

NOVEMBER 2021



The SideBar

NEWSLETTER OF THE MARTIN COUNTY BAR ASSOCIATION

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ADAM SCHWARTZ

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MANUEL FARACH

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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.

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Past Presidents of the Martin County Bar Association

William R. Scott - 1955 – 1958
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(Subsequently Elected to Bench) 1960
Thomas H. Thurlow - 1960 – 1961
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Richard J. Dungey - 1979 – 1980
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William Dale Anderson - 1982 – 1983
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Wesley R. Harvin - 1984 – 1985
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Hon. Barbara W. Bronis - 1999 – 2000
Sheila D. Biehl - 2000 – 2001
Deborah B. Beard - 2001 – 2002
Jack M. Sobel - 2002 – 2003
Hon. Darren Steele - 2003 – 2004
Edwin E. "Ted" Mortell - 2004 – 2005
Richard H. Levenstein - 2005 – 2006
Portia B. Scott - 2006 – 2007
Hon. Alan Orantes Forst - 2007 – 2008
Linda L. Weiksner - 2008 – 2009
Scott W. Konopka - 2009 – 2010
Preethi Sekharan - 2010 – 2011
Shaun T. Plymale - 2011 – 2012
Gregory S. Weiss - 2012 – 2013
George W. Bush, Jr. - 2013 – 2014
Hon. Jennifer Alcorta Waters - 2014 – 2015
Chad H. Hastings - 2015 - 2016
Mark Miller - 2016 - 2017
Elizabeth R. Hunter - 2017 - 2018
Barbara A. Kreitz-Cook - 2018 - 2019
Jason D. Berger - 2019 - 2020
Barbara Kibbey Wagner - 2020 - 2021

Message From the President

Martin County Bar President - Adam G. Schwartz, Esq.

Dear Members,

We hope you all had a good October filled with ghouls, ghosts, and the law. We use Halloween to let our kids have some fun treats, but to also teach about being responsible for our own actions by not eating too much candy. Eating too many cookies and treats can make you feel sick. Moderation of indulgences is an important part of personal responsibility. What ways can you benefit from practicing moderation to make sure you are responsible to your responsibilities?

We hope you enjoyed our October luncheon speaker, Barry Richard. Mr. Richard is partner with the law firm Greenberg Traurig. He was President George W. Bush’s attorney in *Bush v. Gore* and spoke with us about living through that case as counsel for the prevailing party.

Thank you to those who participated in the Diversity Pathway to the Bench on October 5, 2021. It was a great event, and we look forward to continuing to support our members and the community.

We look forward to welcoming back Judge Robert Luck at our November luncheon on November 19, 2021. Judge Luck was one of our most popular speaking guests and his presentation and discussion about how this part of the state has affected Florida’s jurisprudence. He will also speak about gratitude, both personally and professionally. We hope you can join us. We are grateful he can join us.

Please join the Martin County Bar Association in Gainesville for the Second Annual Tom Warner Tailgate November 13, 2021. It is going to be a great event and even this Seminole will be there rooting for the Orange and Blue. (My sisters are both Gators, and I won’t live this one down). Please see Jason Berger or Robyn O’Heron for more information.



Adam Schwartz
2021-2022 President

Have a Happy and Healthy Thanksgiving. Be Safe.

“The meaning of life is to find your gift. The purpose of life is to give it away.” Pablo Picasso

Yours Truly,

Adam Schwartz
2021-2022 MCBA President



Welcome New Sponsor Carr Riggs & Ingram

Are you looking for Year-Round Marketing Exposure for your Firm?

Consider an Annual Sponsorship!

Opportunity for Year-Round marketing exposure with Martin County Bar Association's Membership!

The Annual Sponsorship Program provides your firm continuous, repeatable marketing presence and networking opportunities with MCBA's membership through:

- Greater exposure on-line; in-print; and during monthly meetings
- Person-to-person networking
- Increased recognition
- Building more meaningful relationships with colleagues

Benefits include visibility on MCBA's website, inclusion on member email blasts, signage at Bar events, advertising in the SideBar and complimentary tickets to the Fall Reception and Annual Installation Dinner.

There are sponsorship packages for law firms and businesses of all types, sizes and marketing budgets.

Visit the Sponsor page of the MCBA website or contact Robyn O'Heron at martincountybarassociation@msn.com for details.

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Certified Elder Law Attorney By the National Elder Law Foundation and The Florida Bar
njm@mccarthysummers.com

Donna R. McMillan
Master of Social Work Attorney
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PERSONAL INJURY LAW

Please Join Us!

The Martin County Bar Association (MCBA) will welcome Judge Robert J. Luck, United States Court of Appeals, Eleventh Judicial Circuit, as the guest speaker at our monthly luncheon meeting on Friday, November 19, 2021, at Monarch Country Club. Networking begins at 11:30 a.m. and lunch will be served promptly at noon.

Judge Robert J. Luck was nominated on October 15, 2019, and confirmed by the Senate on November 19, 2019, to serve as a Judge on the United States Court of Appeals for the Eleventh Circuit. Before his confirmation to the federal appellate court, Judge Luck presided over hundreds of criminal, civil, and family law appeals as a Justice on the Florida Supreme Court, and as a Judge on Florida's Third District Court of Appeal.

Earlier, Judge Luck served on the Eleventh Judicial Circuit Court of Florida. He presided in the Criminal, Civil, and Appellate Divisions. Judge Luck, in his years as a trial court judge, tried seventy jury trials, and heard dozens of appeals from the county court and municipal agencies. Judge Luck was appointed to the circuit court in 2013 and was elected by the voters of Miami-Dade County to retain his seat in 2016.



Judge Robert J. Luck

Prior to his service on the bench, Judge Luck was an Assistant United States Attorney for the Southern District of Florida. In his years as a federal prosecutor, he was assigned to the Appeals, Major Crimes, and Economic Crimes Sections of the U.S. Attorney's Office. Judge Luck tried nineteen jury trials before the federal district court and argued three appeals to the United States Court of Appeals for the Eleventh Circuit. In his final year in the office, he was a Deputy Chief in the Major Crimes Section.

Earlier in his career, Judge Luck was a legislative correspondent for two United States Senators, a law clerk and staff attorney to Circuit Judge Ed Carnes on the Eleventh Circuit, and a part of the Greenberg Traurig firm's appellate section. Judge Luck received his Juris Doctor from the University of Florida Levin College of Law magna cum laude and was asked to join the Order of the Coif. Judge Luck also served as Editor-in-Chief of the Florida Law Review. Judge Luck received his Bachelor of Arts in Economics from the University of Florida with highest honors.

Although a life-long South Floridian, Judge Luck currently lives in Tallahassee with his wife and two children.

We look forward to an insightful and engaging program and are looking forward to seeing everyone in-person. The lunch is free to MCBA members and Judges. Guests are welcome to attend and pay the \$30 guest fee at the door (cash or check only).

RSVP IS REQUIRED on or before 5:00 p.m. **FRIDAY, November 12, 2021** by calling 772-220-8018 or emailing martincountybarassociation@msn.com.

**In order to expedite gate access for everyone,
please be sure to RSVP by the deadline.**

Get Your Tickets!

2nd Annual MCBA/Tom Warner Gator Tailgate
University of Florida Gators vs Samford University Bulldogs
Saturday, November 13, 2021

Bring your family!
Enjoy Gainesville in the Fall to cheer on the Gators.

Pre & Post Game Tailgate with Food & Beverages

HOTEL ROOM BLOCK

Fairfield Inn & Suites, 3877 SW 37th Boulevard, Gainesville
Call (352) 745-7777 and mention "MCBA Gator Tailgate 2021"
Reservation Deadline: Tuesday, October 12, 2021

GAME TICKETS

A block of seats in the Upper South Endzone Bleacher AND Evans Champions Club available
To purchase game tickets go to the Group Sales Order Portal at:

<https://offer.fevo.com/florida-vs-samford-fjxi6go-9cf849b?fevoUri=florida-vs-samford-fjxi6go-9cf849b%2F>

The tail gate is made possible by the generous sponsorships of:



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Sponsorships still available

Contact: Jason Berger. Scott Konopka or Robyn O'Heron



Member Spotlight
Manuel Farach, Esq.



Education: Undergrad? Stetson University
Law School? Florida State University College of Law

How long have you been practicing law?
Since October 21, 1986.

Why did you want to be an attorney?
I enjoy intellectual pursuits and the legal field offers interesting intellectual challenges.

What do you like most about it?
Being able to help clients.

What don't you like?
The lack of professionalism sometimes seen in our practices.

What are the biggest changes you have seen through the years?
The decrease of the historical role bars played in training young lawyers in the practice of law.

How do you define success?
When I make my family proud.

Who inspires you?
My parents (they escaped Cuba in their late twenties with myself and my sister then restarted their lives from scratch in the United States).

Who has been the most influential person in your career?
There are too many to list; all those who have mentored me and those that continue to mentor me.

If you could choose anyone as a mentor, who would you choose? Steve Jobs.

What is the best piece of advice you have ever received? Integrity is doing the right thing, whether someone is watching or not.

What advice would you give to someone looking to become an attorney? Make sure you learn the many demands that are placed on lawyers, and make sure you are able to handle those demands.

If you weren't an attorney, what would you be doing? Architecture fascinates me.

If you could switch places with someone for a day, who would it be? Elon Musk.

What's on your bucket list? Qualifying for and racing Kona.

If you could visit anywhere in the world, where would you go? Tierra del Fuego.

If you could have dinner with any person, alive, dead or fictional, who would it be and where would you go? I'd have dinner with Justice John Marshall anywhere it was raining.

What is something about you (a fun fact) that not many people don't know about you? I was captain of my high school bowling team.

ALTERNATIVE DISPUTE RESOLUTION

Elizabeth Hunter - Chair



Elizabeth Hunter
Chair

Thank you to all who were able to join us at our October luncheon. It was so nice to have an opportunity to catch up, share tech tips, and discuss how different aspects of Alternative Dispute Resolution have recently evolved.

If you are interested in becoming a mediator, then please be sure to review In re: *Alternative Dispute Resolution Educational and Certification Requirements*, Fla. Admin. Order No. AOSC20-24 Amendment (December 16, 2020) regarding changes to certification and renewal requirements through December 31, 2021. The requirement to physically attend a live mediator certification training program has been suspended through December 31, 2021 to allow for online training.

I attended my certification course last year in a small group setting via Zoom, and I found the experience to be very effective and engaging. It also gave me the opportunity to select a course with a trainer located in North Florida without having to consider travel time and expense. There are other temporary changes, such as mentorship requirements and the amount of points needed to become certified, so please see the Administrative Order referenced above if you would like more details on the changes that are currently effective through December 31, 2021.

If you have any questions or suggestions regarding the ADR Committee, then please feel free to reach out to me at ehunter@sheilabiehl.com.

**Personal Injury
Trial Attorney**

JACK SOBEL

Board Certified Civil Trial Lawyer



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The MCBA / Sobel Cup Golf Tournament is back!

benefitting the MCBA Scholarship Fund

Saturday, May 7, 2022

Lost Lake Golf Club

8:30 a.m. Shotgun

Scramble Format

Awards for Top 3 Foursomes

Download entry form at
martincountybar.org

Each Entry Includes:

- Greens Fees
- Cart
- Range Balls
- Breakfast
- Lunch and Awards
- 2 beverages on course
- Hole-in-One Chances
- Gift Bag

Entry Fee:

Individual Player - \$150

Foursome - \$500

Lunch only \$35

MCBA
Golf

Sponsorships Available

Gold Sponsor* - \$1,500 **SOLD**

Luncheon Sponsor* - \$750 **SOLD**

Cart Sponsor* - \$500 **SOLD**

Beverage Cart Sponsor* - \$500

Breakfast Sponsor* - \$300

Gift Bag Sponsor* - \$300

Hole-in-One Sponsor (4) - \$250 each - **3 available**

Individual Hole Sponsor (18) - \$200 each - **17 available**

*single sponsorship available at this level

Interested in a Sponsorship?

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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

Bankruptcy Committee

Jon Martin - Chair

DISCHARGING INCOME TAXES IN CHAPTER 7

Discharging income taxes in Chapter 7 is controlled by complex bankruptcy code rules. To begin with, only individuals and not corporations can be discharged from debt in a Chapter 7 proceeding. The discharge of tax obligations for individuals is subject to precise timing rules. These timing rules restrict an individual's ability to eliminate tax obligations. Other provisions in the code regarding treatment of perfected federal tax liens, and other rules, may limit the effectiveness of bankruptcy to provide tax relief. Nonetheless, proper timing of the filing of a bankruptcy, can vastly improve the debtor's tax position as a result of the bankruptcy.

If a Notice of Federal Tax Lien is properly filed before the petition is filed, a Chapter 7 proceeding will not eliminate the tax debt. The Notice of Federal Tax Lien effectively converts the Internal Revenue Service into a secured creditor. Individuals seeking to avoid a loss of assets to the IRS should file for bankruptcy before the IRS files a Notice of Federal Tax Lien. Filing bankruptcy too soon however can limit the taxes that might be discharged. Timing is everything.

Post-petition taxes survive the Chapter 7 bankruptcies regardless. However, under section 1398 of the Internal Revenue Code an individual may close his or her tax year the day before the bankruptcy filing. If a 1398 election is made, the individual must file two returns for the tax year. The taxes owed prior to the filing represent a priority claim against the estate and will be paid ahead of unsecured claims, if not dischargeable. However, an individual with a capital loss in that portion of the tax year before the petition is filed, may not want to elect section 1398, and instead retain that loss for use in later years.

For business debtors, the trustee's authority to abandon property can also affect a debtor's income tax burden. This is especially true where the debtor gains debt relief as the result of abandonment by the trustee which equates to a capital gain from foreclosure on business property.

Sometaxesarenotdischargeable at all, the employee or share of employment taxes on wages earned being one example. State sales taxes owed by a business are not relieved in Chapter 7 either. Thus, small-business owners need to take these factors into consideration prior to filing.



To be dischargeable, a relevant tax return must be timely filed. Discharge ability depends on when the return was due; when it was filed; and when the tax was assessed in comparison to the petition filing date. The tax return must have been due more than three years, and filed more than two years before the petition is filed. The tax must also have been assessed 240 days before the filing. If the return was not filed, or a fraudulent return was filed, or a willful attempt to evade the tax is involved, the tax will not be discharged.

If tax debt is discharged in bankruptcy, then the interest on that tax is also eliminated. However, prepetition interest accrued on **non**-dischargeable tax, is also **non**-dischargeable. The bankruptcy code also provides that debt incurred to pay non-dischargeable tax, is **also non**-dischargeable.

The discharge of tax debt in bankruptcy is a complex issue. Timing is a major factor. It may be best to delay the filing of the petition so as to satisfy the three-year or two-year rule. This can serve to increase the amount of tax debt that is discharged. The same holds true for the 240-day rule. In addition, one needs to remember that filing a petition sooner may in fact prevent a Notice of Federal Tax Lien from being filed, thus avoiding priority status.

Thus, it is important to plan the timing of a Chapter 7 so as to maximize the amount of tax, penalties and interest that can be discharged, and to minimize any tax debt that might survive the bankruptcy.

Judicial Relations Committee

Jessica VanValkenburgh - Chair



2021-2022 JRC Committee Members – Judge Lawrence Mirman, Judge Elizabeth Metzger, Judge William Roby, Gene Zweben and Kathryn McHale

Our Purpose: The purpose 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.

Upcoming JRC Meetings:

JRC Judicial Speaker Series 2021 - 2022

<u>Dates</u>	<u>Speakers</u>
November 9, 2021	Judge Brett Waronicki
December 14, 2021	TBD
January 11, 2022	Judge Jennifer Alcorta Waters
February 8, 2022	TBD
March 8, 2022	TBD
April 12, 2022	TBD
May 3, 2022	Judge Darren Steele

All JRC Judicial Speaker Series meetings will be held from 11:45 a.m. to 1:00 p.m. at McCarthy, Summers, Wood, Norman, Melby & Schultz, P.A., 2400 SE Federal Highway, Fourth Floor, Stuart, Florida 34994, (772) 286-1700. RSVP required at least two (2) days prior to each meeting to: jmv@mccarthysummers.com. Space is limited. Lunch will be provided. Meetings are free for current MCBA members and \$10.00 for all others. Cash or checks made payable to the MCBA accepted.

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

Welcome New Member October 2021

Jonathan Gigele
University of Pittsburgh School of Law
Kitroser & Associates
Stuart, FL

TRIAL LAWYERS



Please join the Trial Lawyers Committee for its monthly meetings the second Thursday of the month at 12:00pm via ZOOM, featuring a number of excellent and valued speakers:

1/13/2022: We are very excited to be holding another Joint Virtual CLE Meeting with the MCBA's Family Law Committee on January 13, 2022 at 12:00 pm via Zoom. The Guest Speaker will be Dr. Letitia Lopes, and the topic will be: Attorney Mental Health and Coping Strategies. RSVP to mkostick@gunster.com.

2/10/2022: Our Virtual CLE Meeting this month will be held on February 10, 2022 at 12:00 pm via Zoom. The Guest Speaker will be the Honorable Gary Sweet of Florida 19th Judicial Circuit, sharing his thoughts from the Bench and addressing current trial practice in the wake of the pandemic. RSVP to mkostick@gunster.com.

3/10/2022: Our Virtual CLE Meeting this month will be held on March 10, 2022 at 12:00 pm via Zoom. The Guest Speaker will be Chris Wilson of Phipps Reporting and the topic will be: Best Practices for using Zoom effectively at Trials. RSVP to mkostick@gunster.com.

4/14/2022: Save The Date! MCBA Trial Lawyers Committee Virtual CLE Meeting April 14, 2022 at 12:00 pm via Zoom.

5/12/2022: Save The Date! MCBA Trial Lawyers Committee Virtual CLE Meeting May 12, 2022 at 12:00 pm via Zoom.

All attendees must RSVP with their name/email address to Mary Kostick at mkostick@gunster.com if they wish to receive CLE credit for attending the meetings. Email blasts containing the specific ZOOM information for each meeting will be sent to those who RSVP before each session. Any questions, please contact Preethi Sekharan at psekharan@gunster.com.

NEED HELP?

If you are feeling isolated, worried about your practice, your family, your employees, reach out - to a friend, a spouse, a colleague OR call the Florida Bar Helpline at 833-FL1-WELL

The Florida Bar Helpline

Bar members will be able to dial the helpline (833-351-9355 or "833-FL1-WELL") and speak with a mental-health professional who can provide crisis intervention and a referral for up to three free visits with a locally based, licensed mental-health professional.

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MCBA Small and Solo Practice Committee

Have we reached Zoom Fatigue?

Have we reached Zoom fatigue or is there a way that we can incorporate Zoom and everything virtual in our lives? We have gone from the stigma of “working from home” to everyone being forced to work from home during the past eighteen months. Zoom fatigue is when you feel tired after a Zoom call or multiple Zoom calls. Also, we are not equipped to spend so much time staring at our computer screens. We are used to “seeing” people in person and not in a virtual world. We are used to being able to take breaks from our computers by walking around our offices, talking to co-workers, and meeting friends and colleagues for lunch. We think of the fun times that we have missed going to Bar functions and networking. We would like to meet our clients in person.



What can we do to avoid Zoom fatigue?

- Be aware of what may be better suited for emails in lieu of Zoom time.
- Make it a point not to schedule back-to-back Zoom calls
- Try not to multitask while on a Zoom call – it taxes our brain, so try to keep it to one task at a time and pay attention.

Make sure that you are taking care of your mental health and keep Zoom fatigue at a minimum.

Paralegal Committee

ATTENTION LOCAL LAWYERS AND LAW FIRMS Opportunity to Hire Paralegal Interns

Indian River State College’s Paralegal Studies/Legal Assisting program is looking to place interns with local lawyers and law firms in the 19th Judicial Circuit. What a wonderful way to enrich our employee pool while helping the community! Basically, the internship requires students to work under the supervision of an attorney 140 hours per semester (or approximately ten hours per week in the spring and fall semesters). This is how I got my start and I have been in this field since 1993! Please consider placing one of these students in your offices for a semester. This program is for the students to earn credits and you do not have to put them on your payroll. Please contact Elizabeth Raulerson at eraulers@irsc.edu if you are interested.



Pam Lewis, FRP and graduate of the IRC Paralegal Studies program!

Cheers



Cheers to **Angelina Castro** who has joined the Board of the Underwater Bar Association (the “Dive Bar”) and will become VP of Philanthropy for the upcoming year. Each month, “Dive Bar” members visit sites throughout South Florida. In addition, CLEs, ocean cleanups and coral reef restorations are being planned through the spring. Scuba divers of all levels are invited to take the plunge and join the group. Go to www.TheDiveBar.org and/or call Angelina for more information.



Congratulations to MCBA member and sponsor **Shaun Kelly** of Perfectly Legal Office Solutions who partnered with MCBA Platinum Sponsor, **Randy Pennington** of SouthState Bank in the Dancing with the Martin Stars. The duo received 1st Runner-Up Fundraising for raising \$31,459 to benefit Martin County Healthy Start Coalition.

Best of Luck to **Lauri Goldstein!** After nearly 31 years in practice, Lauri sold her practice and is retiring. Lauri says she feels truly blessed for her great husband of 30 years, a wonderful son and daughter. She is excited to begin her next chapter. Wishing you all the best Lauri.





**Jason Berger,
Stephen Isherood**



Adam Schwartz, Marisa Zarzeski



**Christine Thompson, Jeff
Friedman, Rain Santillan**



**Randy Pennington, Hon. Rebecca White,
Robert Summers**



**Colleen Shaler, Brandon Woodward, Jeff
Friedman, Christie Less**



**Renee Griffith, Hon.
Michael McNicholas, Lori
Mort**



Speaker, Barry Richard, Esq.



**Chris Gaston, Jason Berger,
Gloretha Hall**



Adam Schwartz, Matthew Worsham



Leif Grazi, Florence Grazi, Robert Summers



**J. Henry Cartwright,
Abby Spears**



**Valerie Costello, Randy
Pennington, Jane Cornett**



**Robert Summers, Renee
Griffith, Linda Hake**

Foreclosure Committee

Dorothy Dlugolecki – Chair



Rodriguez v. Bank of New York Mellon:

Motion to Stay – This case stems from a 9-year foreclosure action where the borrower consented to the entry of final judgment. The property went back to the bank at the foreclosure sale and was then sold to a third-party purchaser, but the borrower remained to occupy the property. The borrower filed a separate action to vacate the final judgment due to fraud and four emergency motions to stop a writ of possession. After the court denied the emergency motions and an emergency motion for rehearing, the borrower filed a motion to stay in the appeal of the motion for rehearing. The stay was denied because the borrower failed to establish entitlement to a stay from the writ of possession. The 3rd DCA emphasized that borrower would not be entitled to remain in her home because Fla. Stat. § 702.036 provides that where title has

passed to an innocent third-party buyer, a claim for wrongful foreclosure is converted into an action for money damages against the wrongfully foreclosing lender.

Soto v. Carrollwood Village:

Sanctions under Fla. Stat. § 57.105 – The 2nd DCA reversed an order granting attorneys’ fees as a sanction under Fla. Stat § 57.105 because the trial court failed to make findings regarding entitlement to the fees and to conduct an evidentiary hearing on the amount of fees when the amount of fees was contested.





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Employment Law

Did you know that Florida minimum wage is now \$10/hour?

David Miklas, Esq. - representing employers only

You are probably shaking your head right now, thinking, “I don’t pay anyone that low.” I get it, there has been a push for a minimum wage of \$15/hour and last year Florida voters approved a state constitutional amendment to gradually increase the state’s minimum wage each year until reaching \$15.00 per hour on September 30, 2026.

The reality is that due to COVID, and federal supplemental unemployment compensation, a lot of workers decided that they simply are not going to go back to work for less than \$15/hour. The practical impact is that most businesses will not be able to hire anyone if they are offering less than \$15/hour.

Nonetheless, there are still some businesses that hover around minimum wage. For these folks it is important to know that the current minimum wage is \$10/hour. Some law firms use interns. Some of them have been reading things I post and they realize the dangers of using “unpaid” interns unless they comply with the 7-factor Department of Labor test. This means that most law firms that are not sure if they comply decide to just pay their interns minimum wage. Well, that minimum wage is now \$10/hour.

So, pretty much no Florida business should be running ads or hiring anyone for less than \$10/hour. The main exception is if the worker receives tips. In such a situation, the employer can choose whether or not to take the “tip credit.” If the employer does take the tip credit, then the current Florida minimum wage for those tipped employees is at least \$6.98 per hour, in addition to tips (which must be sufficient to bring them up to \$10/hour).

Because minimum wage has increased, if a Florida employer is improperly paying its workers, it likely will be more expensive to resolve such claims than in the past. This is because not only will it affect minimum wage, but because employees are now being paid more, it will also affect overtime claims.



Florida employers must post various employment law posters, including Florida’s minimum wage. The updated poster can be downloaded for free [here](#).



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*Calendar of Events
November 2021*

Tuesday, November 9, 2021

Judicial Relations Committee Speaker Series
11:45 a.m. – 1:00 p.m.

McCarthy Summers Wood Norman Melby &
Schultz

RSVP to: JMV@mccarthysummers.com

Thursday, November 11, 2021

Courthouse Closed – Veterans Day

Friday, November 12, 2021

RSVP Deadline for MCBA Monthly CLE Meeting

Saturday, November 13, 2021

Tom Warner / MCBA Gator Tailgate
University of Florida

See Page 6 for more information

Tuesday, November 16, 2021

MCBA Executive Board Meeting
12:00 noon via Zoom

Tuesday, November 16, 2021

MCWLA Monthly CLE Meeting
11:45 a.m. – 1:00 p.m. Via Zoom
RSVP to: fawlmartin@gmail.com

Friday, November 19, 2021

MCBA Monthly CLE Meeting
11:30 a.m. – 1:00 p.m.
Monarch Country Club

RSVP by Nov. 12, 2021 to:

martincountybarassoication@msn.com

Thursday, November 25, 2021

Courthouse Closed – Happy Thanksgiving

Friday, November 26, 2021

**Courthouse Closed –
Day after Thanksgiving**

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Real Estate and Commercial Litigation Update

Florida Real Property and Business Litigation Report

Manuel Farach



Manuel Farach
Chair

NLG, LLC v. Horizon Hospitality Group, LLC (In re Hazan) Case No. 19-14049 (11th Cir. 2021).

The Equitable Mootness Doctrine (reviewing courts will, under certain circumstances, reject bankruptcy appeals if rulings have gone into effect and would be extremely burdensome, especially to non-parties, to undo) applies in individual

chapter reorganizations as well as complex business bankruptcies.

National Trust Insurance Company v. Southern Heating and Cooling Inc., Case No. 20-11292 (11th Cir. 2021).

A district court may exercise its discretion and decline to adjudicate a claim under the Declaratory Judgment Act even in the absence of parallel proceedings.

McLaurin v. The Terminix International Company, LP, Case No. 20-12904 (11th Cir. 2021).

A court should institute a briefing schedule when presented with a motion to confirm arbitration award before the time to move to vacate an arbitration award has lapsed so that both motions may be considered at the same time.

Furst v. DeFrances, Case No. SC19-701 (Fla. 2021).

A property that has been taxed, even if taxed at a mistakenly undervalued rate, has not “escaped taxation” under Florida Statute section 193.092(1) and thus cannot be back-taxed by the tax collector.

In Re: Amendment To Florida Rule of Appellate Procedure 9.020, Case No. SC21-253 (Fla. 2021).

Florida Rule of Appellate Procedure 9.020 is amended to include motions filed under Florida Rule of Civil Procedure 1.535 (remitter and additur) to the list of motions that toll rendition of the final order.

CCM Condominium Association, Inc. v. Petri Positive Pest Control, Inc., Case No. SC19-861 (Fla. 2021).

Pre-judgment interest that accrues after an offer of judgment is not counted in determining the “results obtained,” i.e., whether a plaintiff has met the threshold amount of difference between an offer of judgment and the judgment entered.

Temnikova v. Eastern Financial Mortgage Corporation, Case No. 3D21-759 (Fla. 3d DCA 2021).

The determination of whether a transaction is either civilly or criminally usurious is made at the inception of the loan and a promissory note’s savings clause, though not dispositive in absolving a lender, is one factor in considering usurious intent.

Lorber v. Passick, Case No. 4D20-393 (Fla. 4th DCA 2021).

Johnson v. Davis claims are not eliminated by an “as is” contract for the sale of residential real property.

Mortgage Assets Management, LLC v. Terraces/Banyan - 2, Inc., Case No. 4D20-1845 (Fla. 4th DCA 2021).

A court cannot impose an equitable lien on real property which trumps prior properly recorded interests.

Garcia v. The Exchange of America Corporation, Case No. 3D21-387 (Fla. 3d DCA 2021).

A party waives its contractual right to arbitration by participating in litigation concerning an arbitrable issue and waiver is determined not by the timing of the motion to compel arbitration but by the moving party having taken an inconsistent position prior to the filing of the motion to compel arbitration.

Continued On Next Page . . .

Imhof v. Walton County, Florida, Case Nos. 1D19-0980 and 1D19-1530 (Fla. 1st DCA 2021). A trial court reviewing a development order under Florida Statute section 163.3215(3) for inconsistency with the statute must review all claims of inconsistency and not just those specifically addressed to plan components concerning land use, density, or intensity of use; conflict certified with *Heine v. Lee County*, 221 So. 3d 1254 (Fla. 2d DCA 2017).

Canon v. Ziadie, Case No. 4D21-356 (Fla. 4th DCA 2021).

Even in a liquidated damages case, a seller’s failure to prove entitlement to a good faith deposit in a breach of contract case while the buyer proved entitlement to the deposit makes the buyer the prevailing party for attorney’s fees determination.

Handy v. Countertops To Go, LLC d/b/a Volusia Granite And Marble, Case No. 5D21-137 (Fla. 5th DCA 2021).

A trial court should stay – as opposed to dismiss – a case when granting a motion to compel arbitration and ordering arbitration.

Rodriguez v. The Bank of New York Mellon, Case No. 3D21-1778 (Fla. 3d DCA 2021).

In an eviction action arising out of a contested foreclosure, “neither the ground of fairness nor the ground” of benevolence and compassion . . . constitute[s] a lawful, cognizable basis for granting relief to one side to the detriment of the other, and thus cannot support [the requested relief]: no judicial action of any kind can rest on such a foundation.”

Cano, Inc. v. Judet, Case No. 4D20-1509 (Fla. 4th DCA 2021).

A trial court may decide an issue not set forth in the pretrial stipulation when the issue has been previously raised in the pleadings and is argued during trial without objection

Arnold v. Arnold, Case No. 5D20-1498 (Fla. 5th DCA 2021).

Consistent with the principle that a trial court may enforce a judgment on appeal so long as doing so does not disturb the subject matter of the final judgment, a trial court may enforce a declaratory decree and require the return of land wrongfully conveyed while the declaratory judgment is on appeal.

Ge v. Swearingen & Associates, Inc. Case No. 5D21-262 (Fla. 5th DCA 2021).

Dismissal of an appeal restores the final judgment to full effectiveness.

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Elder Law

Restoration of Capacity: The Happy Ending for a Guardianship.

Although Guardianships of adults typically will endure throughout the life of the Person Under the Guardianship (the “PUG”), sometimes the capacity of the PUG is restored.

Ideally, the full force of the State is tempered by the facts and the rights of the individual.

When establishing an adult’s incapacity which will result in the loss of self-determination in one or many areas of the person’s life, there are stringent procedures, including:

- the individual must be appointed an attorney;
- the attorney - regardless of his or her own belief as to the appropriateness of a finding of incapacity - must defend with zeal the determination of incapacity if so directed by the client;
- an examining committee is appointed consisting of three individuals, whose reports must be comprehensive;
- the individual must be allowed to participate in the hearing and the Court is charged with facilitating the individual’s participation;
- the Court must find by clear and convincing evidence that the individual lacks capacity in very specific areas.

These are the shields which the Legislature have provided to ensure only individuals truly lacking capacity are found by the Court to be incapacitated.

Conversely, the restoration of capacity is much more lenient and friendly to the PUG.

The procedure starts with a “Suggestion of Capacity” filed by an interested person, including the PUG.

Once that has been filed, the judge “shall immediately appoint a physician to examine the PUG” and the report from the physician has to be filed within 20 days.

Ultimately, the Court need only find by a preponderance of the evidence that the PUG should be restored to capacity. Further, the Legislature specifically finds that it is the purpose of the Guardianship Act to promote the public welfare by establishing a system that assists PUGs in regaining their abilities to the maximum extent possible and that the Guardianship Act is to be liberally construed to accomplish that purpose.

So, when a PUG is restored to capacity, the Guardianship ends and the person again is empowered to make his or her own decisions and live life as a fully emancipated adult: a happy ending.



SouthState

Martin County Women Lawyers Association

Elizabeth Hunter: MCWLA President 2021 - 22



The **Martin County Women Lawyers Association** is your local chapter of Florida Association for Women Lawyers (FAWL). The mission of FAWL is:

To actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary and community at large. To achieve these goals, FAWL will uphold the highest standard of integrity, honor and courtesy in the legal profession, promote reform in law, and facilitate administration of justice.

Thank you to everyone who joined us via Zoom in September for our CLE with FAWL President, **Jenny Scavino Sieg**. We loved learning about this wonderful attorney and her vision for FAWL for the next year.



In October, we hosted a Zoom CLE by **Gloria Seidule** and **Dr. Leticia Lopes**. We hope you were able to join us for this event and will recap this event in next month's *SideBar*.

Looking forward into November, we have our next CLE luncheon via Zoom scheduled for **Tuesday, November 16, 2021 from 12-1 pm** (networking on Zoom from 11:45 am to noon), with a presentation by Rebecca Bandy, Director of the Henry Latimer Center for Professionalism at the Florida Bar. Ms. Bandy will present on the Center and its resources, which are available

to all members of the Florida Bar. Please mark your calendar to join us (via Zoom) and e-mail fawlmartin@gmail.com to RSVP and receive the Zoom attendance information.

Save the dates for our upcoming CLEs: December 21st; January 18th; February 15th; March 15th; April 19th; May 17th.

To join or renew your membership, visit www.fawl.org. Contact our Membership Director, Davina Tala, at dt@talalegal.com with any membership questions.

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ADMIRALTY COMMITTEE

THE CONTINUING SAGA OF MARINE INSURANCE WARRANTIES *Travelers Property Casualty Co. of America v. Ocean Reef Charters, LLC* 996 F.3d 1161 (11th Cir. 2021)

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

In the October 2019 *SideBar*, I reported on the result of a matter in the Southern District of Florida where the District Court granted summary judgment in favor of Travelers Property and Casualty Co. against Ocean Reef Charters, thereby denying coverage for the loss of the vessel under a \$2,000,000.00 agreed value policy. The basis for granting summary judgment was the breach of an express warranty that required the vessel, M/Y MY LADY, a 1998 92-foot Hatteras, to employ a professional full-time captain approved by Travelers and one full- or part-time crew member. There was no crew employed for the vessel during Hurricane Irma when she broke loose from her mooring, struck a piling, and sank in the Hillsboro Inlet in Pompano Beach becoming a total constructive loss. Travelers based their coverage denial on the breach of two express warranties in the policy which required the owner to employ a professional full-time captain approved by Travelers and one full- or part-time crew member. There were no paid employees approved by Travelers tending the vessel at the time of the sinking.

Travelers argued in their Motion for Summary Judgment that *Lexington Inc. Co. v. Cooke's Seafood*, 835 F.2d 1364 (11th Cir 1988) applied requiring strict construction of express warranties in marine insurance contracts. The District Court agreed stating that under 11th Circuit precedent, federal maritime law requires strict compliance with captain and crew warranties in a marine insurance policy.

On appeal, the 11th Circuit saw it differently. The Court reviewed the chaos created by *Wilburn Boat Co. v. Firearm's Fund Inc. Co.*, 348 U.S. 310 (1955) as it related to warranties in marine insurance policies and the application of state insurance law where there is no established federal maritime rule governing the issue at hand. "See, e.g., 2 Thomas Schoenbaum, Admiralty and Maritime Law § 19:15 (6th ed. 2020) (asserting that Wilburn Boat has "caused endless mischief"). See Travelers at 1162.



Joanne Foster
Chair

Upon reviewing the ruling of the District Court, the Circuit Court acknowledged the "district court's view was understandable given the mess we've created" *Id.* at 1168, but went on to state the pronouncements made in the cases referred to in the District's ruling were limited to the breach of navigational limits which is firmly entrenched in maritime law. The Court further stated that no entrenched federal maritime rules exist governing captain or crew warranties.

"All of this means that Florida law, specifically Fla. Stat. § 627.409(2), governs the effect of *Ocean Reef's* breaches of the captain and crew warranties. On remand, the district court will need to apply § 627.409(2), and consider any other related arguments raised by the parties." *Id.* at 1170.

Continued On Next Page . . .

This matter has been returned to the District Court and is set for bench trial in late November. In the meantime, post-Circuit ruling, Travelers has filed a subsequent Motion for Summary Judgment claiming the breach of the captain and crew warranties in the policy increased the hazard to the vessel. No ruling on this motion has been made by

the Court.

The Circuit Court’s full discussion of this matter emphasizes the confusion that has been caused by Wilburn Boat since 1955. It doesn’t seem litigation over marine insurance warranties will end anytime soon.

Tennis Committee

Chair: Ray Robison



We look forward to having the MCBA Tennis Tournament again in early 2022. Please check future SideBar issues for further details on the tournament. If any questions, please contact Ray Robison (772-287-4444 or robison@foxmclcluskey.com). Thank you for everyone that has expressed interest in playing.



MARTIN COUNTY BAR ASSOCIATION RACE TO THE COURTHOUSE



APRIL 17, 2021



Mark Your Calendars

The Race to the Courthouse 5k Run/Walk is back again for 2022.



It will be held on Saturday, April 9, 2022 at Memorial Park. Last year was a great race with an amazing turnout, and we expect this year to be even better. All proceeds go to the Legal Aid Society of Martin County and the Martin County Bar Association Scholarship Program. Keep an eye out for a registration link coming soon. We are also looking for sponsors, so please reach out to out to gene@zwebenlawgroup.com if you are interested.

The run/walk is open to EVERYONE in our community, not just law firms.

Last year we raised over \$5000 for Martin County Legal Aid Society and the MCBA Scholarship Program. Let’s see if we can do better this year!

Registration details coming soon!

Appellate Committee

Co-Chair: Cari Leininger

Co-Chair: Donna Eng

Stays in Federal Court Pending Appeal: Is a bond the only way?



Cari Leininger
Co-Chair

We revisit the issue of stays pending appeal; this time in federal court. We know that a party is entitled to a stay upon the posting of a bond. However, there may be other options for obtaining a stay based on your client’s circumstances.

Federal Rule of Appellate Procedure 8 permits a party to apply to the district court for “a

stay of the judgment or order of a district court pending appeal.” Fed. R. App. P. 8(a)(1)(A). The issue of whether to grant a stay is governed by Rule 62 of the Federal Rules of Civil Procedure. *Thomas v. City of Jacksonville*, 2016 WL 9185279, at *1 (M.D. Fla. Oct. 13, 2016) (holding that F.R.C.P. 62 is “the procedural vehicle” for considering a request for a stay or “an injunction pending appeal” under Federal Rule of Appellate Procedure 8).

In 2018, Rule 62 was re-organized. Subdivision 62(b) modified subdivision (d)’s requirements regarding obtaining a stay. “The new rule’s text makes *explicit* the opportunity to post security in a form other than a bond. The stay takes effect when the court approves the bond or *other security*.” See, Comments for 2018 Amendments to Fed. R. Civ. P. 62. (emphasis added)

District courts have inherent discretionary authority in setting bonds and security. See, *Texaco, Inc., v. Pennzoil Company*, 784 F.2d 1133, 1154, 1155 (2d Cir.1986), (court stating a judgment creditor’s primary concern when a judgment in his favor is stayed pending appeal is that he be “secure ... from loss resulting from the stay of execution....”) See, *Wunschel & Small, Inc., v. United States*, 554 F.Supp. 444–45 (U.S.Ct.1983) (Rule 62(d) does not preclude the court from issuing a stay without a bond or upon the posting of a partial bond).

In a case out of the Northern District of Florida, the court granted a stay based on a statement that promised to pay upon the conclusion of the

appeal. The statement read as follows:

Proceedings to enforce the money judgment also will be stayed without a further order upon the filing of a statement by the Department, signed by a person authorized to sign it, stating that, if the judgment is upheld on appeal, the Department will pay the judgment within 30 days. For this purpose, if no appeal is filed, the judgment is “upheld on appeal” on the deadline for filing an appeal. If an appeal is filed, the Eleventh Circuit dismisses the appeal or affirms the judgment, and no petition for certiorari is filed, the judgment is “upheld on appeal” on the deadline for filing a petition for certiorari. If a petition for certiorari is filed, the judgment is “upheld on appeal” when the petition is denied or vacated or the judgment is otherwise upheld by the Supreme Court.



Donna Eng
Co-Chair

See, *Miller v. Fla. Dept. of Corrections*, 2011 WL 6021577 (unreported) (N.D. Fla. 2011).

In many cases, your client will have to post a bond in order to stay execution but depending on the circumstances it may be worth the time and effort to explore other security that might satisfy the court.

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Law Office of Frank DiGiacomo

Law Offices of David Golden, P.A.

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**to be eligible for 100% club: any firm with two or more practicing attorneys and all practicing attorneys of the firm are 2021-22 MCBA members or if a firm has multiple offices, all attorneys in the local office are 2021-22 MCBA members.*

ATTORNEYS STILL NOT FILING PORTAL DOCUMENTS IN THE CORRECT PDF/A FORMAT

By Gary Blankenship Senior Editor Florida Bar News



A record 123,476 new cases were filed in May, while June saw a record of 1.89 million submissions with 2.79 million documents

More than half of Florida lawyers are still not electronically filing their court documents in the preferred format, while pro se parties, who are allowed to do paper filing, are doing some electronic filing in a variety of case types, according to the latest figures from the Florida Courts E-Filing Authority.

The authority's board, which oversees the court system's statewide electronic filing Portal, got a report on September filing statistics. Those showed filings were fairly steady although lower than August, and less than record high numbers from last May and June.

"We are getting into the period where our numbers will be down a little bit because of the holidays," said Carolyn Weber, Portal program manager.

She reported that 5% of documents submitted in September were in Word format, 52% were scanned PDF documents, and 43% were text-based PDFs. Court technology standards called for filings to be in the text PDF/A format.

Text-based PDF/A is the official format for the Florida court system, and the format that all clerks will soon use as the official storage for court records.

Court officials have said there are problems with other formats, including scanned images that require more electronic storage space. In addition, many if not most scanned documents are not searchable (as required by court technical standards), hyper and internal links won't work, and there's always a chance that text or data will be corrupted when a text document is scanned, which in turn taints the official court records.

According to Portal statistics, in September 2.15 million documents were filed in civil courts and 424,984 in criminal courts. In civil court, 28.3% were PDF/A, 67.5% were in another PDF format, 4.1% were in other formats, and only 44.5% were searchable. In criminal cases, 31.9% were in PDF/A, 61.4% in another PDF format, 6.6% were in non-PDF formats, and only 36.6% were searchable.

Pro se parties electronically filed 1,764 new cases in September and made 13,514 filings in existing cases. Self-represent litigants started 874 domestic relations cases, 314 evictions, 224 county civil matters, 129 probate matters, 24 circuit civil cases, and 29 other types of cases.

For electronic filings in existing cases, 4,352 came in domestic relations cases, 2,341 in circuit civil matters, 1,237 in criminal cases, 1,223 in county civil matters, 944 in eviction cases, and 766 in probate cases.

Few of the self-represented litigants used DIY forms prepared by the Office of the State Courts Administrator and available on the Portal, although the availability of those forms has not received much publicity.

A total of 61 DIY forms were filed in September: 23 answers to small claims, 17 answers to evictions, five in dissolution cases, four as statements of claims for cases up to \$8,000, three as a child custody jurisdiction and enforcement affidavit, one domestic violence protection petition, and the rest in a variety of other cases.

Continued On Next Page . . .

According to court officials, the vast majority of self-represented litigants still do paper filings, although the Supreme Court and court officials are exploring ways to make electronic participation in the courts easier for pro se parties.

Overall, on September filings, there were 1.7 million submissions with 2.5 million documents, filed to the courts through the Portal. Of those, 10,389 submissions were to the district courts of appeal and 417 to the Supreme Court. There were 87,042 new cases filed.

That compares to 1.87 million submissions with 2.68 million documents in August and 1.77 million submissions with 2.57 million documents in July. There were 92,119 new cases filed in August and 94,208 in July.

A record 123,476 new cases were filed in May, while June saw a record of 1.89 million submissions with 2.79 million documents.

Weber said there has been a steady growth in September filings over the past five years. In 2017, there were 991,461 filings with 1.4 million documents in September.

Seventy-seven percent of September filings came from attorneys and 16% came from judicial filers. The rest came from process services, pro se parties, mediators and arbitrators, mental-health professionals, and others.

Article first appeared in Florida Bar News on October 12, 2021.

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Immigration Committee

Chair - Angela Castro

Immigration Updates

- The Biden Administration has rescinded the COVID-19 Travel Bans for individuals from China, Iran, the Schengen Area, U.K., Ireland, Brazil, South Africa and India in an effort to ease travel restrictions for all international travelers coming to the U.S. starting this month. All travelers will be required to show proof of full vaccinations and a negative COVID-19 test result within 3 days of boarding a flight to the U.S. Limited exceptions will be permitted for young children and others deemed to be exempted for humanitarian or medical reasons.
- All foreign-born nationals seeking lawful permanent residence are now required to show proof of COVID-19 vaccinations in addition to all other immunizations.
- We are thrilled to report a pro bono success story involving a 10-year-old child from Martin County who was successfully reunited with her mother after nearly four years of separation under the federal government’s now defunct “Zero Tolerance Program.” Four attorneys in Tampa, Orlando, Palm City and Miami pulled together to handle various aspects of the child’s representation through state and immigration courts as well as USCIS. Two dozen other attorneys, advocates and journalists from national and international agencies were key to highlighting this child’s plight, locating her mother and winning approval for her lawful return through the U.S. Embassy and the Department of Homeland Security. It was a promise made and kept to a very determined young girl who first came to the Holy Cross Service Center in December 2017 and asked, “How do I get my mother back?”



We hung the child’s pictures up and sent copies to the attorneys and advocates to remind them not to give up on this child and her family.

- We remind our community to watch for those engaging in the unauthorized practice of law (UPL), especially those promising quick immigrant fixes. Much of what the news presents on immigration issues is superficial and often speculative. It is important for noncitizens to rely on direct sources such as USCIS.gov, ICE.gov, CBP.gov, DOJ and DOS sites for information, and experienced attorneys for advice on what the laws and policies mean for individual cases. As Judge Carnes noted, “It would seem that should be a simple issue with a clear answer, but this is immigration law where the issues are seldom simple and the answers are far from clear.” *Alanis-Bustamante v. Reno*, 201 F.3d 1303, 1308 (11th Cir. 2000).
- 5th Grade teachers and students are invited to join the 25th Annual Celebrate America Creative Writing Contest through mid-March 2022. Please send an email **ACastro@ACLawSolutions.com** for more information and registration.



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).



Christine Moreno
Chair

Current CLE Seminars Available Include the Following:

- **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 7 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.
- **19th Circuit Voluntary Bar Coalition Town Hall** - Valid through 9/30/2022. **Credits:** 1.0 General.
- **Jury Trials in a New Age** - Valid through 1/31/2022. **Credits:** 1.0 General. **Certification Credits:** 1.0 Appellate Practice; 1.0 Civil Trial; 1.0 Criminal Appellate Law; 1.0 Criminal Trial Law; 1.0 Juvenile Law.
- **MCBA Monthly Meeting (Virtual)** - Valid Through 10/31/2022. Speaker: Andrea Andrus, Principal; Andrus Communications. Topic: Marketing & Advertising for Lawyers. **Credits:** 1.0 General Credit.

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>November 2021</h1>						
	1 SideBar Articles Due	2	3	4	5	6
7	8	9 JRC Speaker Series @ McCarthy Summers 11:45 a.m.	10	11 Courthouse Closed	12 RSVP DEADLINE FOR 10/19 LUNCH	13 Tom Warner Gator Tailgate
14	15	16 MCBA Officers' Meeting Noon MCWLA CLE Meeting Via Zoom @ 11:45 a.m.	17	18	19 MCBA Luncheon @ Monarch CC 11:30: a.m.	20
21	22	23	24	25 Courthouse Closed Happy Thanksgiving!	26 Courthouse Closed	27
28	29	30	31	See www.martincountybar.org for full 2021-22 calendar - 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, November 19, 2021

- When: Friday, November 19, 2021
11:30 a.m. networking; 12:00 p.m. lunch
- Where: Monarch Country Club
1801 SW Monarch Club Drive, Palm City
- Menu: House Salad with Dressing Selections Rolls with Butter Roasted Sliced Turkey & Gravy, Mashed Potatoes and Broccoli, Carrot Cake
- Speaker: United States Court of Appeals Eleventh Judicial Circuit Judge Robert J. Luck.
- CLE: Applied For

RSVP to: martincountybarassociation@msn.com
No later than Friday, November 12, 2021

PLEASE BE SURE TO RSVP TO EXPEDITE ACCESS AT THE GATE

There is no charge for paid MCBA members. Guests are welcome; a \$30 guest fee may be paid at the luncheon (cash or check only).