the Florida Bar Alternative Dispute Section Certified Circuit Civil Mediator Certified County Civil Mediator

MCBA CELEBRATES PAST PRESIDENTS AND WELCOMES FLORIDA BAR PRESIDENT SCOTT WESTHEIMER AT MARCH LUNCHEON



MCBA Past Presidents: (Back Row I to r) Greg Hagopian, Esq., Hon. Scott Brownell (Retired), Tim Knowles, Kim Bald, Mark Nelson, Faith Brown, Rob Eschenfelder, Lori Dorman, Barry Bell, Andrea Johnson, Cliff Walters, Steele Williams, Bill Lisch, Mickey Palmer, Jeff Goethe, Retired Executive Director Sue Revell, Eric Bruce, (Front Row I to r) Hon. Gilbert Smith, Jr., Executive Director Graceann Frederico, Patricia Petruff, Hon. John Blue (Retired), Bob Blalock



L to R: Hon. Scott Brownell (Retired, MCBA Secretary Brian Iten, MCBA Director James Lynch, Stephen Jones, MCBA President Aaron Crittenden, Florida Bar President Scott Westheimer, Cliff Walters, Eric Bruce, Hon. Gilbert Smith, Jr., MCBA Executive Director (Retired) Sue Revell, Bob Blalock

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In March, the MCBA honored its Past Presidents at the General Membership Luncheon when Florida Bar President Scott Westheimer was the guest speaker. A delicious lunch catered by Popi's, a fantastic CLE on the "State of The Florida Bar" which brough 1 CLE credit; and, much laughter, reminiscing, and "catching up" was had by all.



Chris Perkins

Regional President

Renee Brady

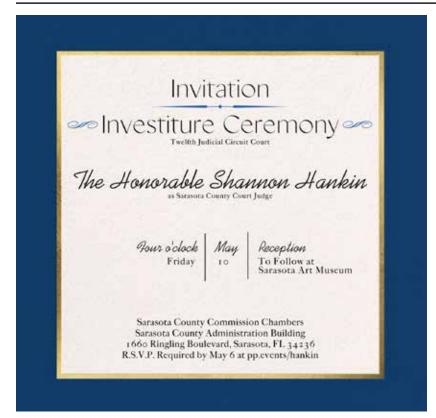
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NEW POLICY AT THE MCJC!

Effective January 22, 2024, e-cigs, vape pens, and butane type lighters are no longer allowed in the building.

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PUBLIC NOTICE 2024 VALUE ADJUSTMENT BOARD APPLICANTS FOR SPECIAL MAGISTRATE

Opportunities now exist for appraisers and attorneys, who are licensed in the State of Florida and meet the following criteria to serve as Special Magistrate(S) to the 2024 Value Adjustment Board, pursuant to Florida Statute 194.035 and Chapter 12D, Florida Administrative Code, for the purpose of taking testimony and making recommendations with regard to:

- 1. The Special Magistrate must meet the following qualifications
 - a. A Special Magistrate must not be an elected or appointed official of the county.
 - b. A Special Magistrate must not be an elected or appointed official or employee of a taxing jurisdiction or of the State.
 - c. During a tax year in which a Special Magistrate serves, her or she must not represent any part before the board in any administrative review of property taxes.
 - d. All Special Magistrates must meet the qualifications specified in Section 194.035, F.S.
- 2. A Special Magistrate appointed to hear issues of exemption, classifications, and portability assessment difference transfers shall be a member of the Florida Bar, with no less than five years experience in the area of ad valorem taxation and having received training provided by the department, or with no less than three years of such experience and having completed training provided by the department.
- 3. A Special Magistrate appointed to hear issues regarding valuation of real estate shall be a state certified real estate appraiser with not less than five years experience in real property valuation and having received training provided by the department, or with no less than three years of such experience and having completed training provided by the department. A real property valuation Special Magistrate must be certified under Chapter 475, Part II F.S.
 - a. A Florida certified residential appraiser appointed by the Value Adjustment Board shall only hear petitions on the just valuation of residential real property of one to four residential units and shall not hear petitions on other types of real property.
 - b. A Florida certified general appraiser appointed by the Value Adjustment Board may hear petitions on the just valuation of any type of real property.
- 4. A Special Magistrate appointed to hear issues regarding valuation of tangible personal property shall be a designated member of a nationally recognized appraiser's organization with no less than five years experience in tangible personal property valuation and having received training provided by the department, or with no less than three years of such experience and having completed training provided by the department.
- 5. All Special Magistrates shall attend or receive an annual training program provided by the department. Special Magistrates substituting two years of experience must show they have completed the training by taking a written examination provided by the department. A Special Magistrate must receive or complete any required training prior to holding hearings.

6.

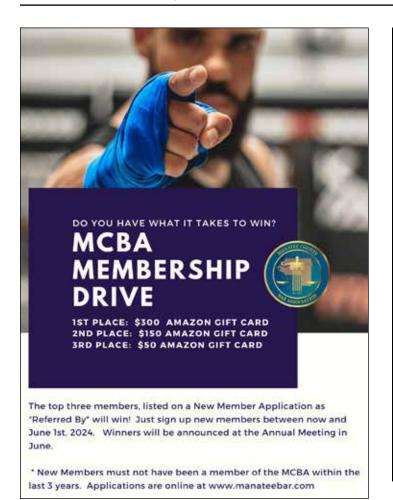
- a. The Value Adjustment Board or Board legal counsel must verify a Special Magistrate's qualifications before appointing the Special Magistrate.
- b. The selection of a Special Magistrate must be based solely on the experience and qualification of such magistrate, and must not be influenced by any party, or prospective party, to a board proceeding or by an such party with an in interest in the outcome of such proceeding. Special Magistrates must adhere to Rule 12D-9.022 F.AC., relating to disqualification or recusal.

Please note that hearings will take place October, November and December of 2024, and January and February of 2025. Availability for these dates is necessary for consideration of appointment.

Qualified individuals wishing to apply should submit a resume on or before Friday, June 9, 2024, at 4:30 p.m., to:

Angelina "Angel" Colonneso Value Adjust Board Attn: Vicki Tessmer P.O. Box 25400 Bradenton, FL 34205 (941)741-4058 Or

VAB@manateeclerk.com





Contact Ed Sobel

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Of Counsel: Patricia A. Petruff, Gregory Porges, Thomas A. Thanas



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MAY 17, 2024

CLE PRESENTATION AND LUNCH AT CARCOL FROM 11:45 - 1:00



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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
- · Past President, Manatee County Bar Association
- · Member, The Florida Bar Rules of General Practice and Judicial Administration Committee
- · J.D., The University of Tennessee College of Law



M. Brandon Robinson, Esq.

- · Admitted to the Florida Bar in 2015
- Combat Veteran, United States Marine Corps
- · Volunteer Judge, Manatee County Teen Court
- · J.D., Stetson University College of Law



Kevin M. Collver, Esq.

- · Admitted to the Florida Bar in 1997
- · Member, Manatee County Bar Association
- · LL.M., Taxation, University of Florida

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The MCJC will be CLOSED on the following dates:

Monday, May 27 – Memorial Day
Wednesday, June 19 – Juneteenth
Thursday, July 4 – Independence Day
Friday, July 5 – Independence Day After
Monday, Sept. 2 – Labor Day

*Please confirm the posted schedules of the Clerk of the Circuit Court and 12th Judicial Circuit Court on their websites

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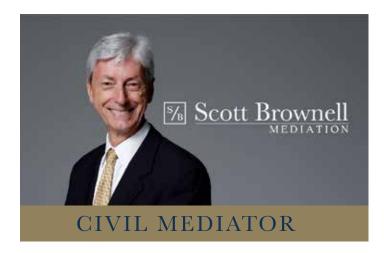
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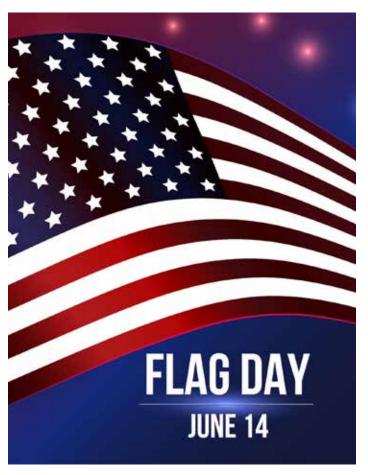




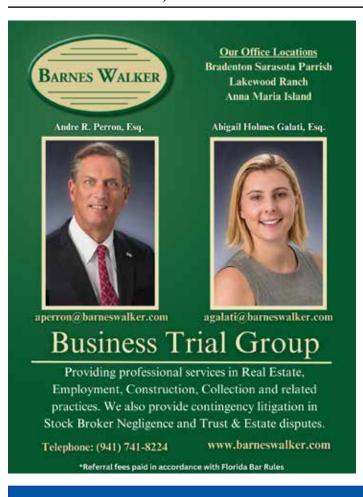


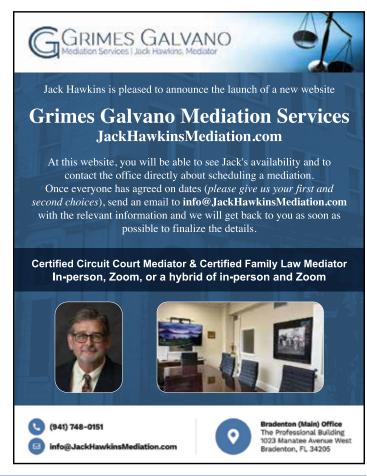
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