

MAY 2021



The SideBar

NEWSLETTER OF THE MARTIN COUNTY BAR ASSOCIATION

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THE SIDE BAR NEWSLETTER

Published monthly, excluding June & July, by the Martin County Bar Association as a service to its membership.

If you have an article, opinion, news or other information for publication in the *SideBar*, please call (772) 220-8018 or email information to: martincountybarassociation@msn.com

The due date for all advertisements, articles and announcements is the 1st of the month preceding publication.


Zoom with Us on May 14, 2021

On Friday, May, 14, 2021 the Executive Board of the Martin County Bar Association (MCBA) will hold the last monthly CLE meeting for the 2020-21 Bar year.

We look forward to a recap of the year and the opportunity to recognize our 2021 High School Scholarship recipients and hope you will join us.

As a reminder, there are no meetings in June or July. The meetings will resume on Friday, August 20, 2021!

We look forward to an insightful and engaging program with another great turnout. To receive Zoom details, please RSVP by email to: martincountybarassociation@msn.com by Tuesday, May 11, 2021. Zoom details will be sent on May 12, 2021 to all who RSVP.



Thank You to all our members
for your support during this
unprecedented year.
We hope everyone has a safe,
healthy and fun summer!
See you in August!

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Message From the President

Martin County Bar President - Barbara Kibbey Wagner, Esq.

Dear Members of the Martin County Bar,

It is the last time I write to you, and I must say, it has been truly an enjoyable experience being your Bar President. As some of you may know, it has always been my goal (even prior to attending law school) to be your Martin County Bar President. It is an honor and privilege to be included in the same group as our past presidents, as well as representing our organization that comprises some of the top attorneys in the nation.

This year has been challenging, but it has also been a nice respite and time for reflection in our lives and practice. I personally have witnessed our community- both legal and at large- grow from the national adversity and come together stronger.

As President, I was very pleased to welcome speakers both from the Florida Supreme Court, Justice Jorge Labarga, as well as 4th DCA Chief Judge Levine; and our own members of the Judiciary to speak to our membership. We also were pleased to hear the unique perspectives of those who are titans in their respective fields: Giles Kibbe, Esq., Vice President of the Houston Astros; Thomas Parker, a top-golf agent for PGA Pros such as Webb Simpson and others; Congressman Brian Mast and top-journalist Ed Killer on why and what we as lawyers can do to protect our river, as well as Andrea Andrus Kibbe who gave us new perspectives and approaches on how to properly and professionally market and advertise as lawyers.

Let's face it- Martin County is changing. What once used to be a sleepy version of "Mayberry" is no more. The growth from South Florida has spread and our town is booming. Likewise, the practice of law has greatly evolved and advanced to a faster-paced environment. Still, I would like to think that we, lawyers of Martin County, remain ethical, steadfast, friendly, and professional to all that seek our counsel.

In my tenure as your President, I have seen firsthand the kindness, professionalism, and gravitas from our Bar that I have come to know and respect. Perhaps that is why I truly believe our Bar is the best in Florida.

I want to thank you all for a wonderful year, for your trust and confidence in me, and for always working together to make our community better.

Best regards,



Barbara Kibbey Wagner, Esq.



Thank You Jason!

For your time, dedication, contributions and leadership to the Martin County Bar Association.



Social Committee Chair – 2 years
Small and Solo Firm Committee Chair – 6 years
MCBA Executive Board Member – 5 years



In Memoriam

Walter Gustavus Woods II



On March 28, 2021, Walter Gustavus Woods II, beloved husband, father, and grandfather, passed away unexpectedly at the age of 64. Walter was born on November 1, 1956 in Tuscaloosa, Alabama and grew up on the Treasure Coast, graduating from Martin County High School in 1974. He received his bachelor's degree in 1978 and law degree in 1982, both from the University of Alabama. Walter is survived by his wife of 38 years, Sarah Wharton Woods, his three daughters, Katherine Harris (Daniel Harris), Allison Morgan (Zachary Morgan), and Elizabeth Woods (Drew Thies), one granddaughter, Campbell Morgan, and his two sisters, Priscilla Eggleston and Diane Towry. He is preceded in death by his father, Walter Gustavus Woods, and his mother, Ruth Woods Riska.

Walter's pride and joy was his family. Walter adored his wife Sarah and his three daughters. A family man through and through, he was a devoted husband and a loving father and grandfather. From coaching his daughters' sports teams to teaching valuable life lessons, Walter took pride in being present and dependable for his family. He was known for his encouraging pep talks both on and off the field, and his family remembers fondly his ability to turn any situation into a memorable moment.

Walter was also known for his jovial spirit. He was never without his bright smile and infectious laugh. He was a friend to all and a mentor to many. Walter exemplified what it meant to serve others, giving his time and service to many community organizations, including the Hibiscus Children's Center, the Historical Society of Martin County, the Kiwanis Club, and the Jensen Beach Chamber of Commerce. Walter practiced law in Martin County for nearly four decades, was a respected member and former president of the Martin County Bar Association, and a founding member of the Martin County Legal Aid Society.

Walter will be dearly missed by his family, friends, and the community. He will be remembered for his kindness, generosity, and bright presence in the lives of all that knew him.

Due to COVID-19 precautions, a celebration of life will be planned for a future date. In lieu of flowers, please direct donations to:

Historical Society of Martin County, 825 NE Ocean Boulevard, Stuart, FL 34996, <https://hsmc-fl.com/donate/>

Hibiscus Children's Center, P.O. Box 1406, Jensen Beach, FL 34958, <https://hibiscuschildrenscenter.org/donate-2/>

An Online Guestbook is available by visiting www.treasurecoastseawinds.com

The Florida Bar Updates / Board of Governors' Report

GREG WEISS - 19TH CIRCUIT BOG REPRESENTATIVE



Keep updated on Florida Bar initiatives and Board of Governors information, meeting minutes and reports by visiting the website regularly!

A direct link can be found at The Florida Bar's home page (www.floridabar.org) by clicking the "About The Bar"



Greg Weiss
19th Circuit BOG Rep

19th Circuit Judicial Nominating Commission

The MCBA will continue to post updates on the 19th Circuit JNC Commission meetings and deadlines for appointments to fill judicial vacancies as they become available at www.martincountybar.org

For more information, email martincountybarassociation@msn.com

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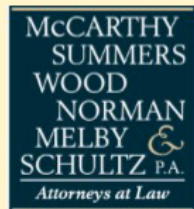
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Member Spotlight

United States Magistrate Judge Shaniek M. Maynard

Education:

Undergrad? Howard University class of 1998

Law School? Yale Law School class of 2001

How long have you been practicing law?
Twenty years

Why did you want to be an attorney?

As a high school student, I participated in the Nineteenth Judicial Circuit's Teen Court program hosted by the State Attorney's Office. That program gives students the opportunity to role play as attorneys, jurors, bailiffs and clerks and decide the sentence for a teenager who commits a first-time misdemeanor. I remember working with the prosecutor to prepare my arguments, strategize about how to present my evidence, and contemplate a fair sentence to recommend. As I stood before the Court and presented the case, I remember having this awesome sense of the courtroom as a place where I could be heard, and where I could speak on behalf of others who did not have a voice. I decided then that I wanted to be a lawyer.

What are the biggest changes you have seen through the years?

The two biggest changes I have seen are (1) increased reliance on technology and social media by lawyers, clients, and courts; and (2) a greater focus on using mediation and arbitration to settle disputes rather than trial. Sadly, I have not seen significant change in the rate at which women are gaining representation in the legal profession. In 2006, I worked on the



Creating Pathways to Success for All Report by the Women's Bar Association of the District of Columbia, which focused on addressing inequities for women and women of color in big law firms. As of 2005, women made up approximately 15% of Big Law equity partners. Fourteen years later, in 2019, Bloomberg reported that women make up only 21% of Big Law equity partners (and only 14% of those are minorities). See [Women Make Legal Profession Gains at 'Glacial Pace,' Survey Says](#) (bloomberglaw.com). So, more than a decade later there was only a five-percentage point increase. That is a concerning statistic and one which our profession needs to address.

How do you define success?

I define success as being professionally challenged, personally fulfilled, emotionally content, spiritually well, physically strong, and engaged in my community.

Who Inspires you?

My mother – Dr. Donna Mills. She did not have the opportunity to achieve her educational goals as a young person and instead got her GED. She returned to school when I was in high school, first going to what was then Indian River Community College to get an associate's degree and then commuting from Fort Pierce to Florida Atlantic University (FAU) weekly to get her bachelor's degree – all

Continued On Next Page . .

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while working multiple jobs and raising three children. We graduated from college at the same time and she decided to forego her graduation ceremony at FAU to travel to Washington DC to see me walk across the stage at Howard University. She went on to obtain her master's and doctoral degrees. She now serves her community as the first African American woman elected to the St. Lucie County School Board. By example, she has shown me the power education and perseverance can have in unlocking any door. I never give up because she never did.

Who has been the most influential person in your career?

Miki McMurtry, former Assistant Public Defender and former Assistant State Attorney for the Nineteenth Judicial Circuit. When I was in high school, Miki was the prosecutor at the State Attorney's Office who facilitated the Teen Court program. She also let me intern with her at the State Attorney's Office after I participated in Teen Court. The fact that she gave her time and energy to local students changed the course of my life. Because of her, I was able to envision myself in powerful spaces in ways I would never have had the opportunity to do otherwise. Following her example, since becoming a United States Magistrate Judge in 2017, I have opened the doors of our federal courthouse in Fort Pierce to about 400 local high school students – through civil discourse programs, mock trials, panel discussions, and essay competitions. It is important to me that when young people first encounter the legal system, they do so as future judges, lawyers and jurors, not as victims, defendants, or witnesses. I want students to see themselves sitting in my seat, just as I saw a path forward in my life by working with Miki McMurtry.

What is the best piece of advice you have ever received?

“Feel entitled to take up space.” As women and/or minorities, we sometimes internalize negative messages about whether we belong in powerful spaces. That can diminish our confidence and lead to intimidation or self-doubt. Or, perhaps we are confident but

are unsure how to project that confidence without appearing aggressive or ungracious. I once attended a coaching session where the facilitator suggested that, as women in the legal profession, we must consciously and deliberately take up physical space. We can use our body language and positioning in ways that assert our power and the validity of our voice. Making ourselves small, apologizing for our opinions, or trying to cause as little disturbance as possible does not serve the world or the legal profession.

What advice would you give to someone looking to become an attorney?

Work hard. Dive in. Think like a lawyer. Don't speak or write “legalese.” Clarity is key. Read more. Find mentors. Act with integrity. Treat people right. Stay humble. Don't give up.

If you could visit anywhere in the world, where would you go?

I enjoy tracing my roots, so I would visit the Door of No Return in Ghana, through which millions of Africans were forced onto slave ships bound for the United States and other countries.

If you could have dinner with any person, alive, dead or fictional, who would it be and where would you go?

Maya Angelou and James Baldwin. We'd be eating, laughing and solving the problems of the world at a Parisian café.

What is something that not many people know about you and might be surprised to learn?

I'm an avid reader and amateur bibliophile. I love being surrounded by books, it makes me feel safe and content. During the pandemic, I started a virtual book club with my children and their friends. We meet monthly to read and discuss fictional books featuring African American characters. There are eight members in the book club, ages 9 to 16, and the moms pay them one penny per page that we read. So far, we've read 2000 pages together!

Scholarship Committee

Jason Berger - Chair

2021 MCBA Scholarship... and the Winners are...

On behalf of the Scholarship Committee, I am very excited to announce this year's MCBA scholarship recipients. The committee selected Daniel Gluckman of South Fork High School to receive the top \$4,000.00 scholarship. Raymond Martucci of South Fork High School and Josef "Alex" Kaufmann of Jensen Beach High School will each receive a \$500.00 scholarship.

Thank you again to our co-sponsors, Jack Sobel and Donaldson & Weston for their generous and continued support. My thanks and appreciation also to the committee members: **Nita Denton, Fernando Giachino, Adam Guzi, Janet Hartman, Chad Hastings, Elizabeth Hunter, Christine Moreno, Jack Sobel, Abby Spears, and Peggy Wood.**



Jason Berger
Scholarship - Chair



Daniel
Gluckman

Raymond
Martucci

Josef "Alex"
Kaufmann

Congratulations Daniel, Raymond, and Alex! They are bright, well-deserving students who submitted impressive essays. We wish them the best as they embark on their new, challenging, and exciting college adventures.

It's fantastic that the MCBA continues its standing tradition of awarding scholarships to local seniors, and we are thankful for our sponsors who volunteer each year to make this happen. Hopefully, we can keep this tradition for many more years to come.

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Bankruptcy Committee

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“SUPREME COURT CASES EVERY BANKRUPTCY ATTORNEY SHOULD KNOW”



Jon Martin
Co-Chair

In the winter edition of The National Association of Bankruptcy Attorneys *Consumer Bankruptcy Journal*, the above titled article was posted. Below are some of the cases cited and their relevance in Bankruptcy procedure:

WHAT IS A DEBT (CLAIM) –

Pennsylvania Public Welfare Dept. v. Davenport, 495 U.S. 552 (1990)

NONDISCHARGEABILITY – Kawaauhau v. Geiger, 523 U.S. 57, 118 S. Ct. 974 (1998)

EXEMPTIONS – Taylor v. Freedland & Kronz, 503 U.S. 638, 112 S. Ct. 1644, 118 L. Ed.2d 280 (1992)

EFFECT OF CONFIRMED PLAN – United Student Aid Funds v. Espinosa, 559 U.S. 260, 276 (2010)

PROJECTED DISPOSABLE INCOME – Hamilton v. Lanning, 130 S. Ct. 2464, 177 L. Ed. 2d 23 (2010)

MODIFICATION OF RESIDENTIAL MORTGAGES AND LIEN STRIPPING – Dewsnup v. Timm, 502 U.S. 410 (1992) – (see also) – Nobleman v. American Savings Bank, 508 U.S. 324 (1993)

RESTRICTIONS ON DEBT RELIEF AGENCIES – Milavetz, Gallop & Milavetz, P.A. v. United States, 559 U.S. 229, 239 (2010) – (but see – n.6)

JURISDICTION – Wellness Int’l Network, Ltd. V. Sharif 135 S.Ct.1932 (2015)

PROPERTY OF THE ESTATE AND CLAIMS – U.S. v. Whiting Pools, 462 U.S. 198 (1983)

There are many more that can be noted but space here is limited. Suffice it to say Bankruptcy Law is constantly evolving the same as any other practice area and the Supreme Court is consistently involved in the resolution of new questions and developments.



Nick Bangos
Co-Chair

NEED MORE INFORMATION?

Contact a bankruptcy Committee Member or call 772 834 5021 (Jon Martin) or 305 915 1609 (Nick Bangos)

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Solo & Small Firm Committee

Flying Solo: Success tips for Small Firms

You have taken the risk starting your own firm. The rewards are incomparable. First, it is rewarding to make all of the decisions about how your firm operates. You choose what type of work you do, what clients you accept, and the hours that you work. The control and power is why you took the risk. Running your own firm allows you the freedom to design client development approaches based upon your strengths. You are building relationships with colleagues and educating them on what type of clients you wish to have. In our current state of mask wearing and cautiousness, you can still reach out by phone, if networking on Zoom is not for you or you are fatigued by it.

Another way to network is to think community. Start your own informal group of different lawyers with non-competing practices. Meet by Zoom or get together for happy hour in an informal setting. You never know what you may learn about someone that you would not otherwise learn without just meeting to share ideas. You

are able to travel the journey of being a solo or small firm practitioner together. This “community” of colleagues also helps with having people to bounce ideas off that you normally would have in a regular firm environment. You can learn from other’s successes and failures. What worked for them, may work for you.



Kathy McHale
Chair

By running your own shop, you have proven to be resourceful and courageous. You are creating your own brand and living your best life. You are more attentive and adaptive as a solo and small firm practitioner. We welcome the challenges and embrace those who are on this journey with us. If you are thinking about flying solo, contact me and I would be happy to discuss the risks and rewards with you.

Young Lawyers Division

Jeanette Lugo - Co-Chair
Matthew Worsham - Co-Chair

CELEBRATING & EMBRACING DIVERSITY

Please join the YLD on Friday, May 14, 2021 at 5:30 PM for a happy hour at Cafe Martier (23 SW Osceola Street, Stuart, FL 34994) which will be sponsored by Meltzer & Bell, P.A. We look forward to seeing new faces! If you have any questions, please contact Jeanette Lugo (jlugo@wmrfla.com).



Jeanette Lugo
Co-Chair



Matthew Worsham
Co-Chair



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TREASURE COAST DIVISION

Voluntary Bar Association Coalition Town Hall Recap:

On Tuesday, March 23, 2021 the Martin County Bar Association hosted the 19th Circuit Voluntary Bar Coalition Town Hall event. All attorneys within the 19th Circuit were invited to attend.

The Panelists for the event were: Florida Bar President, Dori-Foster Morales; Florida Bar Board of Governors 19th Circuit Representative, Greg Weiss; 19th Circuit Chief Judge Lawrence Mirman; 19th Circuit Bar Presidents, Paul Amos – Indian River; Ryan Reif – St. Lucie County and Barbara Kibbey Wagner – Martin County. Jason Berger, 19th Circuit Voluntary Bar Coalition Representative served as MC for the program.

Following the panelists' presentation was a Q&A session.

President Foster-Morales provided an update on Florida Bar Activities including Court Operations changes; her current top priority is to ensure adequate funding for the State Court System, including additional funding for Senior Judges to help alleviate case backlog. She also mentioned that the Bar is working on developing an IT help line geared toward Small & Solo & Firms. In addition, the Technology Committee created a Best Practices Guide for Court Proceedings, which is available on the COVID 19 page of the Florida Bar Website. <https://www.floridabar.org/the-florida-bar-news/technology-committee-releases-florida-bar-recommended-best-practices-guide-for-remote-court-proceedings/>

Greg Weiss explained the role of the Board of Governors. The Board is made up of 52 lawyers who help establish the policies of the Bar as related to the practice of law. The BOG plays an integral role in reviewing changes in the practice of law, and adapting the rules so that Bar policies closely align with the mechanics of practice. Greg believes there will be permanent changes post COVID, so the BOG is trying to adapt rules to help accommodate these changes into the practice of law. Another important function of the Board of Governors is Lawyer Discipline. The BOG oversees the grievance and discipline review committees, and the BOG votes on any related actions.

Judge Mirman again thanked the attorneys of the 19th circuit for their patience, understanding and

willingness to work cohesively during the past year as we all worked through these unprecedented times. He commented on how the collaborative Statewide efforts to keep “the boat afloat” have been remarkable. While he is optimistic about getting back toward normalcy, his optimism is tempered by recent events. He asked that everyone not let their guard down, stay patient and stay positive. Judge Mirman also referenced AOSC 20-23 – Statewide Mandate Active differential Case management in Civil Cases.

Bar Presidents Amos, Reif and Kibbey-Wagner shared details of what their organizations have been doing including: community programs, CLE programs, guest speakers, future plans for events as well as the impact of COVID on their members.

In summary, the sharing of information, ideas and support served to further reinforce the already collaborative, professional and cohesive nature of the 19th Judicial Circuit.



Michael J. McCluskey • Raymond G. Robison • J. Henry Cartwright • Tyson J. Waters • Adam G. Schwartz • Anthony D. George, Jr. • Philip W. Grosdidier • Valerie A. Chesnut • Dorothy A. Dlugolecki

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On the Lighter Side.

Submitted by Brandon Woodward

I'd like to share a blog post I received from one of my good friends, Jess Birken, a brilliant non-profit lawyer in Minnesota, that I have had the fortune of collaborating with (completely online) during the pandemic. I hope you enjoy it as much as I did.

Hey there lawyer friends,

If you've been ANYWHERE on the internet for the past few weeks, I'm betting you've seen this video:

When I first heard "I'm here live, I'm not a cat," let me tell you, I CACKLED. I sent the video to my wing woman, colleagues, clients, family members - everyone. Sometimes a video goes viral right when you need it!



I know there's a lot of chatter on legal twitter about how you gotta learn your tech tools so you don't end up in this situation (which is true - and I made comments to that effect myself!). But WHY is this so funny? Honestly, not knowing how to use Zoom isn't what's funny here to me.

This video is so funny because it's so damn relatable. Lawyer-cat could be ANY OF US. You know what that lawyer is feeling. I've had so many embarrassing moments like this I've lost track.

Once during law school I was in a trial advocacy class and we were in the "final exam" - a mock trial before a real sitting judge. I was cross-examining my witness and trying to use some evidence for demonstrative purposes only, and somehow, I screwed it up. The Judge (bless you Judge Ann Alton) graciously pointed out my error as I returned to counsel table. Without EVEN THINKING I just quipped "Sorry, Judge, my bad!"

OH MY GOD. *dying inside!!!* I just kept going with the trial skills role play. What else was I going to do?

We are ALL lawyer-cat. We have ALL had that embarrassing moment when something goes wrong, and all you can do is move forward with as much dignity as you can muster. Usually, it's just a lot less fluffy and cute when it goes down.

I know I've been saying this lot in the past few months, but everybody is just not mentally okay right now. Everyone is going through it, whether you know the details or not. That video made me laugh so hard. I needed it. I hope lawyer-cat gave you a chuckle too!



For me, I'll be trying to remember to channel some grace and patience when I see someone else in their own lawyer-cat scenario.

Warmly, Jess.

Full attribution and MCBA thanks to Jess Birken, Birken Law Office, Minneapolis, MN.

www.birkenlaw.com

Diversity Committee

Erica Powers - Co-Chair
Ricky Armand - Co-Chair

Asian American & Pacific Islander Heritage Month



Erica Powers
Co-Chair

Since being signed into resolution on October 5, 1978, the month of May has been recognized as Asian-American and Pacific Islander Heritage Month, a time for celebration and acknowledgment of Asian Americans that have made, and continue to make, invaluable contributions to our country.

We began this year with a historic event, the welcoming of our first female Vice President, Kamala Devi Harris, who also happens to be the first African-American and first Asian-American to serve as Vice President.

Sadly, almost halfway through the year, we are dealing with tragedy within the Asian-American Community. It is with a heavy heart that we acknowledge and stand in solidarity with the Asian-American community in the aftermath of targeted violence. On March 16, 2021, a mass shooting occurred at three Atlanta-area spas, where eight people were killed, six of which were Asian women.



Ricky Armand
Co-Chair

Rallies have taken place across the country as a continuation of March 27th, "National Day of Action and Healing," a protest to bring awareness to anti-Asian violence. Although the March shooting was not immediately designated as a hate crime, it comes in the wake of anti-Asian rhetoric that has occurred over the past year amid the ever present coronavirus pandemic.

We, as a community at-large, stand in support of both appreciation for, and shared grief with, those of Asian and Pacific Islander descent during these more recent tragic events.

"There is more power in unity than division." – Emanuel Cleaver

"Peace, unity, love, and nonviolence should be our rallying cry and the catalyst for change in our nation." – Dr. Tony Evans

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THE EVER GIVEN – LEGAL AND INSURANCE IMPLICATIONS

Joanne M. Foster, Florida Board Certified, Admiralty and Maritime Law Admiralty Committee Chair

This article reprints excerpts from The Maritime Executive, article by Phillip Toth first printed 3-38-2021. See The Maritime Executive on-line for the complete article. <https://www.maritime-executive.com/editorials/ever-given-legal-and-insurance-implications>

As the saga of *Ever Given* and the salvage efforts continue to unfold, the longer-term effects bear examining.

The fragility of trade routes - which have been sorely tested by disruptions caused by Covid-19 and a shortage of containers - were once again exposed when the large container ship *Ever Given* ran aground while transiting the Suez Canal on March 23, lodging herself against both banks.

The ship is about 400 meters in length, roughly equal to the height of the Empire State Building, and she is capable of carrying about 20,000 TEU. The ship's large size has covered the entire width of the canal, holding up vessel traffic for days. This is causing knock-on effects on the movement of cargoes globally, as 12 percent of global trade is carried on board ships using the canal.

It is estimated that the costs to global trade is estimated to be about \$400 million per hour, based on the approximate value of goods that move through every day, according to Lloyd's List.

Cargo insurance

The availability of recourse against marine cargo insurance policies is also not a given as most marine cargo insurance does not cover losses due to delays.

Most cargo insurance policies adopt the Institute Cargo Clauses issued by the Institute of London Underwriters Wordings. These wordings adopt the choice of English law and practice. This means that the terms of the UK Marine Insurance Act of 1906 will apply. Most of these policies are of the all risks type, and delay is excluded, per Cls 4.5:

4.5: loss, damage or expense caused by delay, even though the delay be caused by a risk insured against.

This would apply unless the policy is amended by endorsement to remove this exclusion, which would be the reasonable and prudent action for the assureds to take.



Joanne Foster
Chair

Salvage and General Average

The *Ever Given* can carry up to 20,000 TEU of cargo on board. Unless the ship is freed the container cargoes cannot safely proceed to its final port in Rotterdam.

The efforts to refloat the ship and to undertake any repairs so that the ship and cargo can safely continue its voyage will form part of general average.

General average is part of the law of the sea founded on equity.

The most often cited legal definition of "general average" is "all loss which arises in consequence of extraordinary sacrifices made or expenses incurred for the preservation of the ship and cargo losses within general average, and must be borne proportionately by all who are interested." The cargo insurance of these cargo on board is covered by the marine insurance cover using the English Forms, as above. See Clause:

2. This insurance covers general average and salvage charges, adjusted or determined according to the contract of carriage and/or the governing

law and practice, incurred to avoid or in connection with the avoidance of loss from any cause except those excluded in Clauses 4, 5, 6 and 7 below.

(ii) the object of salvage should be in danger at sea; (iii) the salvors must be volunteers; and (iv) there must be success by either preserving or contributing to preserving the property in danger.

Lessons can be learned from the Malaysian Federal Court decision of *Fordeco Sdn Bhd v PK Fertilizers Sdn Bhd*. The Court held that four elements are essential to establish a contract of salvage (as opposed to a contract for the provision of towage, pilotage or the carriage of goods):

(i) there should be a recognized subject matter;

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Employment Law

Paid leave for employees getting COVID Vaccines

Submitted by: David Miklas, Esq. – representing employers only



David Miklas
Co-Chair

The new American Rescue Plan Act of 2021 includes changes to the Families First Coronavirus Response Act (FFCRA). Although it does not require employers to provide paid leave for COVID-related reasons, it does allow certain employers to get a tax credit through September 30, 2021. For private employers that want to voluntarily give their employees FFCRA paid leave, it creates a new bucket of 10 days of available FFCRA leave on April 1, for those employees who have already used some or all of their FFCRA paid leave. Also:



Stuart Address
Co-Chair

- Large companies (500+) cannot get the tax credit.
- State/local governments may possibly get the tax credit (unlike the FFCRA) but we are awaiting more guidance on this.
- Some non-profits now get the tax credit (§501(c)(1) orgs which are exempt from tax under §501(a))
- Paid sick leave (at 100% pay) covers same previous FFCRA reasons, but now also covers COVID testing time if the employer requests it (not just doctor) and also time employee is getting or recovering from COVID vaccine.
- Tax credits for paid sick leave (at 100% pay) covers same previous FFCRA reasons, but now also covers COVID testing time if the employer requests it (not just doctor) and also time employee is getting or recovering from COVID vaccine.
- Employers cannot get the tax credit if they try to only give the paid leave to highly compensated employees, or full-time employees or long-term employees.
- Tax credits for Paid Family Leave (EFMLA) (at 2/3 pay) has now been expanded beyond just the childcare for school/daycare closures, to now apply to all 5 FFCRA reasons plus the new vaccine-related leave for a whopping 12 weeks.
- Total tax credit cap has been lifted to \$12,000 per employee.

Because of these tax credits, nearly all private companies should give serious consideration to voluntarily providing their employees this paid COVID leave. If employees have to use their own PTO or have no paid leave, they may come to work infected and spread COVID in your workplace.

This is a very different issue than determining whether to mandate employees be vaccinated or whether to encourage vaccinations. Providing paid leave to employees is now possible for free for many businesses due to the tax credits. This allows businesses to enforce rules about not being at work when the employee exhibits any of the eleven COVID symptoms. This also increases the likelihood of employees being honest when they have symptoms because they are not afraid of being forced to use their paid time off (PTO) or sick leave.

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Committee Chairs and Co-Chairs for your interesting and timely articles every month. Without them, there would be no SideBar.

Kathy Cabre-Enloe of Esquire Reporting for your eagle eyes in proofreading every issue, sometimes more than once!

Kevin Mulligan of Spiral Media for all the drafts, revisions, printing, stamping and sorting.

Thank you team!

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I am not an Influencer but you really should buy this Webinar

Submitted by Cari Leininger



Donna Eng
Co-Chair

The Appellate Sections of the Bar Association for Martin County, Palm Beach, and Broward hosted the Bi-Annual Fourth DCA Seminar. Once again, the judges of the Fourth DCA did the heavy lifting serving as the speakers for this half-day seminar. Their preparation and expertise were obvious to all who attended.

If you did not attend, I recommend ordering this seminar. Every lawyer, not just appellate lawyers, should understand how appellate courts operate. The district courts of appeal are the courts of the last resort for almost every case. The Florida Supreme Court accepts less than ten percent of requests to invoke its discretionary jurisdiction, so the DCA will be the final decisionmaker in almost every case.

The highlight for me was the Brief Writing presentation by Judge Melanie May and Judge Robert Gross. My only complaint is that it was too short (unlike some of our briefs apparently). Anyone who writes briefs or dispositive motions should listen to this presentation. Below is a list of some of the points made by the judges.

1. When referring to persons or entities use descriptive terms, not names, i.e., the General Contractor instead of the Xanadu Company. While you may have lived with these names for five or more years, the names are new to the judges and can be very confusing. Don't make the judges create a name chart (which they sometimes have to do).
2. The rules now limit length by word count, not pages. Rule 9.210 explains what sections have to be included in the word count.
3. Some judges use the Summary of Argument to decide whether to grant Oral Argument.
4. Some judges use the Summary of Argument as a road map to the Argument.
5. The Summary should be just that, a summary, and not a duplication (minus case citations) of the entire argument. If your Summary is more than two pages, it is probably too long.
6. Your conclusion should include a specific statement of the relief requested, including

alternatives. If you don't ask, you won't get.

7. Spend time researching and explaining the new interpretation of the summary judgment standard and be ready to educate your judges on the new interpretation. The judges have been following *Hall v. Talcott* for years. Now they are reading and reviewing *Celotex*. Attorneys should be doing the same.
8. Legislative history and committee notes are not persuasive when interpreting statutes. Appellate courts are citing to the book written by the late Antonin Scalia and Bryan Garner, *Reading Law: The Interpretation of Legal Texts*, (available from Thomson West for \$49.95). Last year it was cited in 44 opinions.
9. Include all relevant facts, including those that are bad for your client, but tell a good story. Remember you are an advocate.
10. Judges appreciate brevity. Get to the point.
11. Edit, edit, edit.



Carri Leininger
Co-Chair



Real Estate and Commercial Litigation Update

Florida Real Property and Business Litigation Report

Manuel Farach

Tyson Waters



Manny Farach
Co-Chair

Uzuegbunam v. Preczewski, Case No. 19-968 (2021).

Nominal damages for claims arising under common law may be sufficient to confer Article III standing under *Spokeo, Inc. v. Robins*, 578 U. S. 330 (2016).

Ford Motor Co. v. Montana Eighth Judicial District Court, Case No. 19-368 (2021).

Specific personal jurisdiction is based on whether the claims “arise out of or relate to” the forum state and not based on “causal link” when a defendant avails itself of the jurisdiction.

Suvicmon Development, Inc. v. Morrison, Case No. 20-11681 (11th Cir. 2021).

A finding of non-dischargeability of a debt under 11 U.S.C. § 523(a)(19) (violation of state securities laws) does not permit a creditor to recover on its fraudulent transfer claim against a discharged debtor; *Owaski v. Jet Florida Systems, Inc. (In re Jet Florida Systems, Inc.)*, 883 F.2d 970 (11th Cir. 1989) (holder of a discharged claim can proceed nominally against the debtor for the purpose of recovering from the debtor’s insurer) is inapplicable.

King v. Zaslavskiy, Case No. 3D19-1921 (Fla. 3d DCA 2021).

The hearing of a motion for summary judgment should be continued to allow a party to revise their declaration in opposition (proper under federal practice but not Florida practice) and convert the declaration to an affidavit in opposition.

Point Conversions, LLC v. WPB Hotel Partners, LLC, Case No. 4D19-3017 (Fla. 4th DCA 2021).

A state court has jurisdiction over a suit in which there are federal patent law questions when the

claim does not “arise” under federal law and does not meet the four-part requirements of *Gunn v. Minton*, 568 U.S. 251 (2013).

Christ v. Deutsche Bank National Trust Company Americas, Case No. 2D19-4131 (Fla. 2d DCA 2021).

A witness testifying as to the admissibility of business records of a third party must either be able to testify from personal knowledge or knowledge of the third party’s routine or general business practices.

George Anderson Training and Consulting, Inc. v. Miller Bey Paralegal & Financing, LLC, Case No. 2D19-4413 (Fla. 2d DCA 2021).

A deed by a corporation is valid if signed by the president, vice-president, or chief executive officer but only if the deed is sealed with the common or corporate seal. Moreover, a deed generally cannot be witnessed by a grantee and a notary may not notarize her own signature.

Bond v. Luzinski, Case No. 2D20-1510 (Fla. 2d DCA 2021).

An assignee under Florida Statutes Chapter 727 has the power to consent to venue over the objection of the officers and directors of the company whose assets were assigned.

Mori v. Fortune Capital Partners, Inc., Case Nos. 3D19-1194 and 3D19-1359 (Fla. 3d DCA 2021).

A grantee of a contract for purchase of real property, which contract states the grantee may accept the property with the title defects the grantor was not able to cure or cancel the contract, may not obtain specific performance with abatement.



Tyson Waters
Co-Chair

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Calderin v. Quartz Hill Mining, LLC, Case No. 3D20-1612 (Fla. 3d DCA 2021).

A bankruptcy debtor's legal malpractice claim against its attorneys is subject to concurrent jurisdiction between bankruptcy and state courts.

Share v. Broken Sound Club, Inc., Case No. 4D20-1244 (Fla. 4th DCA 2021).

The Implied Covenant of Good Faith and Fair Dealing cannot be used to vary the terms of written corporate documents, and the Business Judgment Rule applies to the corporate decisions of not-for-profit corporate clubs, including membership decisions.

Simon v. Homeowners Choice Property & Casualty Insurance Company, Inc., Case No. 2D18-1116 (Fla. 2d DCA 2021).

If a party is added after the lawsuit is filed, the date for determining when a proposal for settlement is timely is the date the new party is added and not the date of the filing of the lawsuit.

Kratos Investments LLC v. ABS Healthcare Services, LLC, Case No. 3D20-1280 (Fla. 3d DCA 2021).

A non-signatory to an arbitration agreement may compel a signatory to arbitrate a dispute between them when signatory's allegations against the non-signatory are intertwined with the issues set forth in the contract containing the arbitration agreement.

Rauch, Weaver, Norfleet, Kurtz & Co., Inc. v. AJP Pine Island Warehouses, Inc., Case Nos. 4D20-352 and 4D20-417 (Fla. 4th DCA 2021).

A confidentiality agreement may constitute a restraint of trade under Florida Statute section 542.335, and if so, a party seeking to enforce the agreement must meet the pleading requirements of the statute section.

Bezl Limited, LLC v. Raymond Office Plaza, LLC, Case No. 4D20-743 (Fla. 4th DCA 2021).

A circuit's court entry of final judgment of possession for failure to make rent deposits under Florida Statute section 83.232(5) does not extinguish other existing claims between the landlord and tenant.

Pezeshkan v. Manhattan Construction Florida, Inc., Case No. 2D20-2184 (Fla. 2d DCA 2021).

A non-signatory to a stock purchase agreement which contains an arbitration provision may not compel arbitration of appraisal rights under Florida Statute section 607.1301 when the non-signatory was not an intended third-party beneficiary of the stock purchase agreement and when there is no nexus between the stock purchase agreements and invocation of appraisal rights.

Jackman v. Cebrink-Swartz, Case No. 2D20-2384 (Fla. 2d DCA 2021).

Neighbors placing a camera on their roof which looks into the adjoining neighbor's house and records same commits the tort of invasion of privacy (seclusion), which tort does not require publication of the information to a third party.

Fallang Family Limited Partnership v. Privcap Companies, LLC, Case No. 4D20-548 (Fla. 4th DCA 2021).

While incorporation of the rules of the American Arbitration Association may shift the question of arbitrability from the court to the arbitration panel, reference alone to the rules is not sufficient by itself to shift the question; conflict certified with *Mia. Marlins, L.P. v. Miami-Dade Cty.*, 276 So. 3d 936, 940 (Fla. 3d DCA 2019); *Glasswall, LLC v. Monadnock Constr., Inc.*, 187 So. 3d 248, 251 (Fla. 3d DCA 2016); and *Reunion W. Dev. Partners, LLLP v. Guimaraes*, 221 So. 3d 1278, 1280 (Fla. 5th DCA 2017).

Kemp Investments North, LLC v. Engler, Case No. 5D20-1553 (Fla. 5th DCA 2021).

Notwithstanding that buyer signed a notice at closing that the attorney was not representing her, an attorney and title agent who represents the seller at closing is prohibited from representing the buyer in a dispute over a fraudulent deed if the attorney has later discussions with the buyer regarding the ramifications of the deed.

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Martin County Women Lawyers Association

Submitted by Elizabeth Hunter



Gloretta Hall
MCWL President

Thank you to all who joined us last month for our discussion on diversity and inclusion, and for helping us collect food for the SafeSpace families. We continue to be touched by our members' generosity. We do not want to lose any of our great members next year, so please remember to renew your membership! See www.fawl.org for more information.

Please also remember to join us for our next CLE on Personal Injury will be held on May 11, 2021 via zoom; networking begins at 11:45am and the CLE presentation begins at noon. Feel free to contact Kathy McHale (kathy@kmchalelaw.com) for more information.

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*Chair: Angelina Castro***Violence Against The AAPI Community – Where Have We Been
And Where Are We Going?***By: Angelina Castro and Emma Barska – April 1, 2021*

He was six years old when he came home troubled and asked me why the kids at school called him “China.” He couldn’t understand why they would call him a country, and one that he wasn’t even from. This happened every week, until he eventually moved to the full-time gifted program which was both more accepting and ethnically diverse. It is

said that adversity builds character, and as for my son Solomon, I would have to agree. I am a Filipino-American woman, and after a lifetime of confrontations (both minor and at times, life threatening), it seems to me such taunts and disrespect have almost become an expected norm. This is what I thought when just last year, our government rallied the public against the “Chinese virus,” “Wuhan virus,” and “Kung Flu,” which are hardly appropriate medical terms for “COVID-19.”¹ The government’s casual references did nothing more than spur further xenophobia and division in the face of a deadly and globally paralyzing Coronavirus. It is no surprise that with the proliferation of such rhetoric, anti-Asian violence rose by an astounding 149% in 2020,² and today, the fear remains quite real and much too close to home.

Sadly, the Coronavirus outbreak was not the sole catalyst for violence against the Asian American Pacific Islander (AAPI) community, because systemic and blatant bias against Asians in the country began long before the pandemic

arrived.³ Anti-AAPI sentiment has plagued the U.S. throughout its history and is recorded and codified in law with the purpose of marginalizing, isolating and legitimizing discrimination against Asian Americans and Asian immigrants. Despite being labeled as the “model minority” and identified as “white adjacent,” members of the AAPI community have not escaped disparate treatment and persecution.⁴ Policies and laws laid the groundwork enabling institutions and the public to engage in unabashed racist practices. The Naturalization Act of 1870 and the Chinese Exclusion Act of 1882 forbade Chinese laborers from entering the U.S. and barred Asians from becoming U.S. citizens; the Immigration Act of 1924 cut off almost all immigration from Asia; and in 1942, President Franklin D. Roosevelt’s Executive Order 9066 authorized the forceful relocation, incarceration and sequestration of property of 120,000 Japanese American and immigrant families who were relegated to internment camps until 1945.⁵

It was only three years ago that our own state became the last of 15 states to finally repeal its Alien Land Law from 1926, which was promulgated with the intention of prohibiting individuals of Asian descent from owning land.⁶ It has been a long road to right the wrongs of our past and we are encouraged by the country’s recognitions through public apologies, corrective legislation and reparations. And while we hope that progress continues, we cannot deny that the current climate and spiking violence against Asian Americans and immigrants returns us to a sordid and painful history.

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¹ <https://www.forbes.com/sites/brucelee/2020/06/24/trump-once-again-calls-covid-19-coronavirus-the-kung-flu/?sh=3ac95b451f59>

² <https://www.csusb.edu/sites/default/files/FACT%20SHEET-%20Anti-Asian%20Hate%202020%203.2.21.pdf>

³ <https://www.npr.org/2021/03/17/978055571/anti-asian-attacks-rise-during-pandemic-read-nprs-stories-on-the-surge-in-violen>

⁴ <https://www.npr.org/2021/03/17/978055571/anti-asian-attacks-rise-during-pandemic-read-nprs-stories-on-the-surge-in-violen>

⁵ <https://www.washingtonpost.com/outlook/2021/03/11/violence-against-asian-americans-is-part-troubling-pattern/>, <https://www.nationalww2museum.org/war/articles/japanese-american-incarceration>

⁶ https://www.apabasfla.org/wp-content/uploads/2018/12/PRESS-RELEASE_-_NAPABA-APABA-SF-GOABABA-CELEBRATE-FLORIDA-CONSTITUTION-REPEAL-OF-ALIEN-LAND-LAW-National-Asian-Pacific-American-Bar-Ass1.pdf

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The ethnic, cultural, and economic diversity within the AAPI community make this minority particularly susceptible and vulnerable to verbal harassment, physical assault, civil rights violations, and recently, online harassment.⁷ As a society, we are jointly responsible for using our privilege, experience and influence to ally with Asian Americans, Asian immigrants and all marginalized groups. To turn away or remain silent in the face of injustice is to acquiesce. Crimes against the AAPI community should not be forgotten or tolerated. President Biden is now

laying plans to address the rise of racist attacks and affirms, “We can’t be silent in the face of rising violence against Asian Americans . . . These attacks are wrong, un-American, and must stop.” We must learn from history, embrace our shortcomings and be fervent in our resolve not to repeat the ills of our past. It is time to change our trajectory. As members of the American family, we are called to order and asked, what more can we do, individually and collectively, to create a kinder, more accepting and protective society for all persons regardless of their identity?

⁷ <https://securereservercdn.net/104.238.69.231/a1w.90d.myftpupload.com/wp-content/uploads/2021/03/210312-Stop-AAPI-Hate-National-Report-.pdf>

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How to Text Your Client

And Other Low-Tech Things a Lawyer Needs to Know

Shelley M. Bethune



Text messages can be exposed to third-parties more easily than traditional modes of communication.

There is little doubt that technology has become an integral part of the legal profession. Most states have even adopted a duty to maintain competence in technology (see [Comment 8](#) to [Model Rule 1.1](#)). Although e-discovery, e-filing, and Zoom are commonplace, some standard technologies, like texting, may still give lawyers pause. There are [ethical and practical considerations](#) when texting with a client, blogging about a case, and responding to an online review from a client.

Can I Text My Client?

You received an excellent settlement offer from your opposing counsel that expires in 24 hours, but you have not been able to reach your client by phone or email. Can you send your client a text?

In short, yes. [Model Rule 1.4](#), which regulates attorney-client communications, does not restrict the methods by which a lawyer may communicate with a client—it only defines the minimum level of communication required of an attorney.

However, an attorney must keep in mind several considerations when deciding to text with a client.

Set the Parameters of the Attorney-Client Relationship from the Beginning

Have a frank conversation with your client at the outset of the representation to discuss the potential risks of texting and what they can expect from you (like whether you will bill them for each text). Consider asking your client for a preferable mode of communication or discussing the categories of information about which you will and will not text. Assure your client that even though you may text, you will always have a face-to-face meeting or phone call when necessary. Consider putting any agreed-upon parameters in writing as part of your engagement agreement. You can even copy and paste [Model Rule 1.4](#) (or your state's equivalent) right into your agreement, so your client can reference your ethical requirements.

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Protect the Attorney-Client Privilege and Confidentiality

Text messages can be exposed to third parties more easily than traditional modes of communication like phone calls, letters, and emails. For example, if your text messages appear on your lock screen, a third party could inadvertently view that communication. All communications with a client are confidential, under Model Rule 1.6, and attorneys must make reasonable efforts to prevent the inadvertent or unauthorized disclosure of information relating to the representation of a client.

Of course, there are easy solutions to the above example. Ensure that your phone's settings do not allow text message content to appear on the lock screen, and always have a password on your phone. Think about what platform you and your client are using to text with each other.

- Is it secure?
- Is it encrypted?
- Who else has access to your text messages?

If a third party does happen to obtain or read a text message between you and your client, even if it was an inadvertent disclosure, that communication could lose the protection of the attorney-client privilege. Losing the shield of privilege could have drastic consequences for your client. Thus, although you do not have to be a leading technology expert to text with your client, you need to make reasonable efforts to ensure that your communications with your client stay confidential and privileged. See ABA Formal Ethics Opinions 477R and 483 for further discussion on your obligations regarding the use of technology in representing clients.

Consider What Information You Can Convey Appropriately in a Text Message

Are you able to discuss high-level arguments and theory with your client via text? Probably not. Perhaps you can text to confirm the date and time of the next court appearance. At all times, Model Rule 1.4 should guide what you do—and do not—communicate with your clients via text. Ask

yourself if you can keep your client “reasonably informed” via text or if your text will “reasonably explain” the matter to allow your client to make “informed decisions.” Read the text message from your client’s perspective, and make sure your message could not be misunderstood. Even something seemingly simple, like confirming the terms of your engagement agreement, can be misconstrued as, say, a *modification* of that agreement if you do not text your words carefully.

Retrieval of Text Messages

Finally, consider how you can save and access text messages with your clients for future retrieval. While your texts with a client are privileged (and confidential) communication, you may want to disclose those texts at a later date. For example, you may find yourself in the unfortunate situation of defending against a legal malpractice lawsuit, disciplinary charge, or a dispute about fees. Proving your communications with your client may be critical. Consider printing out your texts weekly, monthly, or quarterly, or having another solution in place. Always refer to your jurisdiction’s requirements on file retention and Rules of Professional Conduct for more guidance.

Can I Post about My Case Online?

You recently won a big case. To exhibit your successes and market your legal prowess, you want to start a blog. Can you?

Yes and No. Model Rule 1.6 requires attorneys to keep all information learned from the representation of a client confidential. Many lawyers fail to distinguish that this duty is broader than the evidentiary attorney-client privilege and applies to *any and all* information about a representation, no matter the source. For example, a lawyer must keep information learned from a third-party witness confidential, just like information learned directly from a client, even though the information learned from a third-party witness is not a privileged attorney-client communication.

Nevertheless, you could ethically maintain a blog, so long as you have informed consent from the clients whose cases you discuss, or, absent that, you use hypotheticals. *Use caution:* a third party

must not be able to ascertain the identity of your client. See ABA Formal Opinions 480; 98-411. Lawyers have gotten into disciplinary trouble when their hypotheticals were not nearly hypothetical enough. See *In re Peshek*, M.R. 23794, 2009 PR 89 (Ill. 2010) (lawyer suspended after blogging about her clients using derivatives of their names and inmate numbers). Similarly, you must be careful not to make false or reckless statements about a judge's qualifications or integrity, which is prohibited by Model Rule 8.2(a), no matter how much you disagree with a judge's ruling.

Further, consider Model Rules 3.5(a) and 3.6(a), which, respectively, prohibit an attorney from influencing (or attempting to influence) a judge, juror, prospective juror, or other official, and from making an extrajudicial statement about a pending investigation or litigation matter that is substantially likely to prejudice the adjudication of the matter materially. Depending on the language of your blog or social media post, readers could interpret it as an attempt to influence a pending proceeding improperly. Avoiding this is easy enough, though—keep your blogs or other publications to already concluded matters. If you cannot do that, try to stay as neutral as possible in your delivery.

Can I Respond to that Review?

You may wonder what you can do in those not-so-fun situations where a client leaves you a negative, or even dishonest, review on a public platform like Google Reviews, Avvo, or Yelp. Negative reviews are indeed among every lawyer's worst nightmare, presenting an ethical dilemma that many lawyers are unsure how to navigate. While the safest bet is always checking your jurisdiction's Rules of Professional Conduct, disciplinary decisions, and ethics opinions, here are some things to keep in mind.

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Remember that you are required to keep all information about your representation of a client confidential, and there is no expiration date on this duty.

- First, ask the client to remove or edit the review.
- If that fails, keep any response proportionate to the review—do not offer new information that the client has not already provided, and do not react in an overly aggressive or defensive tone. “Proportionality” and “restraint” are essential. See Los Angeles County Bar Ass'n Formal Opinion 525; San Francisco Bar Ass'n Opinion 2014-1.
- Do not reveal any information that could harm the client.
- Where your current or former client's case has not yet concluded (perhaps your former client retained new counsel before the matter concluded), it may be best to say nothing at all.

Suppose you have determined that you would like to respond. In that case, you could acknowledge your state's ethics rule: “The [state] ethics rules prevent me from revealing confidential information in response to this review.”

Or, you could draft a neutral response: “While we pursued every available strategy for you, unfortunately, the law was not on our side.”

Give yourself a day or two before posting the response. Reread your response after you have had time to calm down and process the negative review and remember that prospective clients will read your response and gauge how you will respond to and treat them.



Legal Resources / CLE

CLE seminars are available free of charge to all MCBA members through the Clerk of Court Office - Official Records Division at the Martin County Courthouse (1st Floor). Non-members may rent them for a fee. If you have new seminar suggestions, please e-mail martincountybarassociation@msn.com for consideration.

The Law library has relocated to the first floor reference area of the main branch of our Martin County library system, The Blake Library at 2351 SE Monterey Road in Stuart, with expanded hours of access to library patrons. Legal research assistance will continue to be offered Monday through Thursday (Noon to 4:00 p.m.); Blake Library hours are Monday - Thursday (10 a.m. to 8 p.m.) with all other days open 10 a.m. to 5:30 p.m. except for Sunday (closed).

Current CLE Seminars Available Include the Following:

- **Parenting Plans from Start to Finish.** Valid through 8/21/2021. Credits: Marital and Family Law 7.5 hours; Professional Responsibility 1.0 credit hour; Ethics 1.0 credit hour; Technology 1.0 credit hour.
- **MCBA Monthly Lunch Meeting - February 21, 2020.** Valid through 8/31/2021. Topic: Diversity and Juvenile Justice; **Credits:** 2.0 General, 2.0 Bias Elimination; **Certification Credits:** 2.0 Juvenile Law
- **MCBA Monthly Lunch Meeting (Virtual) - August 21, 2020.** Valid through 1/31/2022. Speaker: FL Supreme Court Justice Jorge Labarga. Topic: The Role of the Judicial Branch during time of societal division. Credits: 1.0 General
- **MCBA Monthly Meeting (Virtual) - September 18, 2020.** Valid through 3/31/2021. Speaker: Giles Kibbe, SVP and General Counsel Houston Astros and Crane Companies. 1.0 General CLE Credit
- **2020 Survey of Florida Law (2 copies) -** Valid through 11/30/2021. **Credits:** 13.5 General; 3.0 Ethics; 2.0 Mental Illness; 1.0 Professionalism; 3.0 Technology. **Certification Credits:** 1.0 City, County and Local Government; 1.0 Civil Trial; 1.0 Condominium and Planned Development Law; 2.0 Elder Law; 1.0 Labor and Employment Law; 1.5 Marital and Family Law; 1.0 Real Estate; 1.0 State/Fed Govt & Admin Practice; 1.0 Tax Law; 4.0 Wills, Trusts & Estates.
- **MCBA Monthly Meeting (Virtual) - November 12, 2020.** Valid Through 4/30/2022. Speaker: Congressman Brian Mast, Journalist Ed Killer. Topic: The St. Lucie River & Estuary. 1.0 General CLE Credit.
- **40th Annual Legislative & Case Law Update** – Valid through 2/28/2022. **Credits:** 8.0 General; 1.0 Ethics; 0.55 Technology. **Certification Credits:** 8.0 Development Law; 8.0 Real Estate; 8.0 Tax Law; 8.0 Wills, Trusts & Estates.
- **How the Ethical Lawyer Can Avoid Technology Traps** – Valid through 5/31/2022. **Credits:** 1.0 General; 1.0 Ethics; 1.0 Technology.
- **Civil Trial Update & Board Certification Review 2021** – Valid through 8/31/2022. Credits: 15.0 General; 2.0 Ethics; 1.0 Technology. **Certification Credits:** 15.0 Appellate Practice; 15.0 Business Litigation; 15.0 Civil Trial; 15.0 Criminal Appellate Law; 15.0 Criminal Trial Law; 15.0 Juvenile Law.

The materials are located in the office of the Martin County Clerk and Comptroller, Official Records Division, 100 SE Ocean Blvd., 1st Floor. Office hours are 8:00 am – 5:00 pm, Monday through Friday. If you have any specific questions regarding these instructions, please contact the Official Records Division at 772-288-5553.



MARTIN COUNTY BAR ASSOCIATION RACE TO THE COURTHOUSE



APRIL 17, 2021



Gene Zweben
Co-Chair

On April 17, 2021 the Martin County Bar Association held its annual Race to the Courthouse 5K walk/run. Look for photos and results in the August issue of the SideBar.



Sarah Vickers
Co-Chair

Judge Sponsor: McCarthy, Summers, Wood, Norman, Melby & Schultz, P.A.

Jury Sponsor: Fox McCluskey Bush Robison, PLLC
Guy, Yudin & Foster LLP
CenterState Bank
Kathryn L. McHale, LLC

Evidence Bag Sponsor: Gloretta H. Hall, P.A.

In-Kind Sponsor: Fleet Feet
Natalies Orchid Island Juice Co.
Zweben Law Group

Judicial Relations Committee

Jessica Van Valkenburgh - Chair



Jessica M. VanValkenburgh
Chair

2020-2021 JRC Committee Members – Chief Judge Lawrence Mirman, Judge Elizabeth Metzger, Judge William Roby, Gene Zweben and Kathryn McHale

Our Purpose: The purpose of the MCBA’s Judicial Relations Committee (JRC) is primarily to serve as a liaison between the Martin County Bar Association and the

19th Circuit’s Judiciary. Moving forward, the JRC will be planning, implementing and coordinating certain programs designed and focused on improving relationships and overall communications between the Bench and Bar.

Please look for our Judicial Speaker Series schedule TBD!

If you are interested in the JRC please contact Jessica VanValkenburgh, Esquire, at jmv@mccarthysummers.com

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Mark your Calendars!

**Justice Major B. Harding American Inns of Court
2021 Meeting Dates**

**May 12, 2021
June 2, 2021****

**To be used as an alternative date if necessary

ONLINE RESOURCES OFFERED BY THE MCBA

Notice: Your clients and the public at large can now access online courses directly through the MCBA website. They are fast, convenient, and inexpensive - available 24 hours a day, 7 days a week. All instructions are included online and programs can be started/stopped, picking up where you left off, as many times as you like. **Help the MCBA promote this community service while generating income to support local initiatives!**

Florida Online Traffic School Courses:

- Basic Driver Improvement 4-hour course (Traffic Ticket - TCAC)
- First-time Driver 4-hour course
- Advanced Driver Improvement 12-hour course (ADI / Judge-ordered class)
- Florida Mature Driver Program 6-hour course

All traffic courses are approved by the Florida Department of Highway Safety & Motor Vehicles and sponsored by the American Safety Council.

Parent Education and Family Stabilization Online Course:

This 4-hour course is required by Florida law for concerned parties seeking to obtain a final judgment of dissolution of marriage in Florida when minor children are involved. The course is approved by the Department of Children & Families and provided by a division of the University of Continuing Education.

The courses are provided via the American Safety Council which is the leading source for online driver education, workplace safety training, continuing education, online business and security solutions, and more!



Florida Free Legal Answers Program

Did you know that The Florida Bar provides free virtual legal information through its cooperative effort with the American Bar Association to low-income Floridians via the Florida Free Legal Answers Program?

Members of the public can go to: <https://florida.freelegalanswers.org/> to sign up and answer a few questions to see if they qualify to use the service.

Florida lawyers may enroll to join the effort by visiting <https://florida.freelegalanswers.org/> clicking on "Volunteer Attorney Registration" and agreeing to the attorney agreement.



Links, Jobs and Legislation

19th Judicial Circuit Court of Florida

Court administration, judicial assignments, programs, job opportunities and other resources:

www.circuit19.org

Emergency Hotline / Info: 772.742.9229

Visit

www.martincountybar.org

for resources, links, events and member contact & practice area information.



Florida Bar Appointments / Vacancies

For applications and complete details, visit: **www.floridabar.org**

19th Circuit Appointments / Vacancies

For applications and complete details, visit: **<http://www.circuit19.org/careers.html>**

Track Legal Legislation

For more detailed information on specific legislation being tracked by the Bar, visit the Legislation Committee's webpage on the Bar website at this link:

<http://www.floridabar.org/cmdocs/bd160.nsf/WDOCS>



Martin County Ordinances

All Martin County ordinances may be found on the County website:

<https://www.martin.fl.us>

Click on Departments, County Attorney, County Code & Ordinances.

See ordinance list on right side of web page (ex: Ordinances 800-849).



City of Stuart Ordinances

All City of Stuart ordinances may be found on the City website:

www.cityofstuart.us

Click on link at the bottom of the page.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>May 2021</h1>						
2	3	4	5	6 Trial Lawyers Mtg @ 12 noon	7	8
9 Mother's Day	10	11 RSVP DEADLINE FOR 5/14 General Meeting MCBA Officers' Meeting MCWL Meeting @ 12 noon	12 Inns of Court	13	14 MCBA Monthly Meeting @ Noon	15
16	17	18	19	20	21 Annual Banquet (?)	22
23	24	25	26	27	28	29
30	31 Memorial Day	SAVE THE DATES: See www.martincountybar.org for full 2020-21 calendar for including committee meetings, holidays & courthouse closings.				



MARTIN COUNTY BAR ASSOCIATION
PO Box 2197
STUART, FL 34995-2197

Please join us for MCBA's CLE Monthly Meeting, Friday, May 14, 2021

**When: Friday, May 14, 2021
12:00 Noon**

Where: Zoom

Speaker: Barbara Kibbey Wagner, MCBA 2020-21 President

Topic: State of the MCBA

CLE: CLE credit has been applied for

**Please RSVP to: martincountybarassociation@msn.com
No later than Tuesday, May 11, 2021**

**Zoom call details will be sent no later than May 13, 2021
to members who RSVP.**