



**TALLAHASSEE
BAR ASSOCIATION**

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TALLAHASSEE BAR BULLETIN

FALL 2022

INDEX

President’s Message3

November Election Results4-5

Hurricane Ian and Legislative Special Session6-7

U.S. Marine Veteran’s Citizenship Denial Highlights Nation’s
Unfair Immigration Flaws8-9

TBA & YLS 2023 Board of Directors & Officers10

Member Spotlight12

Member News13-14

Young Lawyers Section15

Event Recaps16-17

Upcoming Events18

2023 Sponsor Info and Membership Renewal20



PRESIDENT'S MESSAGE

As cooler weather seems to finally be here, I am happy to report that the Tallahassee Bar Association has a new set of By-laws. The new By-laws (which can be viewed on the TBA website once you log in as a member) will serve us well for years to come. We have updated and streamlined our voting procedures, giving us the ability to use online voting more efficiently and effectively. We moved up the timeline for the annual officers and directors election to the fall (as opposed to the spring) so the new leadership will take office on January 1, to coincide with our fiscal year. This change is significant in that it allows for more advance planning of the following year's events, as the incoming TBA board will have greater input into budget forecasting.

And we have included the TBA diversity statement into the By-laws, thereby weaving our commitment to inclusion and opportunity into the very fiber of our association's governing document.

We recently elected our new officers and directors—congratulations to all, and thank you in advance for your commitment and service to our Bar. If you have felt the urge to be more involved with TBA, I encourage you to do so by volunteering to serve on a committee, help to plan an event, or to help us secure sponsorships. Even just committing to coming to as many events as you can is a great way to ensure TBA's continued success.

It's already looking like TBA will have a great 2023, but I hope that you will tell your TBA officers and directors what it is that you want or need from the Tallahassee Bar. Times have changed in the Bar's 100-year history. The practice of law is different. The membership is more diverse and has different interests, concerns, and needs. *Life is different!* We need to know what you expect from programming, messaging, communication, content, events, as well as what works for your schedule—some members find it

easier to attend luncheons, while others prefer events after work is done for the day. Please take time to think about this, and reach out to me, President-Elect Erin Tilton, or our Executive Director Christen Perry, with your thoughts.

As this is my last message to you as TBA President, let me thank you for the honor it has been to serve in this great organization. Over the years, the TBA has introduced me to so many new and wonderful friends and colleagues who have been so supportive and encouraging. I hope to stay involved and available to assist in whatever is needed for the good of the order.

Thank you again for the opportunity to serve, and for being so encouraging and supportive of me. I am looking forward to seeing you at TBA meetings and events in 2023. Good luck to our incoming TBA leadership—you all will be great! And to all of our members, I wish you the very best of health and success!

Joe Bodiford
TBA President



Joe Bodiford is the 2022 Tallahassee Bar President. Joe is a Florida Bar and National Board of Trial Advocacy Certified Criminal Trial Lawyer. He is an adjunct professor of Trial Advocacy at Stetson Law, and the author of books on cross examination and Florida criminal law.

“TALLAHASSEE BAR ASSOCIATION MEMBERS WORK TOGETHER TO ENHANCE THE LEGAL PROFESSION, PROMOTE FELLOWSHIP AMONG THEIR COLLEAGUES AND SERVE THE COMMUNITY.”

2022 LEON COUNTY GENERAL ELECTION

RESULTS

UNITED STATES SENATOR

Marco Rubio (REP) - 57.69%

Val Demings (DEM) - 41.26%

Dennis Misigoy (LPF)

Steven B. Grant (NPA)

Tuan TQ Nguyen (NPA)

REPRESENTATIVE IN CONGRESS, DISTRICT 2

Neal Dunn (REP) - 59.82%

Al Lawson (DEM) - 40.18%

GOVERNOR AND LIEUTENANT GOVERNOR

Ron DeSantis

Jeanette Nuñez (REP) - 59.38%

Charlie Crist

Karla Hernandez (DEM) - 39.96%

Hector Roos

Jerry "Tub" Rorabaugh (LPF)

Carmen Jackie Gimenez

Kyle "KC" Gibson (NPA)

ATTORNEY GENERAL

Ashley Moody (REP) - 60.6%

Aramis Ayala (DEM) - 39.96%

CHIEF FINANCIAL OFFICER

Jimmy Patronis (REP) - 59.49%

Adam Hattersley (DEM) - 40.51%

COMMISSIONER OF AGRICULTURE

Wilton Simpson (REP) - 59.31%

Naomi Esther Blemur (DEM) - 40.69%

STATE SENATOR, DISTRICT 3

Corey Simon (REP) - 53%

Loranne Ausley (DEM) - 47%

STATE REPRESENTATIVE, DISTRICT 8

Curt Bender (REP) - 28.43%

Gallop P. Franklin (DEM) - 71.57%

JUSTICE OF THE SUPREME COURT RETENTION

Justice Charles T. Canady - 63.97%

Justice John D. Couriel - 63.67%

Justice Jamie Grosshans - 63.84%

Justice Jorge Labarga - 62.35%

Justice Ricky Polston - 63.03%

DISTRICT COURT OF APPEALS RETENTION

Judge Ross L. Bilbrey - 64.87%

Judge Susan Kelsey - 66.06%

Judge Bobby Long - 64.58%

Judge Lori S. Rowe - 64.39%

Judge Bo Winokur - 62.86%

BOARD OF COUNTY COMMISSIONERS, AT LARGE, GROUP 2

Josh Johnson - 46.71%

Nick Maddox - 53.29%

BOARD OF COUNTY COMMISSIONERS, DISTRICT 2

Christian Caban - 53.85%

Hannah Crow - 46.15%

BOARD OF COUNTY COMMISSIONERS, DISTRICT 5

Paula DeBoles-Johnson - 45.30%

David T. O'Keefe - 54.70%

MAYOR

John Dailey - 53.07%

Kristin Dozier - 46.93%

Statewide results from floridaelectionwatch.gov, as of 10am, Wednesday, November 9, 2022, with 100% of Leon County precincts reporting and completed, vote-by-mail ballots completed, and early voting ballots completed, but still waiting on provisional ballots and 10-day overseas ballots. City and County results from the Leon County Supervisor of Elections (<https://enr.electionsfl.org/LEO/Summary/3264/>), as of 10am, Wednesday, November 9, 2022.

CONSTITUTIONAL AMENDMENTS

No. 1: Limitation on the Assessment of Real Property Used for Residential Purposes 57.26% yes; **42.74% No**

No. 2: Abolishing the Constitution Revision Commission 53.87% yes; **46.13% No**

No. 3: Additional Homestead Property Tax Exemption for Specified Critical Public Services Workforce 58.67% yes; **41.33% No**

Constitutional amendments require 60% to pass.

FOR DETAILED RESULTS AND ADDITIONAL RACES, SEE THE FLORIDA DEPARTMENT OF STATE'S ELECTION WATCH WEBSITE

floridaelectionwatch.gov

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HURRICANE IAN & LEGISLATIVE SPECIAL SESSION

By Marco T. Paredes, Jr, Esq.



Again with the Special Session?

Looks like legislators from around the state will get a taste of the North Florida fall weather because Governor DeSantis plans to call the Legislature back into special session. As of the time of this article being written, no

specific dates were given, but the Governor said it would likely be after the November elections but before the end of the year. My money is on early December.

With Hurricane Ian causing billions of dollars in damage when it hit our state, it should be no surprise that the state's property insurance market will be the focus. The Governor was not forthcoming with what policy proposals he would like considered, but the incoming House Speaker Paul Renner and Senate President Kathleen Passidomo are both on board with coming back to Tallahassee to address issues stemming from Hurricane Ian's aftermath.

This would be the second special session dealing with property insurance this year. Florida has seen property insurance companies either collapse or scale back their coverage options while Citizens Insurance, which was designed to be the state insurer of last resort, has had massive growth in the number of policies, with more than one million policyholders. Over 500,000 claims worth an estimated \$6.45 billion have already been filed due to Hurricane Ian, and that number is expected to continue to grow. The continued crisis with property insurance could have state-wide ramifications beyond the insurance market, in areas such as growth management, real estate, and affordable housing.

Hurricane Ian Recovery Efforts

As the State of Florida continues its post-storm recovery efforts from Hurricane Ian, the Department of Emergency Management has set up a website, FloridaStormRelief.com,

to serve as a one-stop-shop to help navigate all available assistance. The website includes a checklist for recovery, resources for businesses, and ways to help Floridians impacted by Hurricane Ian.

Other relief efforts provided by state and federal authorities include:

- An initial award of \$2.5 million to businesses through the Florida Small Business Emergency Bridge Loan Program. This Program was activated by Governor DeSantis following Hurricane Ian to provide short-term, zero interest loans to small businesses that experienced financial impacts or physical damage due to Hurricane Ian. The Program is intended to bridge the gap between the time a disaster impacts a business and when a business can secure long-term recovery funding. Loans are available up to \$50,000 per eligible applicant and are short-term, personal loans. Interested applicants can apply now through December 2, 2022, or until all available funds are expended.
- The Department of Revenue issued Order of Emergency Waiver/Deviation #22-003 (Sales and Use Tax and Related Taxes), extending certain filing due dates for Florida businesses located in specific counties impacted by Hurricane Ian. The order extends the September 2022 and October 2022 reporting periods for sales and use tax, reemployment tax, and several other tax types to November.
- The IRS has extended numerous deadlines for taxpayers impacted by Hurricane Ian. Individuals or businesses who had a valid extension to file their 2021 return due to run out on October 17, 2022, will now have until February 15, 2023, to file their returns. This relief also applies to Form 5500. In addition, the deadlines for quarterly estimated tax payments, normally due on January 17, 2023, and the quarterly payroll and excise tax returns normally due on October

31, 2022, and January 31, 2023, are now due on February 15, 2023. This relief applies to businesses and individuals located in Florida and South Carolina. The relief also applies to businesses and individuals whose records necessary to meet the above deadlines are located in Florida.

- The State of Florida continues to operate under a declared state of emergency (Executive Order 22-218 and 22-219). A declaration of a state of emergency issued by the Governor for a natural emergency tolls expiration times for developers and other permit holders, development orders, permits, and certain other authorizations for the time the declaration is in effect plus six months under section 252.363(1)(a), Florida Statutes.

Marco T. Paredes, Jr. is a Shareholder and Director of Government Affairs with Stearns Weaver Miller where he formulates and executes legislative and executive branch strategies to achieve his client's desired policy goals.



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U.S. MARINE VETERAN'S CITIZENSHIP DENIAL HIGHLIGHTS NATION'S UNFAIR IMMIGRATION FLAWS

By Elizabeth Ricci



When Paul Canton came to the U.S. as a 17-year-old exchange student in 1988, he fell in love with Colorado, where he worked on ranches in the Rockies and punched cattle across the Great Divide. With a military recruiter's offers of gifts ranging from T-shirts

to rings—and even the false promise of U.S. citizenship—Paul was enticed to enlist in the Marines.

Then a naive 19-year-old, he had no reason to doubt the recruiter and, despite having overstayed his visa, he enlisted on March 29, 1991, toward the end of the Persian Gulf Conflict, known as a “Designated Period of Hostility.” His Official Military Personnel File shows he was neither a U.S. citizen nor a Lawful Permanent Resident (LPR), one of which is required to serve in our military.

Paul was sent off for active duty on Nov. 13, 1991. He went on to serve four years, including a year in Okinawa, Japan, and four years in the Reserves—earning a National Defense Service Medal, Letter of Appreciation, Service Deployment Ribbon, Good Conduct Medal, and a Rifle Marksman Badge. His last assignment was in the Marine Security Guard Battalion with the Department of State at Quantico.

Upon his military honorable discharge, Paul lived as an American—assuming he had earned his citizenship based on the hollow promise made to him years earlier. He moved to Summerville, Florida, became a farm manager, registered to vote, voted, married an American named Paula, and had children. But his slice of the American dream was about to become a living nightmare.

In 2019, Paul showed his military discharge document, as he always had, to renew his driver's license. That's when he was startled to learn he was not a U.S. citizen but had been an illegal alien for almost 30 years.

USCIS, the agency that administers immigration laws, was no help. At first, he was told to file expensive forms that did not apply to him. Then, he finally had his first interview in Orlando. An officer, who covered up his nameplate with a post-it note, refused to shake Paul's hand, and berated him, telling the former Marine: “I don't know how you got into the country, how you got into the military, and I don't know why you are still in the country.”

Although nonsensical, it is common for our military to allow non-U.S. citizens and non-Green Card holders to serve the nation in uniform. Some can file for naturalization, despite being undocumented, under a narrow exception that applies only to those who actively served during the “Designated Period of Hostilities.”

Unbeknown to Paul, however, President George H.W. Bush ended the Persian Gulf Conflict 13 days after Paul enlisted.

There was renewed hope when the Department of Homeland Security issued a Policy Alert entitled, “Clarifying Guidance on Military Service Members and Naturalization” in November 2021. It said, “LPR status is not required where the former military member was physically present in the United States at the time of enlistment.” But USCIS did not budge.

On June 2, 2022, Paul was denied citizenship on the sole basis that his active-duty service did not take place during the required time.

Paul now finds himself a man without a country—surely not an American. And his U.S. military service caused his Australian citizenship to automatically be revoked and his voting history precludes him from ever getting a Green Card through his American wife.

This tragic story highlights several flaws in U.S. institutional policies—such as allowing ineligible foreigners to serve in

our military, creating illogical piecemeal exceptions to our naturalization laws, and not properly vetting voters. Congress, however, can fix this debacle with a comprehensive reform allowing foreign-born veterans to naturalize, regardless of their dates of service. Considering there are over 500,000 foreign-born military veterans alive today, how many of them are unknowingly undocumented immigrants like Paul?

It is more than ironic that dedicated men and women who proudly wore the military uniforms of our country to protect and serve us all with dedication and valor are so sadly and wrongly mistreated. Instead of being celebrated and honored in citizenship ceremonies, they are being unceremoniously ignored and outcast.

One wonders who will step up from the federal government to properly change this dark reality.¹



Pictured: Paul Canton

Endnotes

¹ This article was originally published by *Florida Politics*, and has been republished with its permission. The original article is available on its website: floridapolitics.com/archives/534532-u-s-marine-veterans-citizenship-denial-highlights-nations-unfair-immigration-flaws/

Elizabeth Ricci is an award-winning immigration attorney dubbed “the go-to attorney for veterans” by the Philadelphia Inquirer. For over 20 years, she has represented stateless U.S. military veteran applicants in pursuit of citizenship, at no charge. She may be reached at Elizabeth.Ricci@rambana.com.

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ELIZABETH RICCI



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MUTAQEE AKBAR



Our Bulletin profile this month is on attorney Mutaqee Akbar.

Mutaqee is a Managing Partner with Akbar Thomas where his practice focuses on personal injury and criminal defense. He is a graduate of the University of Miami School of Law. He was born and raised in Tallahassee, Florida, and thought it was important to have his office located in the heart of Frenchtown. Frenchtown is one of the only historically black neighborhoods in Tallahassee that remains.

Mutaqee has been a member of the Tallahassee Bar Association's Board of Directors since 2016. He is a proud recipient of TBA's Champion of Diversity Award.

Why do you find it important to stay involved with voluntary bar associations, like TBA?

I believe it is important to stay involved with voluntary bar associations, like TBA, because these associations give attorneys the opportunity to build relationships with other attorneys. I am a strong believer that iron sharpens iron, and the more attorneys you can build relationships with and learn from, the better attorney you become. I also believe that representation and diversity is important in organizations like TBA. A lot of decisions are made about the local in these organizations, and it is important to have diverse ideas on the table when these decisions are made.

What motivates you?

I am motivated by being a role model to young people and giving a sense of pride to older people from my community. It seems like every time I am being hard on

myself, a stranger recognizes me and tells me how proud of me they are and to keep doing the work I am doing. That lets me know that even when the work I do is not always appreciated, someone recognizes it and someone appreciates it.

What do you do for fun?

All of my fun belongs to my 5-year-old son, Madu. I now have a renewed love for playgrounds, skating, and hot wheels. I also enjoy traveling and seeing new places.

If you could change one thing about the practice of law, what would it be and why?

If I could change one thing about the practice of law, it would be 4-day work weeks. If I had a bonus change, I would change the primary goal of the criminal justice system to rehabilitation instead of punishment.

MEMBER NEWS

SUBMIT YOUR TBA MEMBER NEWS

Changing firms? Made partner? Receiving an award? Celebrating a personal or professional milestone? We want to hear about it!

Send your news to TBA@TALLAHASSEEBAR.ORG



Erin Tilton

On October 10, 2022 **Stearns Weaver Miller** announced that Erin Tilton had been promoted to shareholder. Erin focuses her practice on representing private and public sector clients before local, regional, and state agencies, courts, and elected bodies on

environmental, real estate development, and land use matters. She is also president-elect of the Tallahassee Bar Association.



Jami Coleman

Coleman Law, P.A. opened its doors in Spring of 2022. Our office focuses primarily on tax, business formation and contracts, estate planning, probate, and real estate matters, specifically matters relating to heir property. Coleman Law, P.A. is proud to be a supporter of Tallahassee Bar Association, and attorney Jami Coleman is particularly proud to serve TBA and her community through TBA.



Lauren Gentry

On October 1, 2022, Lauren Gentry, Esq., was named as a partner of **KE Law Group, PLLC**. Lauren is based in the firm's Tampa office and represents special districts in the areas of public finance, public procurement, open government, ethics, rulemaking procedures, construction and development of public infrastructure, and real property transactions.



Kathy Maus

Butler, Weihmueller, Katz, Craig, LLP is pleased to announce that Kathy Maus was elected Secretary-Treasurer of the Defense Research Institute (DRI) at its Annual Meeting in Philadelphia. As a former president of the Tallahassee Bar Association, she is no stranger to hard work and dedication. We would like to extend our sincerest congratulations on such a huge milestone.

In Memoriam



Ken Hart

Kenneth R. Hart, both a lawyer and a certified public accountant, joined Ausley McMullen in 1979 and served as Chairman of the firm for decades until his passing.

Through the years, he focused his practice on commercial litigation, products liability, regulatory, and constitutional issues. Ken was among the most highly-respected lawyers in Florida as evidenced by his selection to Florida Trend Magazine's "Legal Elite Hall of Fame" in 2015; and over the years as a Best Lawyers "Lawyer of the Year" for Bet-the-Company Litigation, and Tax Litigation and Controversy. Prior to joining the firm, Ken was CPA with Price Waterhouse in Miami and served as General Counsel for both the Florida Institute of Certified Public Accountants and Leadership Florida.

Ken was a triple-Seminole, having received his B.S. (1968), M.A. (1970), J.D. (1974) degrees from Florida State University. He played football for FSU and maintained close ties to the university throughout his life, including service on its Board of Trustees for 14 years. He generously gave his time, talents, and resources to Florida's legal, business, and non-profit communities. His passing is a loss for these entities and for all who were fortunate enough to know him.



MENTORSHIP OPPORTUNITY!

FSU's Center for Academic Retention & Enhancement (CARE) emphasizes recruitment, retention, and academic excellence of students who might not otherwise have attended college—many from backgrounds traditionally underrepresented in higher education. CARE engages more than 1,600 students through a growing number of programs and initiatives. **FSU's CARE program, in partnership with the FSU College of Law and Stearns Weaver Miller, P.A., is in the process of developing a Bridge to Law School program.** Using academic preparation, mentoring, and professional development, the Bridge to Law School program will support CARE students in cultivating a law-specific network inclusive of current law school mentors, faculty, administrators, and legal professionals. The Bridge to Law School program will also provide academic, professional development, and financial resources to reduce barriers to and strengthen CARE students' completion of their law school application materials.

If you are interested in getting involved or becoming an attorney mentor, please send an email to **Kelly O'Keefe** (kokeefe@stearnsweaver.com) and **Samantha Seiglie** (sseiglie@stearnsweaver.com). We look forward to working with TBA in this endeavor, and look forward to updating TBA on the program in the coming months.



TALLAHASSEE BAR ASSOCIATION YOUNG LAWYERS SECTION NEWS



The Young Lawyers Section recently held its annual **Diversity Symposium** at the FSU Law Rotunda on October 19, 2022. This was the first time the event was held in person since the COVID-19 pandemic! FSU law students participated in “speed networking” with local attorneys and judges for the first hour. After that, attendees heard from a panel of young attorneys about the difficulties and dynamics of the age gap in the legal profession. Luxe Catering provided food and drinks for everyone to enjoy.



EVENTS FOR REMAINDER OF 2022:

December 15 | November Docket Call,
5:30pm, at Table 23



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FALL LUNCHEONS RECAP

On September 6, over 50 guests gathered at the Four Points by Sheraton for TBA's September CLE Luncheon, Fast Cars and Slow Rules: Name, Image, and Likeness post Alston. Featured speakers were FSU Athletic Director Michael Alford, local attorney and sports agent Paul Aloise, and local attorney Trish Conners. The panel was moderated by former FSU and NFL player Corey Simon.

The panel shared their perspectives on Name, Image, Likeness (NIL) and how the recent Supreme Court decision in *NCAA v. Alston* would impact the compensation of collegiate athletes.



President Joe Bodiford and Gary Lesser

On November 1, TBA held its Annual Meeting at the Four Points by Sheraton and welcomed Florida Bar President Gary Lesser. Presenting to a packed house of over 60 attendees, President Lesser outlined the priorities of the Florida Bar for his term: Professionalism, Mentorship, and Access to Justice. TBA also presented its slate of officers and directors for 2023.



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TALLAHASSEE
BAR ASSOCIATION

2022 Events

SUMMER SOCIAL RECAP

On August 25, TBA and YLS co-hosted an End of Summer Social at Deep Brewing Company. Attorneys were able to mingle and enjoy food and local beer provided by TBA and YLS.



Special thanks to sponsors Coleman Law, Jessica Yeary, Phipps Reporting, and Rutledge Ecenia, who helped make the event a huge success!



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UPCOMING TBA EVENTS

Mark your calendars!

DECEMBER 8 2022 | 6pm-8:30pm

Holiday Judicial Reception
Hotel Duval, Horizon Ballroom

JANUARY 6

Board of Directors Swearing In Ceremony

FEBRUARY 2

Past Presidents' Reception
Speaker - Justice Alan Lawson

MARCH 7 | 11:45am-1pm

CLE Luncheon at the Four Points Sheraton
Topic - TBD

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Reception*

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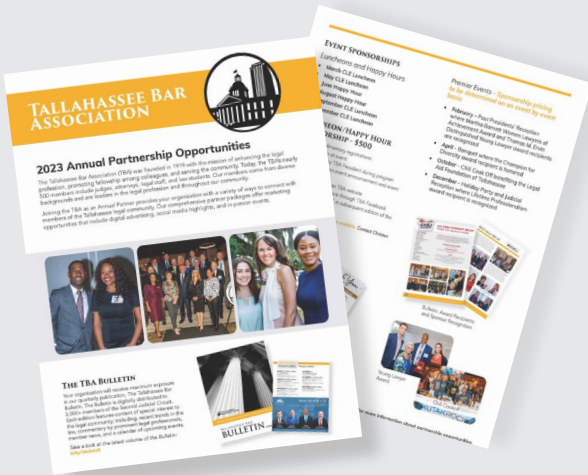


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