

SEPTEMBER 2022



The SideBar

NEWSLETTER OF THE MARTIN COUNTY BAR ASSOCIATION

We the People of the United States, in order to form a more perfect Union, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative; and until such Enumeration, the States of New Hampshire, Massachusetts, New York, Virginia, North Carolina, South Carolina, and Georgia, shall be entitled to choose three, Maryland six, Pennsylvania ten, Delaware one, New Jersey four, and the State of New Jersey four, Pennsylvania ten, and the State of New Jersey four.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall have the sole Power of filling them. The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided into three Classes. In the first Class, one third of the Senators shall have their Terms to expire at the Expiration of the second Year, of the second Class one third, and in the third Class one third. At the Expiration of the sixth Year, so that one third may be chosen every second Year, and if by Reason of Vacancies there be less than two Senators from any State, the Executive thereof may make temporary Appointments.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

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THE SIDE BAR NEWSLETTER

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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.

E-mail: martincountybarassociation@msn.com

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(Subsequently Elected to Bench) 1960
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W. Thomas Wackeen - 1986 – 1987
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Douglas Sands - 1988 – 1989
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(*First Female MCBA President*)
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Jane L. Cornett - 1992 – 1993
Walter G. Woods - 1993 – 1994
Richard Kibbey - 1994 – 1995
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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
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Portia B. Scott - 2006 – 2007
Hon. Alan Orantes Forst - 2007 – 2008
Linda L. Weiksnar - 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
Adam Schwartz - 2021 - 2022

Message From the President

Martin County Bar President - Jeffrey M. Friedman, Esq.

Dear Members,

We hope you enjoyed our August luncheon speakers, Michelle Miller, Human Services Administrator and Joanna Greene, Human Services Supervisor of the Martin County Board of County Commissioners. We appreciate their work with the Martin County Mental Health, Juvenile, and Drug Courts. This year’s focus for the Bar is mental health, and their presentation shows how mental health issues can have a profound impact on our community. This was our first fully in-person luncheon since Covid and it was great to see everyone again.

This month’s luncheon speaker is Carolyn Timmann, Clerk of the Martin County Circuit Court. Ms. Timmann will be speaking about how technology has changed the practice of law, and new changes that are in the works. The practice of law has certainly changed over the last decade, but there have been substantial changes since Covid.

In addition to our luncheon, we are excited to celebrate the signing of the United States Constitution with our Constitution Week, led by the Honorable Alan Forst. We hope you can join us. Please be sure to read Judge Forst’s Constitution Week article in this month’s Sidebar.

While most of the country celebrates the start of fall in September, we celebrate the start of the slightly less hot part of summer. Since I am a fan of trivia, I will leave you with a bit of September trivia. September was originally the seventh month of the ancient Roman calendar, and as such was named Septem, which translates to “the seventh month”. It wasn’t until 451 BC that the months of January and February were added to the calendar, making September the ninth month.

We look forward to seeing everyone at the luncheon.

Sincerely,



Jeffrey M. Friedman
2022-2023 MCBA President



Don’t forget to send in your 2022 – 2023 Membership Renewal

Renewals are due July 1 of each year.

Only members in good standing will continue to be listed on our website with all their contact information, professional headshot and in our FREE Referral program by Practice Area.

Don’t forget, Courthouse Badges are only available to MCBA members.

MCBA'S GEORGE W. BUSH JR. PROFESSIONALISM AWARD

Nominations due by September 15, 2022



Beth Alcalde
Chair

This Professionalism Award recognizes an attorney who has demonstrated or promoted outstanding professionalism in Martin County, as defined by exemplary ethical conduct, character and integrity, respect for the legal system and all of its participants, commitment to maintaining the highest levels of professional competence, courtesy and civility, as well as a commitment to serving clients, the community and the public good. All current members of the Martin County Bar Association are eligible.

In recent years, the Professionalism Committee has appreciated the opportunity to celebrate the winners:

- 2015 - George W. Bush, Jr., Esq.
- 2016 - Preethi Sekharan, Esq.
- 2017 - Richard Levenstein, Esq.
- 2018 - Stephen C. Page, Esq.

- 2019 - Edwin "Ted" Mortell, III, Esq.
- 2020 - Jason D. Berger, Esq.
- 2021 - Hon. Steven J. Levin

The Committee has also in the past received several excellent nominations for deserving candidates who have not yet been recognized. Therefore, in addition to committing to review all newly-received nominations for the 2022 award, the Professionalism Committee will revisit all submissions that have been made in years past. **We encourage both new nominations, as well as any supplemental support for the many excellent past nominees who were not yet selected.**

We welcome your input! Please send nominations or other support to martincountybarassociation@msn.com by midnight **September 15, 2022**. Any questions can be directed to either Robyn O'Heron at 772-382-9076 or to the Professionalism Committee Chair, Beth Alcalde, at 561-671-3657.

In Memoriam

Patrick Malone



It is not length of life, but depth of life. Ralph Waldo Emerson

Please Join Us!

Join Us

The Martin County Bar Association will welcome Honorable **Carolyn Timmann**, Martin County Clerk of the Circuit Court and Comptroller as the guest speaker at our monthly luncheon meeting on Friday, September 16, 2022 at Monarch Country Club. Networking begins at 11:30 a.m. and lunch will be served promptly at noon.

Honorable Timmann will be presenting Technology Enhancements and Updates and will include Statewide Initiatives, E-Portal updates, Supreme Court Initiatives, Recent changes to Rule 2.420(d) – Civil Case Filings, What COVID taught us about technology as well as a peak into future initiatives.

Carolyn was first sworn into Office on January 8, 2013, as the Martin County Clerk of the Circuit Court and Comptroller. She is currently serving her third term in office and is the sixth Clerk to service since Martin County was formed in 1925.



Locally, Carolyn serves on the Board of Directors for Helping People Success as an Honorary Member and is a member of the Salvation Army’s Women’s Auxiliary, LEADERShip Martin County Alumni Assoc., The Federalist Society, Elliot Museum, Stuart Heritage Society, Florida Oceanographic Society and the Halpatiokee Chapter of the Daughters of the American Revolution.

Honorable Timmann has received numerous honors and awards, most recently, Florida Court Clerks & Comptrollers President’s Award for Legislative Collaboration in June 2022. On June 8, 2022, she was sworn in as President of Florida Court Clerks and Comptrollers by Martin County Sheriff William D. Snyder. Her theme during her term will be “Treasuring the Past, Charting the Course, Building the Future”

RSVP IS REQUIRED on or before 5:00 p.m. FRIDAY, September 9, 2022 by calling 772-220-8018 or emailing martincountybarassociation@msn.com. There is no charge for paid MCBA members. Guests are welcome; a \$35 guest fee may be paid at the luncheon (cash or check only).

We are going to try something a little different during the networking portion of this luncheon so please plan to arrive by no later than 11:45 a.m. The program will still begin at 12 noon if you can’t make it early.

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

The MCBA Social &
Young Lawyers Committees
invite you to:



Happy Hour & School Supply Drive

September 21, 2022

5:00 p.m.

Ocean Republic Brewing

1 Beverage & Appetizers included



Cheers!



Kudos to **Julie Ann Treacy** on earning her Certification as a Family Mediator.

Do you have good news to share? We would love to hear from you!

Please contact Robyn O'Heron at martincountybarassociation@msn.com

Constitution Week

VOLUNTEERS NEEDED FOR CONSTITUTION WEEK 2022

Judge Alan Forst

Past MCBA President and Constitution Week Co-chair

Adam Schwartz

Immediate Past MCBA President and Constitution Week Co-chair

Julie Ann Treacy

Constitution Week Co-chair



Adam Schwartz
Co-Chair

For the past nineteen years (with one exception), the MCBA has celebrated the United States Constitution by sending volunteers to our local schools, during Constitution Week, to discuss, in one fashion or another, the Constitution. Public Law 108-247, signed into law in 2004, designated September 17 of each year as “Constitution Day and Citizenship Day.”



Judge Alan Forst
Chair



Julie Treacy
Co-Chair

Why September 17? Because the United States Constitution was signed by a majority of the attendees at the Constitutional Convention on September 17, 1787. **Why do we team with the schools?** Because, by public law, “[e]ach educational institution that receives Federal funds shall hold an educational program on the United States Constitution on September 17 of each year for the students served by the educational institution.” **Can we stretch Constitution Day out to a week?** Well, the U.S. Code also provides that “[t]he President is requested to issue each year a proclamation inviting the people of the United States to observe Constitution Week, in schools, churches, and other suitable places, with appropriate ceremonies and activities.” **Constitution Week 2022 runs from Friday September 12 to Thursday September 22.**

Now you know the “why.” As to the “where”—in our local public schools, though we will raise a glass (of ice tea or water) at our MCBA lunch on September 16. We also encourage our lengthy roster of volunteers to propose and present educational programs elsewhere in the community, such as at houses of prayer, public libraries, and recreation centers.

Continued On Next Page . . .

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Which leads to the question of “how.” **We will be hosting a lunch meeting (pizza is on us!) at the courthouse on Tuesday September 6 at noon.** We will be sharing lesson plans, materials, and experiences. Several judges are part of this “staff,” and therefore this meeting will also be a network-with-the-judges opportunity. **Lunch, judges, no charge! No way! Yes, way!**

How many times have we heard disagreement as to whether this or that is “unconstitutional” or an “infringement of my Constitutional rights!” Our MCBA Constitution Week Committee has an opportunity, in conjunction with our partners with Martin County Schools (shout out to Mark Cowles!), to generate interest in our Constitution, its history, and its impact on how we live as Americans. We hope that you can join in this effort.

The clearest way to show what the rule of law means to us in everyday life is to recall what has happened when there is no rule of law. **Dwight D. Eisenhower**



President Dwight D. Eisenhower



Judge Daryl Isenhower

I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion by education. This is the true corrective of abuses of Constitutional power. **Thomas Jefferson**

Please read that quote again. And again. Then, volunteer.

Please email us at **usakids@comcast.net** and provide the following: (1) the day(s) and time(s) that you are available during the week of September 16-22; (2) the number of class periods you’re willing to take on (class periods generally are less than an hour); (3) your contact information; (4) the school(s) that you prefer to visit/teach; (5) your preferred topic(s). If you will be joining us on Tuesday September 6 at the courthouse, please RSVP to us in advance, so we know how much lobster or pizza (it will be one of those) to order and we can give you the courtroom number. Finally, please notice, this is a “we” effort, on behalf of the Bar. So, please join us!

Save the Date

19th JUDICIAL BENCH BAR CONFERENCE

NOVEMBER 4, 2022

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Solo & Small Firm Committee

I am not Superman or Wonder Woman - When to know when to ask for help....

Whether you are a solo attorney or you work in a firm, we chose a stress filled profession filled with difficult issues and sometimes difficult clients, deadlines, and controversies. Any one of those issues provide an environment ripe for unbalancing our lives. The statistics for our profession are startling: 36% abuse alcohol, 28% suffer depression, 23% have stress, 19% anxiety. (From The Florida Bar website). Most startling is that lawyers are in the top 10 for suicides. Over the past couple of years, we have heard of several high profile FL attorneys who have committed suicide. So, when to know when to ask for help. The FL Bar has resources to help us. There is a Florida Lawyers help line (833-351-9355). It's a free and confidential help line that connects lawyers with professional counselors. It is to help you develop strategies to overcome life's challenges, balance priorities and better handle both personal and professional pressures.

We should all keep a look out for your friends and colleagues and recognize when he or she may need help. I recently convinced a colleague to call the Bar wellness help line. It was the beginning to finally getting to the professional help needed. I realized how ill equipped that I was to help someone with mental illness. But, with some now added knowledge of the Bar resources, I can help a colleague, if needed.

Other resources are Florida Lawyers Assistance (FLA). The backbone of FLA is a support network of recovering attorneys and judges who wish to carry the message to fellow members of their profession that recovery is possible. FLA also helps with those suffering depression and other mental illnesses.



Kathy McHale
President

988 was recently launched across the country as the suicide and crisis lifeline. 211 is a community helpline and crisis hotline that provides suicide prevention, crisis prevention, information and assessment and referral to community services for people of all ages. Its service area is the Treasure Coast and Palm Beach county area.

The resources are out there. If you realize that you are not feeling like Super Man or Wonder Woman, reach out to a colleague or the Bar resources. Be well!



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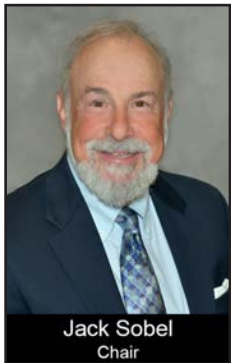
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MCBA Golf Tournament

Chair: Jack Sobel

Join the Golf Committee!



Jack Sobel
Chair

Here's a good opportunity for you to have some fun while doing something nice for local high school seniors. Join the Martin County Bar Association Golf Committee, or become a sponsor, and help plan and run the next Martin County Bar Association Golf Tournament, which funds scholarships awarded by the MCBA Scholarship Committee

to three Martin County High School seniors at graduation ceremonies every spring.

The golf committee works with sponsors and local merchants to gather prizes for the players. The tournament is always a fun experience. We use the scramble format - while all four golfers on the team hit their shot, only the best one counts. The other three players simply pick up their ball and move it to the place where the best one lies.

No need to fret about an errant shot. This allows even inexperienced golfers to have fun enjoying a pretty outdoor setting, and maybe compete for a trophy. This year, the gross division winners were Adam Less, Matthew Killough, E.R. Clark and Geoff McGowen and the net division winners were Robin Wally, Michael Peckham, Juan Asconape and Blake Swan. The biggest silent auction prize was a foursome at the exclusive Fisher Island Club (which is only accessible by boat).

The committee wants to thank this year's sponsors: Donaldson & Weston; Williams, Leininger & Cosby; R. Wayne Richter, Atlas|Solomon; Law Offices of Jason Berger; Yara Bashoor of Water Pointe Realty; Kathryn McHale; Treasure Coast Estate Buyers; Manatee Island Bar & Grill; and Ohle & Ohle. The tournament was started in 2003 and has become something of a tradition, while serving as one of MCBA's best fundraising events.

Become a sponsor or join the Golf Committee and be part of our next great tournament!

AQUISITIONS ARE RARELY SMOOTH SAILING

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Contact: Brandon Woodward
772.497.6544 | wkflaw.com

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Admiralty Committee

FLORIDA STATUTORY MARITIME LAW UPDATE

Barbara A. Kreitz Cook, Florida Bar Board Certified Admiralty & Maritime Law
& MCBA Admiralty Committee Chair

The following Florida statute regarding safety regulations, equipment and lighting requirements was added to Chapter 327, the Florida Vessel Safety Law.

§ 327.50. **[Effective 10/1/2022]** Vessel safety regulations; equipment and lighting requirements (1) (a) The owner and operator of every vessel on the waters of this state shall carry, store, maintain, and use safety equipment in accordance with current United States Coast Guard safety equipment requirements as specified in the Code of Federal Regulations (C.F.R.), unless expressly exempted by the commission.

(b) A person may not operate a vessel less than 26 feet in length on the waters of this state unless **every person under 6 years of age on board the vessel is wearing a personal flotation device** currently approved by the United States Coast Guard and used in accordance with the United States Coast Guard approval label while such vessel is underway. For the purpose of this section, **“underway” means at all times except when a vessel is anchored, moored, made fast to the shore, or aground.** (emphasis added)

(2) No person shall operate a vessel on the waters of this state unless said vessel is equipped with properly serviceable **lights and shapes required** by the navigation rules.

(3) The use of sirens or flashing, occulting, or revolving lights on any vessel is prohibited, except as expressly provided in the navigation rules or annexes thereto.

(4) The operator of a vessel used in the instruction of a water sport or activity must use an engine cutoff switch and wear an operative link to the switch when a person participating in the water sport or activity is in the water.

Note: Click on <https://www.navcen.uscg.gov/navigation-rules-amalgamated> to view and download a copy of the amalgamated International & U.S. Inland navigation rules.

Click on <https://www.uscgboating.org/images/420.PDF> to view and download a copy of the Federal Requirements for Recreational Boats



Barbara A. Kreitz Cook
Chair



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Employment Law

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Can you rely on Diversity & Inclusion to not promote an old white guy?

A business created a corporate-wide Diversity & Inclusion Plan (“DIP”), which had the goal to increase and foster workplace diversity throughout the company. To that end, the company provided detailed workforce demographic information to its senior leaders who, in turn, implemented the DIP through hiring and retention policies that altered the racial, ethnic, and gender composition of the company’s workforce, especially in the leadership ranks

The company’s Finance Department began disproportionately hiring non-whites and women. However, the CFO sent an email to the entire Finance Department, entitled “More work to do in Finance.”

Joe worked in the Finance Department. Joe was a 58-year-old white man, who was a good performer. His most recent evaluation rated him as having a “Meaningful Impact,” meaning that he met or exceeded expectations. The year before, Joe scored even better—another supervisor gave Joe a rating of “Extraordinary Impact,” the highest rating available.

After learning that his boss planned to retire within the next two years, Joe expressed interest in succeeding him. While his boss thought Joe was “qualified” for the role “and should pursue it,” he didn’t believe Joe would have a realistic shot at the promotion because, as he explained, “[Joe] was an old, white male with not enough ‘runway’ left in his career.” Not dissuaded, Joe pursued this promotion. Two weeks later his boss told him that he brought it up to his boss who “wanted a departmental succession plan with people who ‘have a little bit more runway ahead of them.’” Joe’s boss explained to Joe that “in these roles, you know, you’ve got to be able to adapt and move, and I’m not saying you can’t, but a 58-year-old white guy, I don’t know if that’s going to happen.”

Joe’s boss frequently commented about age as a basis for promotion and retention decisions—albeit oftentimes through the corporate euphemism, “runway.” A few months earlier the

boss instructed Joe to prepare for the upcoming departure of a colleague, Gary, whose position was being eliminated. The boss explained to Joe that Gary (who was 71 years old) was being terminated because he lacked sufficient “runway.”

Soon thereafter Joe was informed that he would be terminated in connection with a reduction in force (“RIF”).

Joe’s boss told Joe about the decision and confirmed that it was not related to his individual performance. Instead, the decision was “numbers related.” In other words, the RIF was purportedly adopted in response to the company’s recent financial struggles.

Under the RIF, the Department terminated a dozen employees—nine were male, all were white, and all were over 50 years old.

Joe was upset and sued his employer alleging race, age, and gender discrimination. The employer tried to have the case dismissed but the federal judge rejected that. The judge noted that the employer’s DIP was a company wide initiative that had the purpose and effect of biasing hiring and retention decisions in favor of non-white and female employees.

Florida employers should take away from this case that courts will scrutinize whether an employer’s reason for terminating and/or not promoting older white men is legitimate. In this case the employer implemented a Diversity plan that basically pushed out old white men and now the company will have to spend significant money litigating this case. These are the type of decisions that should be run by an employment lawyer, not just an HR guru who specializes in diversity.



David Miklas
Chair

Young Lawyers Division

Young Lawyers Committee: School Supplies Drive



Melissa Dean
Chair

It's Back to School for Martin County! Keep an eye out for an upcoming event to kick off the school year with a Backpack & School Supplies Drive to support the students in our Martin County Schools. If you're a young lawyer, a law firm in Martin County, or a member of the Martin County Bar Association, consider helping

out the MCBA YLD with our back-to-school supply drive! #FlaYLD #BackToSchool #Florida #Lawyers #Supplies #School #SupplyDrive #AffiliatesAssemble

The Young Lawyers Committee is planning some great events and happy hours in the future, so please reach out if you want to get involved!

Join Us for Happy Hour!



**Wednesday, September 21, 2022 at 5:00 p.m.
at Ocean Republic Brewing**

We will be collecting school supplies for local schools. Please bring a donation and help to make this drive a success!

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Appellate Committee

BACK TO BASICS: STANDARD OF REVIEW



Carri Leininger

As the new school year starts, we will take this opportunity to review the basics of appellate practice, the standards of review. Every appellate brief should state clearly and concisely at the beginning of the argument section what the standard of review is. Additionally, at oral argument every appellate practitioner should be able to

answer the question “what is the standard of review Counselor? Below is a brief overview of the standards of review:

1. De novo review: De novo means “of new” in Latin and means the same thing for a Florida appeal involving a question of law. This means that the appellate court does not defer to the ruling of the trial court because trial courts are not in a superior vantage point in determining questions of law.
2. Competent substantial evidence: An appellant will need to show there was no credible evidence supporting the factual findings. This is a standard of review commonly used following a jury verdict when the appellant is challenging the sufficiency of the evidence at trial.

3. Abuse of discretion: The appellate courts usually review decisions regarding procedure, evidence and credibility for abuse of the trial court’s discretion. The appellate court must recognize the superior vantage point of the trial court and should apply the reasonableness test to determine whether the trial court abused its discretion. This is an incredibly difficult standard to overcome and the trial judge’s decision should be reversed only when the decision fails to satisfy this test of reasonableness.
4. Harmless error: A litigant is entitled to a fair trial, not a perfect one. So, in addition to proving error, an appellant must prove the error was harmful. Adversely, an appellee should always remember to argue that if there is error, the error was harmless and the outcome was fair and just.

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Be sure to join us on September 28, 2022, to hear attorney George Kastrenakes speak regarding spoliation of evidence. Please join us at 5:30 at Mrachek Law, 1000 SE Monterey Commons Blvd., Suite 306, Stuart, Florida. RSVP by 09/10/22.

Be sure to RSVP early because I may have to limit the number of participants if it gets too large. It will be on a first come first serve and any late submissions can attend via Zoom. I really look forward to seeing you all!

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Mrachek Law is looking for a Discovery Paralegal with a minimum of 3 years experience in commercial litigation:

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Foreclosure Committee

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U.S. Bank v. Qadir – unclean hands

The borrowers entered into 3 loan modifications that each resulted in a higher unpaid principal balance and a deferred principal balance due to the lender. The first 2 loan modifications included a payment plan that forgave the deferred principal balance over time. After the second modification, the borrowers tendered 2 lump sums bringing the interest-bearing principal down to under \$30,000.00 and defaulted again before entering in the final third modification that did not subject the deferred principal balance to forgiveness. The borrower defaulted after the third modification and filed a foreclosure complaint. The parties did not agree on the total principal balance due – the bank alleged the total principal included the deferred principal and the borrowers alleged they only owed the interest-bearing principal. One borrower testified that they entered into the second modification because they were verbally told to not worry about the deferred principal. The trial court agreed with the borrowers, finding that the bank acted with unclean hands by changing the amount due and entered a final judgment with only the interest-bearing principal. The 1st DCA reversed and remanded, finding there is no competent, substantial evidence to support the application of unclean hands against the bank. The 1st DCA found that the borrowers never relied on any alleged misconduct to their detriment from the verbal statements about the deferred principal because they previously entered into the first modification that had substantially similar payment terms, and found the bank never engaged in condemnable conduct to bar recovery of the deferred principal balance when the borrowers defaulted after the third modification.

Passariello v. BONY – opposition to summary judgment

In this case, the borrower executed and filed an affidavit in opposition to the bank's motion for summary judgment alleging plaintiff lacks

standing because the blank indorsement on the note was made by a nationally known robo-signer and referenced another 11th Circuit case in support of this allegation. The trial court granted summary judgment and the borrower appealed alleging there was a genuine issue of material fact as to the authenticity of the note indorsement. The 3rd DCA per curiam affirmed the final judgment finding that the opposition affidavit was not derived from personal knowledge and failed to create a genuine issue of material fact to prevent the entry of summary judgment.



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**Saturday,
October 8, 2022**

Florida vs Missouri

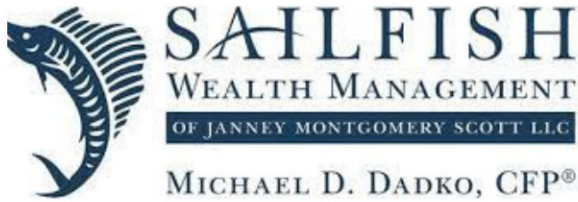


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Wills, Trusts & Estates

I hope everyone is enjoying the summer, notwithstanding this heat! Welcome back to what I am sure will be another successful and fun-filled Bar year. I am excited, and honored, to serve as this year's Chair of the Wills, Trusts and Estates Committee and look forward to seeing all of you soon. I welcome any thoughts and ideas you might have for programming, speakers and events. Please email me at Lisa@Clasenlaw.com if you would like to be included on Committee emails and to share any suggestions.

The first meeting will be on Tuesday, September 20th, at noon in the seminar room on the second floor of The Nexus Building, 850 NW Federal Highway in Stuart. **Please RSVP to Lisa@Clasenlaw.com no later than Friday, September 16th, if you plan to attend.**

In addition to a meet and greet, I thought we might take the opportunity to share some "what would you do" scenarios. I am sure you all have experiences to share, or perhaps that file that has been sitting on your desk because you are just not sure which direction to follow. Bring it along and let's talk about it! I recently found myself drawing a family tree and creating flow charts as visual aids to assist a client – and myself! You know the situation – we start with one quit claim deed, then discover two more, all do-it-yourself, of course, and all tenants in common, of course, leading to at least three separate probates, including one in another state, and I am still looking for potential heirs. If you do probate and/or real estate, you know those do-it-yourself quit claim deeds can be quite troublesome at times. Of course, drawing those family trees and flow charts and figuring out the puzzle can be fun (yes really!),

but explaining to a client how much money this is now going to cost is not fun at all!

Please plan to attend the meeting and bring your questions and experiences to share. We can help each other through the difficult and unusual situations and make it fun, or try to, anyway! Alternatively, if you are not in the mood for fun, we can always discuss the relevant 2022 legislative changes. We will probably spend a little time on those changes anyway. Hope to see you soon.



Melissa Classen
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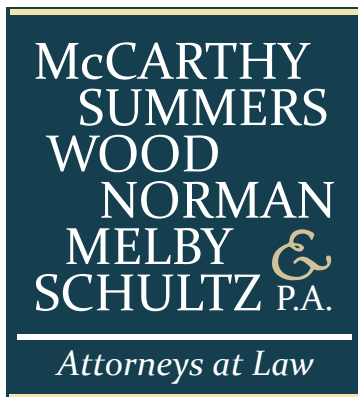
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Elder Law

Chair: Portia Scott

Living Wills: One of Florida’s Available Advance Directives



Portia Scott
Chair

Florida’s Living Will Statute is found under Title XLIV - Civil Rights. This implies very, very strongly that having a Living Will is a Civil Right. Does this mean a convicted felon loses the right to a Living Will under F. S. 944.292? But, before considering that, What Is A Living Will (“LW”) anyway?

Briefly, an LW is a declaration by a person (reasonably, though not particularly imaginatively, called “the declarant”) indicating ahead of time what his wishes would be under certain specifically stated situations in the event the declarant is unable to express those wishes when the time comes. The LW creates a rebuttable presumption (to the clear and convincing standard) of the declarant’s wishes and direction. (Okay, maybe that wasn’t so brief.)

What conditions? End-of-life conditions are generally, though not exclusively, the ones we are talking about here. So, if the patient has a terminal condition, an end-stage condition, is in a “persistent vegetative state” or if recovery is unlikely, first a determination to that effect is made by the patient’s primary doctor and another doctor.

Example: The declarant is non-communicative and dying of cancer, all treatment options have been exhausted. Death seems close, possibly in the next few days or even hours. The doctors examine the patient and come to the same

conclusion: death is near. This is a determination of a condition which can trigger the use of the LW.

Now, on top of the poor patient being at death’s door, he develops appendicitis and they need to come out, immediately.

Knowing there is an LW, before the surgery commences which will not save the patient’s life from the cancer killing him, the doctors look to the LW for guidance. In it, the doctors see a clear, unambiguous statement contemplating this scenario. The declarant thought about it and opted to skip the appendectomy and just asked for pain relief.

Likewise, other unpleasant circumstances can arise and be dealt with as well. Further, the patient, through the LW, may opt to have a feeding tube removed and other changes from ongoing care, once the determination has been made.

The beauty of an LW is that our declarant has the opportunity to consider his or her wishes before the emergency exists and, additionally, provides his or her loved ones with a roadmap as to what the declarant would want, if able to speak. The LW represents the cool-headed decisions of the declarant.

An LW is a useful tool and one of the regular documents created for those of us contemplating our own path toward the inevitable. They are especially helpful if the declarant has not appointed a Health Care Surrogate or Proxy - but that is another article.

Don’t Delay! Submit your George W. Bush Jr., Professionalism Award Nominations today!

Do you know a Martin County Attorney that demonstrates or promotes outstanding professionalism? Do they show exemplary ethical conduct, character and integrity? Do they have respect for the legal system and all of its participants? Are they committed to maintaining the highest levels of professionalism, competence, courtesy and civility? If so, submit your nomination to martincountybarassociation@msn.com,

If you nominated someone before, you can nominate them again.

Deadline for submissions is September 15, 2022.

Bankruptcy

Chair: Thomas Zeichman

Bankruptcy Alternative: An Assignment for the Benefit of Creditors

Frequently, business owners want to know “are there options other than bankruptcy to address financial issues?” There are. Among those options is an Assignment for the Benefit of Creditors which is often referred to as an “ABC.”

Although they sound new, ABCs have been around for decades. In certain cases, an ABC is a faster and more efficient alternative to bankruptcy.

ABCs have flexibility which allow an owner to potentially: (i) “walk away” by handing over control; (ii) keep employees employed as part of a going concern operation which is sold to a new company; and (iii) address issues with creditors through a distribution from the liquidated proceeds.

Florida Statute Ch. 727 provides the framework for an Assignment for the Benefit of Creditors. Below is a brief overview of the ABC process.

ABC: Parties

In an ABC there are certain key participants:

- The Assignor – the company to be liquidated.
- The Assignee – the fiduciary selected to liquidate the assets of the Assignor for distribution to creditors.
- Purchasers – Individuals or businesses who wish to purchase assets or the going concern company.
- Creditors – Individuals, businesses, or government entities owed a debt by the Assignor.

ABC: Starting the Process

An ABC starts when the Assignor selects an Assignee. This is one of the primary benefits of the ABC as the Assignor is able to identify, interview, and select an Assignee who has the qualifications to best operate the particular business and maximize its value. This selection impacts, among other things, retention of employees and the payment of obligations for which the business owner may have a personal guarantee.

After the Assignee is selected, the next step is to execute the statutory assignment documents, record the assignment documents, and file a petition with the Court to commence the ABC proceeding.

ABC: Asset Sales and Distributions

The Assignee’s primary responsibility is to identify assets and to liquidate them. Generally, the Assignee may sell either part or all of business. Examples of assets the Assignee may sell include, among other things:

- Real Estate
- Vehicles
- Intellectual Property
- Accounts receivable

Purchasers of these assets can request a Court Order that the sale is “free and clear” of all liens and other encumbrances which may mitigate successor liability and other concerns.

Once the assets are sold, the Assignee distributes the proceeds pursuant to the priority scheme in Fla. Stat. 727.114.

An ABC proceeding concludes with the Assignee’s final report and request to be discharge from the role.

Want to learn out more about bankruptcy and alternatives? Reach out to Thomas Zeichman, Chair at tzeichman@bmulaw.com or 561-549-9036



Thomas Zeichman
Chair

Announcing our 2022 – 2023 MCBA Committee Chairs!

The MCBA Executive Board would like to recognize those members who give countless hours as Chairs or Co-Chairs of our Committees. The following have generously offered their time to Chair a committee for 2022 – 2023.

Anyone interest in joining one or more of these committees, please contact the Chair or Co-Chair.

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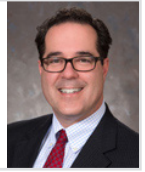
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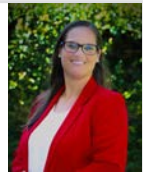
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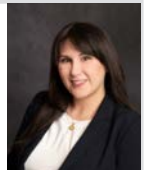
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5K Run/Walk

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**A heartfelt thank you to all past and present committee Chairs and Co-Chairs
for your service to the MCBA.**

Your contributions are very much appreciated.

Real Estate and Commercial Litigation Update

Florida Real Property and Business Litigation Report

Manuel Farach

Perlman v. PNC Bank, N.A., Case No. 21-10432 (11th Cir. 2022).

A receiver appointed under Florida Statute Section 501.207(3) of the Florida Deceptive and Unfair Trade Practices Act must still comply with *Isaiah v. JPMorgan Chase Bank*, 960 F.3d 1296, 1308 (11th Cir. 2020), and establish that it had “at least one innocent officer or director” in order to have standing as an “honest corporation.”

Rubinstein v. Yehuda, Case No. 20-11189 (11th Cir. 2022).

A R.I.C.O. claim arising from the sale of a hotel without paying investors contains enough substance that it is not “obviously without merit” and can thus be the basis for supplemental federal jurisdiction under 28 U.S.C. § 1367 even if the R.I.C.O. claim is dismissed.

Lamirand v. Fay Servicing, LLC, No. 20-14286 (11th Cir. 2022).

A periodic mortgage statement of money owed sent as required by the Truth in Lending Act can also double as a demand for payment under the Fair Debt Collection Practices Act (“F.D.C.P.A.”) and must, accordingly, be truthful and correct to avoid liability under the F.D.C.P.A.

Huggins v. Lueder, Larkin & Hunter, LLC, Case Nos. 20-12957, 12959, 12961, 14320, 14318, & 14319 (11th Cir. 2022). Rule 11 sanctions motions can be filed after final judgment.

Auriga Polymers Inc. v. PMCM2, LLC, Case No. 20-14647 (11th Cir. 2022).

Amounts paid post-petition that qualify as an administrative expense claim under Bankruptcy Code § 503(b)(9) (paid within twenty days of bankruptcy petition) also count toward a “new value” defense under Code § 547(c)(4).

Royal Palm Properties, LLC v. Pink Palm Properties, LLC, Case No. 21-10872 (11th Cir. 2022).

A finding that neither party was a prevailing party for purposes of Federal Rule of Civil Procedure 54 is permissible in some cases.

In Re: Amendments To Florida Rules of Civil Procedure, Florida Rules of General Practice and Judicial Administration, Florida Rules of Criminal Procedure, Florida Probate Rules, Florida Rules of Traffic Court, Florida Small Claims Rules, and Florida Rules of Appellate Procedure, Case No. SC21-990 (Fla. 2022).

Florida Rules of Practice are amended to further permit the use of communications technology during court proceedings, include jury trials.

Whitten v. Clarke, Case No. 20-14352 (11th Cir. 2022).

A party that files a derivative suit under Delaware corporate law must either make a demand on the board of directors to rectify the alleged wrongs or show why demand is excused, and if so, must adequately plead why demand is excused.

Rockwell at Amelia Passage, LLC v. Williams, Case No. 1D21-2663 (Fla. 1st DCA 2022).

A force majeure clause does not extend the deadline for closing a real estate sale contract when the purported force majeure event (the pandemic) did not cause the Buyer’s failure to acquire permit approvals and the parties did not accommodate for the known pandemic in their last contract extension.

Ivy Chase Apartment Property, LLC v. Ivy Chase Apartments, Ltd., Case No. 2D21-436 (Fla. 2d DCA 2022).

Witness testimony alone without submitting the underlying business records is insufficient to constitute competent, substantial evidence unless the witness has personal knowledge of the information contained in the business records.

Joseph Spine, P.A. v. Andrew Moulton, M.D., Case No. 2D21-781 (Fla. 2d DCA 2022).

A party seeking an injunction under Florida Statute section 542.335 is



Continued On Next Page . . .

entitled to a presumption of irreparable injury and evidence that the affected party did not suffer a decline in revenue is insufficient to prove lack of irreparable injury.

814 Property Holdings, LLC v. New Birth Baptist Church Cathedral of Faith International, Inc., Case No. 3D20-0233 (Fla. 3d DCA 2022).

A right of first offer for purchase of real property which dictates the price and is unlimited in duration constitutes an impermissible restraint on alienation and is void.

FlexFunds Holdings, LLC v. Rivero, Case No. 3D21-1315 (Fla. 3d DCA 2022).

A lawyer cannot defend both the company and its owners or board of directors in a suit where the opposing party has filed derivative claims alleging improper actions by the owners or board.

William Hamilton Arthur Architect, Inc. v. Schneider, Case No. 3D22-834 (Fla. 3d DCA 2022).

A trial court cannot order disclosure of attorney-client communications or broad discovery of electronic media of a party despite threatening communications by the party.

Nationstar Mortgage LLC v. DeSouza, Case No. 1D21-2288 (Fla. 1st DCA 2022).

A party who does not comply with the requirement to timely intervene in an action after publication of a lis pendens is not a proper party to a foreclosure, even if the party has an unrecorded deed that predated the foreclosure.

814 Property Holdings, LLC v. New Birth Baptist Church Cathedral of Faith International, Inc., Case No. 3D20-0233 (Fla. 3d DCA 2022).

The Third District sua sponte clarifies its prior opinion and holds that an option contract in a condominium declaration is a restraint on alienation and as such must be measured in terms of duration, type of alienation precluded, or the size of the class precluded from taking; an option contract which both a fixed price and an indefinite duration on the purchase option is unenforceable.

Bass Venture Corporation v. Devom, LLC, Case No. 2D20-2725 (Fla. 2d DCA 2022).

An award of lost profits requires evidence that expenses were applied to gross revenues.

Joy v. Oaks Club Corporation, Case No. 2D21-1159 (Fla. 2d DCA 2022).

A recorded declaration is a community association's "constitution," and its terms and requirements cannot be revised by changing the community's by-laws.

Hudson Capital Properties IV, LLC v. Iecho, Case No. 2D21-4021 (Fla. 2d DCA 2022).

Florida Statute section 48.193(1)(a)(4) applies to insurers who are defendants and does not provide a basis for long-arm jurisdiction of an out of state entity that procured insurance for a Florida property in which it has an interest.

Corredor v. Nichols, Case No. 3D21-1296 (Fla. 3d DCA 2022).

An award of fees and costs incurred by a receiver's experts must be made in the name of the receiver and may not be made in the name of the non-party expert.

Maroone Chevrolet, LLC v. Alvarado, Case No. 4D21-485 (Fla. 4th DCA 2022).

Florida's Unfair and Deceptive Practices Act awards only actual - not consequential - damages and accordingly diminution in value is awardable but deposits, loan, and warranty payments are not awardable.

Beacon Park Phase II Homeowners Association, Inc. v. Eagle Vista Equities, LLC, Case No. 5D22-1077 (Fla. 5th DCA 2022).

There is no blanket-attorney client protection for billing records and opposing counsel's records are relevant to the issue of reasonableness of time expended in a claim for attorney's fees, and their discovery falls within the discretion of the trial court when the fees are contested.

Fiberoptics Technology, Inc. v. Sunoptic Technologies, LLC, Case No. 1D21-3820 (Fla. 1st DCA 2022).

A trial court faced with an objection to production based on trade secrets must conduct a hearing and issue findings whether the information requested includes trade secrets, and if so, whether the party seeking production can show a reasonable necessity for the information, and furthermore must determine what safeguards should be put in place to protect the information.

*We would like to recognize the following firms for reaching 100% Club
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Martin County Women Lawyers Association

Abby Spears: MCWLA President 2022 - 23



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.

MCWLA HELPS BRING LACTATION ROOM TO OKEECHOBEE COUNTY JUDICIAL CENTER

The Martin County Women Lawyer’s Association, along with the St. Lucie County Chapter of FAWL, helped organize and bring to fruition a lactation room in the Okeechobee County Judicial Center. The ribbon cutting took place on July 6, 2022. Special thanks to Clerk of Court Jerry Bryant and Justin Nelson and Kenny Murphy from Okeechobee County Facilities for their help to make this happen.



MCWLA President Abby Spears and Okeechobee County Clerk of Court Jerry Bryant cut the ribbon to the new lactation room located on the third floor of the Okeechobee County Judicial Center on July 6, 2022. Lactation rooms are also located in the St. Lucie County and Martin County Courthouses.

Please join us for the return of the **ANNUAL JUDICIAL RECEPTION** on September 29, 2022, from 5:30 - 7 p.m. Sarah Baker at First Citizens Bank will be hosting the reception at the Stuart branch located at 2171 SE Federal Hwy, Stuart. RSVP to fawlmartin@gmail.com

BECOME A MEMBER OF MCWLA TODAY! To join or renew your membership, visit www.fawl.org. Contact our Membership Director, Davina Tala, at dt@talalegal.com with any membership questions.

CONNECT WITH US ON FACEBOOK: @MartinCountyWomenLawyersAssociation
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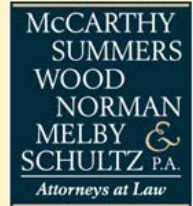
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Legal Resources / CLE

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:

- **19th Circuit Voluntary Bar Coalition Town Hall** - Valid through 9/30/2022. **Credits:** 1.0 General.
- **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.
- **2021 Survey of Florida Law(2 copies)** - Valid through 12/31/2022. **Credits:** 14.5 General; 3.5 Ethics; 0.5 Bias Elimination; 1.5 Professionalism; 3.0 Technology. **Certification Credits:** 5 Appellate Practice; 2.5 Business Litigation; 2.0 City, County and Local Government; 3.5 Civil Trial; 1.0 Condominium and Planned Development Law; 2.5 Criminal Appellate; 2.5 Criminal Law; 2.0 Elder Law; 1.0 Health Law; 1.0 Intellectual Property; 2.5 Juvenile Law; 1.0 Labor & Employment Law; 3.0 marital & Family Law; 2.0 Real Estate Law; 2.0 State & Federal Gov't & Administrative Practice; 1.0 Tax Law; 2.0 Wills, Trusts & Estates.
- **MCBA Monthly Meeting** – November 19, 2021. Valid through 5/31/2023. Speaker: Judge Robert J. Luck, U.S. Court of Appeals, 11th Judicial Circuit. Topic: Martin County's Legal Impact on State and Federal Law – Part 2. **Credits:** 0.5 General. Includes speaker notes.
- **MCBA Monthly Meeting** – December 17, 2021. Valid through 6/30/2023. Speaker: Edwin Bell, Director of Racial Justice, Equity & Inclusion National Center for State Courts. Topic: Blueprint for Racial Equality. **Credits:** 1.0 General; 1.0 Bias Elimination.
- **MCBA Monthly Meeting** – January 21, 2022. Valid through 7/31/2023. Speaker: Ambassador Tatiana Gfoeller-Volkoff; Topic: Afghan Women: Where are They Now? **Credits:** 1.0 General;
- **MCBA Monthly Meeting** – February 25, 2022. Valid through 2/28/2023; Speaker: Michael Tanner, Esq. Florida Bar President. **Credits:** 1.0 General; 1.0 Professionalism.



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"

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

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.

Visit the MCBA website at www.martincountybar.org for upcoming events, committee meetings and more!

FIND US ONLINE



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Provide MCBA's Affinity code (AG345)



August 2022 Monthly Luncheon

It was great to see everyone again after the summer break. There were several new members who joined us and we welcome them to the MCBA!

Thank you to our speakers, Joanna Greene and Michelle Miller of Martin County Human Services Department provided an overview of the resources and services available to Martin County residents. Looking forward to seeing everyone again on September 16, 2022.



STANDING COMMITTEE ON PROFESSIONALISM TO PLAY A KEY ROLE IN NEW MENTORING AND PROFESSIONALISM INITIATIVES

Jul 01, 2022 By Jim Ash Senior Editor

The following article appeared in the July 1, 2022 Florida Bar News



The Standing Committee on Professionalism is expected to play a key role in implementing a special committee's comprehensive proposal for enhancing professionalism.

A day before his term expired, President Mike Tanner told the committee at a June 23 meeting in Orlando that the Bar recently

forwarded the proposal to the Supreme Court.

"I'm hopeful that they will adopt all of it, and if they do, this will be the group that we anticipate will be implementing all of that," Tanner said. "It's pretty exciting, we can really move the needle."

Accompanied by incoming President Gary Lesser, Tanner called the Special Committee for the Review of Professionalism in Florida proposal, "very thorough."

He formed the 20-member panel last year and directed it to conduct a "top-to-bottom review" and recommend ways to enhance the definition, education, and enforcement of professionalism.

Lesser and Elizabeth Hunter, immediate past chair of the Standing Committee on Professionalism, served as co-chairs.

The recommendations include a proposed Supreme Court administrative order that would establish a revised and updated "Code for Resolving Professionalism Referrals."

Lesser told the committee that the proposed administrative order includes more uniform procedures for local professionalism panels.

"A lot of hard work went into that," he said.

The proposal would also increase to 3 hours the number of professionalism CLE credits lawyers must earn every three-year reporting cycle.

If approved, a Florida Bar member's overall continuing legal education credit requirement for a three-year cycle would increase from 33 hours to 35 hours.

Special committee leaders concluded that even with the increase, Florida would still fall below the annual CLE requirement for many other states.

Regardless, Tanner anticipates opposition.

"We recommended three hours of professionalism, which we anticipate some of our members will push back on, and if they do, we're going to push back pretty hard," he said.

Education is key component, Tanner said.

"We wanted to make sure that a Florida Bar-produced professionalism program is mandatory," Tanner said. "We're going to be looking to you folks for that."

Stuart attorney Jason Berger, the new Standing Committee on Professionalism chair, assured Tanner that his team will be ready.

"Before you came in, we have been game planning, and strategizing, and energizing to assist this year, so this whole committee is ready to go," he said.

The Standing Committee on Professionalism will also play a key role in a new mentoring initiative that Lesser has identified as a top priority.

Last month, the Board of Governors voted unanimously to approve Lesser's request to form a "Special Committee on Mentoring New Lawyers."

Focusing on attorneys with three or less years of experience and who work in firms with three or fewer attorneys, the special committee will be co-chaired by two former YLD presidents.

Berger will also be serving on the special mentoring committee.

The mentoring initiative is a logical next step to Tanner's focus on professionalism, Berger said.

"They run hand-in-hand, absolutely," he said. "I'm not sure where we're headed, but I know we're going to move the needle forward."

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 [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>September 2022</h1>						
SAVE THE DATES:						
Visit www.martincountybar.org for 2022 – 23 Calendar, meeting & RSVP details, holidays & courthouse closings						
4	5 Labor Day Courthouse Closed	6 Constitution Week Volunteer lunch Noon @ MC Courthouse	7	8	9 RSVP DEADLINE FOR 9/16 LUNCH	10
11 Patriot Day	12	13 MCBA Officers' Meeting	14	15 Professionalism Award Nominations Deadline	16 MCBA Luncheon @ Monarch CC (11:30am) Constitution Week	17
18	19 Constitution Week	20 Wills, Trusts & Estates Committee Meeting 12 pm @ Nexus Bldg. Constitution Week	21	22 Autumn Begins Constitution Week	23	24
25 Rosh Hashanah Begins	26 Rosh Hashanah Courthouse Closed	27	28 Paralegal Committee Mtg. 5:30 p.m. Mrachek Law Constitution Week	29 MCWLA Judicial Reception 5:30 pm @ First Citizens Bank	30	



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

Please join us for MCBA's CLE Monthly Meeting, Friday, September 16, 2022

- When:** Friday, September 16, 2022
11:30 a.m. networking; 12:00 p.m. lunch
Please Arrive By 11:45 a.m.
- Where:** Monarch Country Club
1801 SW Monarch Club Drive, Palm City
- Menu:** Carrot Ginger Soup, Chicken Lettuce Wraps as a Salad: Boston Bibb Lettuce, Cabbage Slaw Mix, Chicken Tenders tossed in Asian Sauce with Peanuts, Cilantro, Scallions, Pickled Onions and Grilled Watermelon. Rolls with Butter, Carrot Cake.
- Speaker:** Hon. Carolyn Timmann, Martin County Clerk of the Circuit Court and Comptroller and President of Florida Court Clerks and Comptrollers
- CLE:** 1.0 General CLE Credit; 1.0 Technology Credit

RSVP to: martincountybarassociation@msn.com
No later than Friday, September 9, 2022

PLEASE BE SURE TO RSVP TO EXPEDITE ACCESS AT THE GATE

There is no charge for paid MCBA members. Guests are welcome;
a \$35 guest fee may be paid at the luncheon (cash or check only).