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BAR ASSOCIATION**

**SPRING 2021**

# **TALLAHASSEE BAR BULLETIN**

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# INDEX

President’s Message.....	3
TBA & Clerk of Court Collaboration Brings Low Bono Center to Leon County.....	5
The Future of the Lawyer Referral Service.....	8
2021 Regular Legislative Session Overview.....	10
Member Spotlight: Jessica Yeary, Second Judicial Circuit Public Defender.....	14
TBA Board of Directors & Officers.....	17

# President's Message

The Tallahassee Bar Association is BACK! We have all endured an extremely challenging year. On behalf of the TBA, we want to thank every one of our members, thank the Judges, thank the sponsors, and thank our friends, for your unwavering support despite these challenging times. As I write this, the Florida Courts are re-opening, springtime is upon us, and we look forward to in-person proceedings!

In our 102nd year, the TBA was founded upon three guiding principles: *ethics*, *integrity* in everything that we do or say, and *leadership* in our community. If I were to choose one word to describe TBA lawyers, it would be Leadership. We have always provided legal services to our clients, to those in need, and those unable to afford legal representation. This is a vital function and an important part of who we are as an organization. We have also served on Boards, Commissions, Government service, and many leadership roles. TBA lawyers care. And TBA lawyers LEAD.

Lawyers are the original American “change agent.” The American lawyer has been at the forefront of every significant social, political, legal, and moral change in the history of our country. The American lawyer has fought for, been a part of, and achieved, change. Tallahassee lawyers and judges – especially TBA members - have always been change agents – at the forefront of progress in our community. In fact, we are often-times at the front because we choose to be - and we are located in the state capitol of what is now the third largest state in the United States. Florida government, two state universities and a leading community college, and home to trial and appellate courts in which we bring about change in our community.

The American judicial system – our court system – and our nation of laws is centered upon - equal justice. Everyone who enters our American court system and certainly our Second Judicial Circuit court system, is to be treated fairly and equally. We are the only co-equal branch of government that is founded upon and based upon, truth and equal justice. Sometimes we get it wrong. We are not perfect. But every lawyer strives to get it right. Every day. I am proud to be an American lawyer.

As President, I announce that the TBA renews its commitment to be a vital part of our Tallahassee community. We will speak out and let our community know who we are, and that we will fulfill our missions and values.

Our three primary missions this year - (1) outreach to our community, to include a speaker's bureau, for our legal community as well as our Tallahassee neighbors, (2) legal services in our community - continued and enhanced dedication to helping those in need, and (3) cohesive and informative TBA membership meetings and activities that are community-oriented, with speakers and panels that will not only inform but allow us to engage. This is a year in the life of the TBA that you will not want to miss. Stay tuned for updates and be a part of it!

I am especially proud of our hard working TBA Board of Directors and our YLS Board of Directors. Your Boards are younger and more diverse than we have ever been. We are enhancing and improving all of our TBA communication tools, including the TBA website, the TBA News, an expanded TBA Bulletin, our Facebook page, and more.

The public needs to know and understand what we do, and the public wants to have their faith restored in a fair legal system.

Today, the Tallahassee Bar recommits to the Tallahassee community. We count on all of you to join us! We will speak out. We will tell our story and live our mission. Each of us together are the Tallahassee Bar Association, and we are proud to be part of it.

Thank you,

*Lo Bielby*

President



Lo Bielby is the 2021-2022 President of the Tallahassee Bar Association. Lo is a Principal Shareholder with international law firm Greenberg Traurig, LLP. Lo is a business trial lawyer, focused on complex commercial and governmental litigation, regulatory administrative matters, patent/trademark disputes, franchising, Florida constitutional issues, and cannabis regulatory licensure.

# TBA and Clerk of Court Collaboration Brings Low Bono Center to Leon County

*Submitted by Christen Perry, Executive Director, Tallahassee Bar Association*

Monday, April 19th marked the official launch of the Honorable Nikki A. Clark Low Bono Center. Named in honor of the former Leon County Circuit Judge and Florida 1st District Court of Appeals Judge Nikki A. Clark, the Low Bono Center was created to provide customers with limited legal guidance and low-cost attorney consultations in family law, residential landlord/tenant, and small claims actions under \$8,000. The program, developed by the Leon County Clerk of Court's Office, is modeled after similar programs in Orange and Pinellas counties.

"The Leon County Clerk's office interacts with citizens every day who don't necessarily need an attorney, but are in desperate need of assistance in filling out forms and understanding the basic process they are about to encounter," says Greg Noonan, Immediate Past President of the TBA. "When the Clerk of Courts, Gwen Mar-

shall Knight, approached the TBA Board last year about developing a Low Bono Center, we saw an opportunity to partner with the Clerk's office to help fill a substantial void in our local legal system and have a direct impact on the citizens of Leon County."

It's been nearly a year since Clerk Marshall Knight first reached out to the TBA Board of Directors to propose the collaboration. In the midst of a worldwide pandemic that forced the shutdown of the Courthouse and many law offices around town, the Low Bono Center committee met via Zoom to work out the details of the partnership and plan for the launch of the program.

According to Mr. Noonan the slowdown in TBA activities due to the pandemic created a unique opportunity, "We had the time and resources to devote to the LBC's development, and several of our board members had time in their schedules to serve at the Low Bono Center during its first month."

Now in its second month of operation, the Low Bono Center is receiving rave reviews from both attorneys and customers. TBA Board Member Will Haselden was one of the very first attorneys to sign on for the Low Bono Center program. “My experience has been that nearly every client that comes to the Center is extremely grateful for the assistance we provide. That assistance is usually only the know-how we have about how to file a Complaint or Petition and how to use the clerk’s resources. It is in every way a fulfilling use of our professional talents in service to members of our community.”

The Low Bono Center is housed in the Leon County Courthouse in a newly renovated office space. Attorneys are needed to staff the Center on Tuesdays and Thursdays from 9:00am-4:00pm. Half day and full day shifts are available and attorneys will be compensated for their time. For attorneys interested in participating in the Low Bono Center program Mr. Haselden says, “the staff at the Center makes it easy to do our job by first vetting callers and thereafter providing documents and resources to the lawyers prior to conferring with the Center’s clients.”

Additional information about the Low Bono Center program can

be found at [www.tallahasseebar.org/Low\\_Bono\\_Center\\_Attorneys](http://www.tallahasseebar.org/Low_Bono_Center_Attorneys). Questions can be directed to TBA Executive Director Christen Perry at [christen@tallahasseebar.org](mailto:christen@tallahasseebar.org) or 850-702-5008.



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# The Future of the Lawyer Referral Service

*Submitted by Katherine Weck,  
Lawyer Referral Service Coordinator*

The Tallahassee Bar Association announced availability of its on-line Lawyer Referral Service portal in February of this year. The Lawyer Referral Service (LRS) allows for residents of Franklin, Gadsden, Jefferson, Leon, Liberty, Wakulla and Bay counties to be matched with a qualified local attorney to help with their legal needs. The modernized service has a new dedicated coordinator in order to ensure the success of the program, as well as continuing the service through the traditional call in method.

Technology has become essential in connecting the public with an attorney. With an expanding online marketplace, competition has increased for getting connected to an attorney. In addition, the American Bar Association recognizes traditional LRS phone lines are not as busy as they used to be. The Tallahassee Bar Association dealt with these arising issues by reinventing the program in partnership with the Legal Aid Foundation of Tallahassee during the COVID-19 pandemic in order

to better serve Tallahassee and surrounding communities. LRS board member Gregory Noonan states, “We are extremely excited to be partnering with the Legal Aid Foundation of Tallahassee to launch the new and improved Lawyer Referral Service. With the addition of a new website and staff, the LRS has the potential to benefit the citizens and attorneys of our judicial circuit while helping to fund the goals of TBA and Legal Aid.”

Clients can easily access an online form, input all necessary information, pay the intake fee and receive an attorney referral in a couple of clicks through the Tallahassee Bar Association’s website. Clients pay no more than \$25 for an up to 30-minute consultation with an attorney. Many clients continue seeing their referred attorney for their legal problem, generating business for LRS attorneys. LRS attorneys easily manage their referrals and the type of cases they wish to receive referrals from on an exclusive attorney portal. This allows both clients and attorneys to receive referrals as efficiently as possible.

Membership to the LRS is invaluable for lawyers in the Tallahassee area. Without any additional marketing, the LRS automatically adds to your client base, with some clients choosing LRS attorneys as their attorneys for life. The membership process for attorneys is effortless and inexpensive. Attorneys also support a long-standing public service that benefits our community.

For more information about Tallahassee Bar Association's Lawyer Referral Service, please visit the

TBA website at [www.tallahasseebar.org/JoinLRS](http://www.tallahasseebar.org/JoinLRS) or contact LRS Coordinator Katherine Weck at [lrs@tallahasseebar.org](mailto:lrs@tallahasseebar.org).

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# 2021 Regular Legislative Session Overview

Written by Gary K. Hunter, Jr.

This was perhaps the most memorable legislative session of modern memory due to the atmosphere created by COVID-19 access restrictions. Recall that the 2020 Session started in January and concluded literally on the eve of Florida going into COVID-19 lockdown.

In a State which prides itself on access to and the openness of our government systems, the 2021 Legislative Session was hardly a point of illustration of that philosophy. Rather, the Florida Senate starting with December committee meetings and extending through the April 30th sine die closed access to all outside visitors, instead arranging for space in the Leon County Civic Center basement for those wishing to livestream testify in committee hearings. Access to the Capitol and legislative staff or Senators was completely closed off. Speaker Sprowls and the House took a slightly more permissive approach by permitting limited committee attendance with advance registration, though access to legislative staff and member offices was limited to appointments only and those were generally frowned upon.

Gary K. Hunter, Jr. is a shareholder with Hopping Green & Sams, P.A. where he maintains a broad governmental law practice focused on state government affairs, land use entitlements, property rights advocacy, and environmental issues.



Without commenting on the direction of the policy ultimately enacted, it is fair to conclude that the 2021 Session was a once in a lifetime (we hope) experience for legislative staff and lawmakers to focus on legislation and more efficiently resolve differences in a way to allow priority policies to advance. In the end, the Legislature enacted 234 general bills (out of 1814 filed), which for purposes of comparison is about 40 more bills than passed in the 2020 Legislative Session. The Legislature also enacted a record setting \$101.5 billion budget, the largest in Florida's history and about 10% above the 2020 budget.

### A few highlights in the budget include:

- A \$1000 bonus payment for all Florida first responders, including sworn law enforcement, EMS technicians, firefighters, Department of Corrections officers, inspector general inspectors, and others.
- \$1000 bonuses for teachers and principals in the public school system.
- \$9.2 billion for the state highway system
- \$100 million for the State Emergency Operations Center construction
- \$500 million for state resiliency programs
- \$25 million for springs protection
- \$623 million bright futures funding consistent with 2020 (textbook stipend eliminated)
- \$5.2 million for 32 new judges across the state
- \$6 billion to bolster the State reserves.
- \$23 million for a new FSU Interdisciplinary Research Building
- 10% pay increase for DCA Judges, State Attorneys and Public Defenders
- \$13/hour minimum wage for lowest paid state employees

An extra \$10.2 billion from Federal COVID-19 funds and a much more robust Florida revenue stream than was estimated leading into Session made for this rather uneventful and generous distribution of State dollars.

On the policy front, leadership focused early on passing priorities of The Governor, Speaker Sprowls, and President Simpson. Bolstered by strong Republican majorities in both the House and Senate, they were not surprisingly successful in those efforts.

To the credit of the presiding officers and their respective policy directors and staff, a significant amount of policy work was tackled in 2021; however, the headline capturing bills included:

- HB 1 aimed at reducing violence associated with rioting
- SB 50 which imposes sales tax collection obligations on out-of-state on-line transactions
- SB 72 providing civil liability protection for employers and medical personnel related to Covid-19 based causes of action
- SB 88 expanding Florida's right to farm tort liability protections for farming operations
- SB 100 repealing the MCORES corridor program and refocusing those budgeted funds on other state highway system needs
- SB 148 allowing restaurants to sell "alcohol to go"
- SB 1890 limiting personal campaign contributions to \$3000 for political committees affiliated with citizen led constitutional amendments
- SB 1028 dealing with Charter Schools but also containing a provision banning participation by transgender athletes in women's high school sports
- SB 1954 creating an office of Sea-Level Rise Resilience within FDEP
- SB 7072 which creates severe penalties to social media entities who deplatform individuals based on political speech
- SB 90 providing reforms to voter identification and other issue pertaining to elections.

Note that while some of the above listed bills have already been signed into law, the majority still await action from the Governor who has 15 days to act on a bill upon receipt from the presiding officers.

If you are already missing the energy associated with the activity at the Capitol, be relieved to know Legislators return the week of May 17 for a Special Session limited to review of the recently executed Seminole Gaming Compact along with related gaming-based policy considerations. And after a short summer pause, they return in September for committee weeks leading to the January start date for the 2022 Session.

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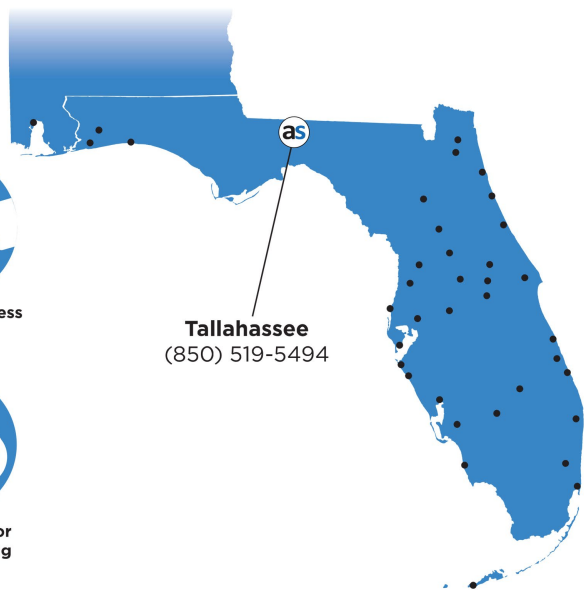
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Reception honoring  
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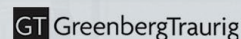
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# MEMBER SPOTLIGHT:

## Jessica Yeary

Our Bulletin profile this month is on the Honorable Jessica Yeary, the Second Judicial Circuit Public Defender.

Jessica was born and raised in Cape Coral, Florida. She earned a Bachelor of Arts degree in Criminology and a minor in General Education and Leadership in Non-Profit Organizations from the University of Florida. Jessica went on to attend Stetson University College of Law and it was there that she met her husband, Ryan Yeary, and began her journey in the world of indigent criminal defense.



Jessica's passion for public defense is evident in everything she does. After almost ten years working as an assistant public defender, Jessica and her family took the next step and ran to become the elected Public Defender of the Second Judicial Circuit of Florida. After a landslide win in August of 2020, Jessica began to lead the assistant public defenders in the six counties of the Second Judicial Circuit (Leon, Wakulla, Jefferson, Franklin, Gadsden, and Liberty).

**What do you hope to accomplish in your first year as the Elected Public Defender?**

Significant change in the sentences and outcomes of our clients cases – we need to stop over arresting and over incarcerating our citizens and my hope is that our office, with a team of skilled attorneys, will secure acquittals and dismissals, charge reductions, sentences that do not require prison and jail time, and ultimately reunite our clients with their families and their communities.

By working with reentry and nonprofit organizations we can create alternatives to incarceration that provide our clients, if convicted, with the resources and support they need to be successful.

**What is the most surprising thing to happen to you in your new role?**

The overwhelming kindness I received from my clients. There are so many people that I represented who sent cards and letters congratulating me and

telling me that they told everyone to vote for me. Our clients and their families are the very best part of our job – I've learned something from every single one of them and I hope that I've made a positive impact in their life as I know they've done for me.

### **How do you find balance?**

Ha! I'm still looking for it! We are public defenders who under normal circumstances have incredibly high caseloads and when you add court closures from the pandemic, our caseloads have doubled. The reality is we all work at night, on the weekends, and are usually discussing our cases and defenses at lunch and dinner. I encourage everyone to unplug and get outside – we all need a break and time to recharge – but when you are trying to make sure that your clients are protected from this system it can be very difficult.

### **If you could change one thing in order to create a more just criminal justice system, what would you change?**

Removing mandatory sentencing schemes – we should be making individualized and in-depth determinations for every person and every case charged in the system. Minimum mandatory sentences take the discretion out of everyone's hands and there is no ability to present background information and mitigation for alternative sentences.

### **What is the hardest part of your job?**

Delivering bad news to clients and their families. Sometimes, no matter how hard we try and how hard we defend, people go to prison. Children are ripped from their families and loved ones go away. We all carry that weight with us and talking with clients about lengthy prison sentences is incredibly difficult.

### **In your career, what would you like to go back and do differently?**

Spend more time in the courtroom. As a new lawyer I went to trial a lot and handled lengthy calendar calls, but I wish I would've done more. Every courtroom hearing is an opportunity to learn and every time we learn we have an opportunity to do better for our next client.

### **What advice can you offer current law students?**

Budget – be smart with your money. Student loan debt can be a true burden, so try to make sure you are being conservative with your spending. Also, watch as many court proceedings as you're able to and in every area of law. Law school is the time to try out different areas and observe as much as you possibly can.


Why should a young attorney join your firm?

Because we're changing the world. We are at a turning point in our nation where people are acknowledging that the criminal justice system is broken and that there is systemic inequality and sentencing disparity. Our office is challenging the status quo and we are truly making a difference for the people we represent.

What advice would you give any woman thinking of running for office?

Have confidence in your skill and ability – if you believe in what you are doing it will shine through and voters will recognize your compassion. Have a group of friends and colleagues that you trust – they made all the difference in a successful campaign and our victory was a shared accomplishment of incredible collaboration, hard work and synergy. Try and have fun – the memories of waving signs, gathering petitions, and knocking on doors are times that I cherish and will always look back at fondly.

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