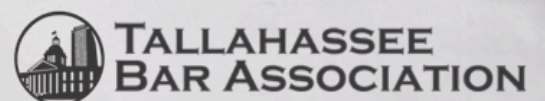


QUARTER 2, 2026

TALLAHASSEE BAR BULLETIN

ENHANCING THE PROFESSION • PROMOTING FELLOWSHIP • SERVING THE COMMUNITY



INDEX

President’s Message..... 3-4

Public Service Initiative..... 5

Chili Cook-off Save The Date..... 6

Transforming Justice: Trauma & Resilience Education for Judges and Lawyers..... 7-8

Caught in the Cookie Jar: The Florida Wiretap Act is Fueling Litigation Across the State..... 10-11

Capital City Bank: A Legacy of Community Impact and Business Excellence..... 13

Save the Date | Judicial Candidate Forum..... 14

Beyond the Practice: Finding Balance and Recharging on Our Local Waterways..... 15-16

Why KPIs Matter: Using Financial Metrics to Guide a Law Firm | An accountant’s perspective on realization, collection, and days to collect..... 18-19

A Historic Planner’s Perspective on Intersecting Law, History & Planning..... 21-22

FSU Shadow..... 23

Accurate Serve..... 26

When Your Client’s ChatGPT Session Becomes the Other Side’s Exhibit..... 28-29

CLE | Markel Case..... 30

Building Trust Before the First Consultation: How Attorneys Shape Confidence, Credibility, and Opportunity Before the First Phone Call..... 32-34

Chili Cookoff Sponsorship Opportunities..... 36-37

Tallahassee Bar Association Q2 Event Recap!..... 39-43

2026 Event Calendar..... 44

Thank You

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PRESIDENT'S MESSAGE

As we move into the summer months, I continue to be inspired by the engagement and commitment of our Tallahassee Bar Association members. One of the highlights of the Spring was our annual Table for 8 event, which brought together law students, attorneys, and judges for meaningful conversations about professionalism, mentorship, and the practice of law. This year's event was held at the Beth Moor Lounge, a venue that holds special significance for me because it is named after my great-grandmother, for whom I am also named. It was especially meaningful to gather members of our legal community in a space that carries such personal importance while fostering discussions that help shape the future of our profession.

On May 5th, the Tallahassee Bar Association proudly partnered with Legal Services of North Florida to present our annual Law Day Program. This year's theme, "The Rule of Law and the American Dream," provided an important opportunity to reflect on the role our legal system plays in preserving opportunity, fairness, and justice for all. During the program, we were honored to present the Richard W. Ervin Equal Justice Award to Mark Hanson in recognition of his extraordinary service as one of our most dedicated Low Bono volunteers. Mark's commitment exemplifies the spirit of service that strengthens our profession and improves access to justice throughout our community.

I encourage every member to follow Mark's example and consider volunteering with the Tallahassee Bar Association's Low Bono Center.

The commitment is modest—just a couple of hours on a Tuesday or Thursday—but the impact can be profound. By providing brief legal assistance to individuals who might otherwise go without guidance, volunteers make a meaningful difference in the lives of our neighbors while fulfilling one of the highest callings of our profession. If you have been considering becoming involved, I hope you will take the opportunity to participate. More information is available on our website.

Looking ahead, we have several exciting opportunities for members to connect and engage. We will provide two opportunities this summer for members to learn about candidates seeking public office. On June 17th, we partnered with Tallahassee Women Lawyers to host the 2026 Primary Election Open House, where candidates in contested races had the opportunity to meet voters and share information about their campaigns. Coming up on July 22nd, we will host our Judicial Candidates Forum, giving members the chance to hear directly from candidates seeking local judicial office.

Finally, I want to challenge each of our members to help strengthen and grow the Tallahassee Bar Association by bringing a non-member colleague to an upcoming event. Our organization thrives when new voices, perspectives, and relationships are welcomed into the fold. Whether it is a happy hour, educational program, community service project, or networking event, inviting someone who has not yet become involved is one of the easiest and most effective ways to increase engagement and ensure the continued vitality of our association.

I look forward to seeing you at our upcoming events and working together to make the Tallahassee Bar Association stronger than ever.

With Gratitude,

Elizabeth Desloge Ellis

President, Tallahassee Bar Association



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Transforming Justice: Trauma & Resilience Education for Judges and Lawyers

By Dr. Mimi Graham, FSU Center for Prevention & Early Intervention Policy



Tallahassee is helping lead the way to a more effective judicial system. And not just for Judges.

Research has proven that in all court divisions—criminal, juvenile, family, and civil—trauma is a significant factor influencing behavior. In the Criminal Division, trauma often perpetuates cycles of judicial involvement and incarceration. The "trauma to prison pipeline" shows that childhood trauma significantly increases involvement in the justice system. Approximately 90% of teens and 75% of adults involved in justice proceedings report childhood trauma. Trauma can impair emotional regulation, decision-making, and brain development, leading to higher chances of involvement in the justice system. Without an understanding of trauma's effects, judges and lawyers may inadvertently perpetuate systemic injustice and cycles of incarceration that could otherwise be mitigated through trauma-informed approaches.

As former Second Circuit Chief Judge Jonathan Sjostrom observes, *"If you're going to work with families in court, you have to recognize the tragedy that brings families to court. No family gets to court without that history of trauma. And if we fail to recognize and address that trauma, we are 'rearranging the deck chairs.' But if we recognize that trauma and learn what science has to teach us, we can intervene more effectively."*

Recognizing the potential for more effective courts, the American Bar Association and the National Council of Juvenile and Family Court Judges advocate for integrating trauma awareness into judicial practice, using therapeutic jurisprudence to address the root causes of problematic behavior and reduce repeat court involvement. Beyond improving justice outcomes, trauma-informed approaches can enhance workplace resilience and help prevent burnout—key considerations given the emotional toll of justice work.

To facilitate widespread education, Florida State University's trauma experts developed an innovative online course titled "Trauma & Resilience for the Judiciary." The course provides tools necessary to effectively address trauma-related issues in various court settings – including dependency cases, family court, juvenile court, injunction proceedings, and criminal matters.

FSU's trauma training offers 12 continuing education credits at no cost to Florida lawyers, judicial staff, and direct service providers, including 2 ethics credits for judges. The course is also available nationwide for a modest fee, providing accreditation opportunities for mental health and social service professionals seeking to enhance their ability to provide effective support to individuals and families affected by trauma.

State and local leaders are taking note. Florida's Office of Court Administration appointed a statewide trauma task force with a judicial lead assigned to each circuit to spearhead trauma education efforts.

Judge Anthony Miller, the enthusiastic trauma lead for Florida's Second Judicial Circuit, is actively encouraging his peers to capitalize in this unique educational opportunity. Chief Judge Frank Allman of Florida's Second Judicial Circuit has invited local judges, magistrates, and legal professionals to participate, underscoring the commitment to systemic reform. Judge Layne Smith was one of the first to enroll.

Trauma-informed courts present a transformative opportunity for the justice system to shift towards a more effective, compassionate, and therapeutic approach, ultimately improving outcomes for all individuals involved.

To register for the course, visit www.cpeip.org/trauma-resilience-court.

For additional information, you can reach out to me at mgraham@fsu.edu

Author Bio

Dr. Mimi Graham is a nationally recognized expert in trauma-informed practices and Director of the Florida State University Center for Prevention and Early Intervention Policy, a multidisciplinary center known for pioneering work in policy, professional development, and model programs. Dr. Graham received the 2020 Florida Bar Medal of Honor and the 2023 Lawton Chiles Statewide Advocacy Award for Children. Her work continues to shape policy, transform practices, and enhance systems that promote well-being for children and families.

HINKLE.LAW

Catastrophic Injury and Death Cases

My law practice is limited to catastrophic injury and death cases.

Most of my cases come through referrals from other attorneys, and we honor referral fees as permitted by Rule 4-1.5 of the Rules of Professional Responsibility.

I have served as president of the Tallahassee Bar Association (2005) and was the founding President of the Capital City Justice Association (2010). Accolades include the Southern Trial Lawyer's Warhorse Award (2025).

I am Board Certified in Civil Trial Law by The Florida Bar, The American Board of Professional Liability Attorneys, and The National Board of Trial Advocacy. I am an AV-rated Preeminent Attorney in the Martindale-Hubbell Law Directory and have been recognized by Best Lawyers in America since 2003.

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Caught in the Cookie Jar: the Florida Wiretap Act is Fueling Litigation Across the State

By: Hannah Murphy, Stearns Weaver Miller



A new wave of consumer lawsuits has hit businesses inside and outside of Florida. Applying old law to new technology, hundreds of lawsuits have been filed in

Florida—from small claims to massive class actions—alleging that websites’ use of cookies violates the Florida Security of Communications Act (“FSCA”)^[1], colloquially referred to as the Florida Wiretap Act. Originally written to limit the interception of telephone communications, plaintiffs now use the FSCA to target everyday commercial websites. The claim? A website’s use of tracking technologies like cookies or pixels, without a visitor’s prior consent, is an illegal wiretap.

Under the FSCA, a party generally cannot intercept or disclose an electronic communication unless every party to the communication agrees to it—typically referred to as “all-party consent.” This is different from similar federal and state laws, which often only require the consent of one party to the communication to intercept or disclose its contents. The FSCA’s private right of action, coupled with statutory damages of \$1,000 per violation, creates a significant incentive for litigation, even where a plaintiff has suffered no pecuniary loss.

So, how does a standard marketing cookie get labeled a wiretap? Plaintiffs argue that the data cookies collect are protected “electronic communications.” When visitors browse the

internet, websites may automatically drop tracking codes into the visitor’s browser. That code may track website activity—like search queries, pages viewed, even keystrokes—and send that data to the website provider or a third-party analytics company. While cookies range in functionality, plaintiffs mainly argue that the automatic collection of any browsing information, without prior consent, constitutes an unauthorized interception in violation of the FSCA.

Website owners argue that this is just how the internet works. Certain information, like IP address, must be shared for the website to function. The legal arguments are often more nuanced, regularly contending that cookies do not intercept the *substance* of a conversation. Rather, defendants claim cookies collect transactional metadata, information unprotected by FSCA. Defendants may also make procedural arguments, for example that Florida courts lack personal jurisdiction over companies that operate entirely in a different state. Despite the merit of many of these defenses, the costs of a lawsuit may be prohibitively expensive, weighing in favor of early settlement.

In the end, what, if anything, can a company do to decrease the risk of being targeted with FSCA litigation? In addition to customizing protections for each individual business situation with the assistance of a lawyer, some general practices can help reduce risk. First, a robust, proactive “opt-in” Cookie Management Platform (CMP) that blocks all non-essential tracking cookies and marketing pixels from loading until a visitor explicitly clicks “Accept” gives visitors the steering wheel.

Next, clear privacy policies provide visitors with even more detail about what information is collected and for what purposes, undermining subsequent arguments that the visitor was uninformed about how the website used collected information. Finally, a well-crafted clickwrap agreement outlining the terms and conditions of using the website can put guardrails on how visitors can initiate a dispute with the website provider.

Endnotes

[1] Chapter 934, Florida Statutes.

The information provided in this article does not, and is not intended to, constitute legal advice; it is for general informational purposes only. Reader should contact an attorney to obtain advice with respect to any particular matter. No one should act or refrain from acting on the basis of information in this article without first seeking legal advice from counsel. Only your attorney can provide assurance that the information contained in this article, as well as the reader's interpretation of that information, is appropriate to any particular situation.

Author Bio

Hannah Murphy is an attorney at Stearns Weaver Miller. Hannah is a Certified Information Privacy Professional who dedicates the bulk of her practice to litigating and counseling clients on a variety of privacy matters.

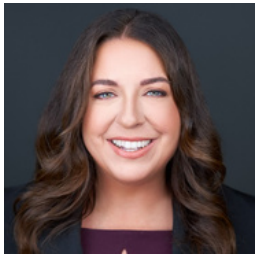
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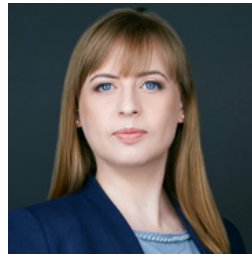
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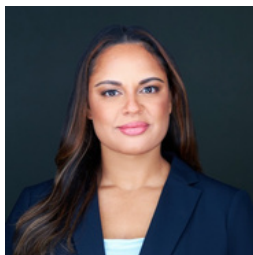
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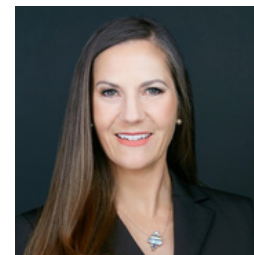
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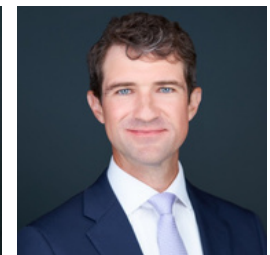
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***PANEL TO BE ANNOUNCED**

Beyond the Practice: Finding Balance and Recharging on Our Local Waterways

By: L. Allen Beard, Senior Attorney at Florida Department of Agriculture and Consumer Services



I was kayaking downstream on a North Florida clear blue spring fed river one weekend when a shape emerged from the depths and remained suspended just beneath

the surface. As I neared, only the creature's nostrils breached the surface and I could hear it exhale forcefully and inhale deeply—manatee! I executed a reverse paddle maneuver to slow my forward speed, eventually coming to an idle a few feet away. The gentle giant drifted silently over a bed of waving eelgrass toward my kayak, its broad back illuminated by rippling bands of sunlight. For a moment, time seemed to slow. The manatee paused, seemingly as curious about the kayaker above as I was about the creature below. Then, with a gentle sweep of its tail, it disappeared into the crystal-clear depths. The name of the river is the Wakulla and it exists right in our backyard.

Encounters like this are commonplace on North Florida's spring-fed rivers and serve as a reminder that some of Florida's most remarkable outdoor experiences exist just a short drive from Tallahassee.

The crown jewel of local paddling destinations is undoubtedly the Wakulla River. Originating from the world-renowned Wakulla Springs, the river flows through a pristine ecosystem rich with wildlife. The Wakulla River headspring discharges about 400 million gallons of water per day. To put

that in perspective, it would only take a little over a minute to fill an Olympic size swimming pool at that rate. Visitors routinely encounter manatees year-round, along with alligators, river otters, turtles, and an impressive variety of birds. The slow-moving current and clear water make the river ideal for beginners while still offering enough scenery to captivate experienced paddlers.

Another favorite destination is the Wacissa River. Fed by dozens of springs, the Wacissa features remarkably clear water, numerous side channels, and abundant wildlife. A popular route begins at the public boat ramp and proceeds downstream about a mile to Big Blue Spring run. The river's quiet, undeveloped character creates a sense of remoteness that is increasingly difficult to find in modern Florida.

A bit farther afield, but well worth the trip are another two of my favorite paddling destinations. The first is Econfina Creek in Washington and Bay counties. Econfina Creek is defined by its springs. It is fed by 11 major springs or spring groups comprising of approximately 30 and 40 individual spring vents. The result is a paddling trail that feels less like a Florida river and more like a journey through a hidden spring-fed canyon, where every mile reveals another cobalt blue clear spring run. The second is Cypress Spring on Holmes Creek near Vernon, Florida, a city which has a quirky history of its own. From Cotton Landing on Holmes Creek, it is a mere half-mile paddle upstream to one of the clearest, bluest springs in North Florida. The water of Cypress Spring is so clear that kayaks and

SUPs appear to hover in thin air rather than float on the water.

The practice of law can be demanding, but North Florida’s rivers offer a powerful reminder of the value of stepping away from the office. Whether gliding over crystal-clear springs, exploring winding river channels, or sharing a quiet moment with a curious manatee, kayaking and paddleboarding provide an opportunity to recharge, reflect, and appreciate the natural beauty that makes the Tallahassee area such a remarkable place to live and work.

Author Bio

Allen is a Senior Attorney with the Florida Department of Agriculture and Consumer Services and serves as the legal advisor to the Office of Agricultural Law Enforcement. The lure of cave diving brought him to North Florida in 2008. After two years of being a “tourist” cave diver visiting from the Pacific Northwest, he made the permanent move in 2010 and now calls North Florida home. Allen enjoys just about anything involving Florida’s crystal-clear springs and rivers both above and below the surface. Kayaking and paddleboarding rank among his favorite ways to experience the state’s unique natural beauty.





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Why KPIs Matter: Using Financial Metrics to Guide a Law Firm

An accountant's perspective on realization, collection, and days to collect

By: Lee Allman, CPA



A law firm's success depends not only on legal knowledge and performance but on whether the firm is managing its financial performance regularly.

Key performance indicators, or KPIs, can help firm leadership make sure the business side of the practice is in great health.

There are three KPIs that are especially useful because they show how well a firm is converting effort into revenue and revenue into cash: **realization rate**, **collection rate**, and **average days to collect**.

Realization Rate

The realization rate measures the value of recorded time to what is actually billed to the client after write-downs, discounts, and billing adjustments. For example, if attorneys record \$500,000 in time at standard rates but only \$450,000 is billed, the realization rate is 90 percent. Public benchmark data places the average law firm realization rate at 88 percent.^{[1][4]}

This metric helps leadership assess whether matters are being priced and staffed appropriately and managed within client expectations. A low realization rate may point to too many discounts,

scope issues, or consistent write-downs at billing. It is suggested to aim for a realization in the 90 to 95 percent range for a high performing firm. Small improvements can have a big impact on the firm financially. If a firm records \$2 million in time annually, moving from 88 percent to 91 percent would produce an additional \$60,000 in billable revenue without increasing hours worked.

Collection Rate

The collection rate simply measures how much of what is billed is collected. If a firm bills \$1 million and collects \$930,000, its collection rate is 93 percent. Clio's public benchmark data places the average law firm collection rate at 93 percent.^{[1][4]}

It is important to understand that billed revenue is not the same as cash in the bank. Timely billing and follow-up to billing questions and disputes are important to a higher collection rate. Allowing electronic payments from clients can also help this metric. Stronger-performing firms often reach collection rates in the 95 to 98 percent range, which generally reflects tighter billing and receivables practices.^[2]

Improving collection rate has an immediate effect on profitability. On annual billings of \$6 million, increasing the rate from 93 percent to 96 percent would increase cash receipts by \$180,000. That additional cash can support operations, partner distributions, or technology investment.

Average Days to Collect

The average days to collect measures how long it takes, on average, for the firm to receive payment after an invoice is issued.

The closest widely published legal-industry benchmark is Clio's median collection lockup of 32 days in 2025, which measures how long billed work remains uncollected.^{[1][4]} Under 60 days is a healthy threshold, and many disciplined firms aim for 30 to 45 days where client mix permits.^{[2][3]}

Improving collection time improves liquidity and frees up cash that would otherwise remain tied up in receivables resulting in improved planning for compensation, hiring, and operations.

Why These Metrics Matter

For attorneys, these are not merely accounting measures. They indicate if the firm is converting effort into cash available for compensation, expenses and profit. If your firm finds it needs improvement in these metrics, it is important to put a plan in place to improve them.

Endnotes

[1] Clio, Law Firm KPIs | Key Performance Indicators & Benchmarks (reporting 2025 benchmark averages of 88% realization, 93% collection, and 32 days median collection lockup). [\[clio.com\]](https://clio.com)

[2] For practice guidance on strong KPI ranges and collection discipline, see 7 Law Firm Financial KPIs to Track Monthly (healthy benchmark discussion for realization, collection, and AR aging) and Law Firm Collection Rate: What's Healthy and

How to Improve It. [\[stephsbooks.com\]](https://stephsbooks.com), [\[str8flowsystems.com\]](https://str8flowsystems.com)

[3] Forvis Mazars, Five Financial Law Firm KPIs: Measure & Improve Performance (defining average collection period and explaining its connection to cash flow and receivables management). [\[forvismazars.us\]](https://forvismazars.us)

[4] Clio, Read the Legal Trends Report Online (2025) (methodology and benchmark context based on aggregated and anonymized legal-industry data). [\[clio.com\]](https://clio.com), [\[clio.com\]](https://clio.com)

Author Bio

Lee Allman, CPA, is the Principal of All Law Accounting, PLLC, which provides Law Firm Accounting and Advisory Services. He can be reached by email at Lee@AllLawAccounting.com or phone at (850) 570-7757. Please visit our website at AllLawAccounting.com



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A Historic Planner's Perspective on Intersecting Law, History & Planning

By: Chris Carlberg



When my friend Kyle invited me to contribute to the *TBA Bulletin*, I immediately knew I wanted to reflect on the practice of law from my own perspective as a

planner and preservationist. I am currently pursuing a PhD in Urban and Regional Planning with an emphasis in historic preservation, and my work with the Tallahassee Trust for Historic Preservation has deeply shaped how I think about communities, institutions, and public life. Before entering planning, I also worked in social services, which gave me a different but equally important lens through which to understand how systems and policy decisions shape people's experiences. The longer I have worked within these disciplines, the more I have become increasingly aware of how deeply civic and legal decisions shape the built environment that we interact with every day.

As planners and preservationists, we are often trained to "read" cities. The places people interact with can reveal a great deal about the decisions that shaped them long before the present moment. Therefore, within our built environment, we can see how communities chose to respond to growth, change, investment, and advocacy. Some spaces remain recognizable for generations while others are reshaped entirely, and these outcomes rarely happen without debate, negotiation, or institutional involvement somewhere in the background. Many of these decisions emerged through legal systems

and institutional frameworks that people may rarely even think about directly, though. With that, it has become difficult for me not to notice how deeply, over time, laws, precedents, agreements, and regulatory decisions have become embedded within the physical and social fabric of our urban landscape.

As I have learned and worked in the planning field, I have come to appreciate how broad the influence of legal work truly is. Some of these impacts are obvious, particularly in areas like land use, housing, environmental regulation, or redevelopment. Other impacts are less immediately visible, though no less important, like questions surrounding access, rights, liability, continuity, and public responsibility. Even when these impacts are not immediately visible within the built environment itself, they still influence how communities function and evolve. These decisions continue shaping communities long after the original proceedings have ended. You can see their influence in the character of neighborhoods, the way development unfolds, and the sense of continuity that people attach to the places they know best.

What stands out to me most is the lasting nature of the legal work attorneys engage in. Planners routinely encounter decisions made decades earlier that still shape public life and regulatory decisions. For instance, a preservation ordinance adopted years ago may continue protecting neighborhood character today. Or a legal agreement or policy interpretation may influence how redevelopment unfolds long after the original discussions have ended. This is one of the things that surprised me

most when I entered the planning field and engaged in discussions with my attorney friends and colleagues. Decisions that may have once felt procedural or temporary can influence so much more than meets the eye, and communities carry these decisions forward. Cities, therefore, can become archives of civic action and institutional memory.

This sense of permanence is what makes the practice of law so interesting and meaningful to me. The work attorneys do often extends far beyond individual cases or proceedings and contributes to the long-term stewardship of communities and the systems that hold public life together. As someone trained to study how cities evolve physically, socially, and historically, I have come to see legal practice as one of the many forces that quietly shapes the environments people engage with every day. It is difficult not to respect the influence and weight of a profession whose work reaches far beyond the walls of a courtroom and is so deeply woven into public life.

Reflecting on these intersections has also made me think more deeply about the relationship between planning, preservation, and law. The overlap between these professions provides a unique opportunity to think critically about how our work interacts and how the combined decisions of one profession can have lasting effects not only on other professions but also on our shared communities and history. Attorneys and planners are both stewards of these communities and history, and our combined work has shaped—and will continue to shape—them through the future.

Author Bio

Chris is a PhD Student in the Florida State University Department of Urban and Regional Planning, where his work focuses on historic preservation, community development, and the relationship between public policy and the built environment. He supports preservation planning and community engagement efforts with the Tallahassee Trust for Historic preservation and works in youth development and job coaching with Future Pathways. Chris also serves as a 2026 Community Catalyst with Knight Creative Communities Institute, contributing to placemaking and community development initiatives across Tallahassee.

The goal of FSU Shadow is to allow hosts to showcase their organization, career field, and industry while providing students exposure to the world of work and post-graduation career options.

A past host shared, “The FSU Shadow program is the best kept secret at FSU in terms of connecting with high quality students. Most of the shadow events we have participated in have resulted in a job offer and acceptance. This is a must on our annual recruiting plan.”

In addition to recruiting support, FSU Shadow is mutually beneficial. As one host said, “Hosting FSU Shadow students is just as rewarding for the host as it is for the participant.” We are deeply appreciative of our alumni hosts, who continue to give back to FSU students!

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CONCENTRATING ON COMPLEX IMMIGRATION ACROSS THE NATION

Accurate Serve

By: Brennan Fogarty, Accurate Serve



Most of you, dear readers, will be only vaguely familiar with what a process server like myself does. In broad strokes, of course, you already know that a defendant

or subpoenaed party must be notified of a lawsuit and their part in it, but the finer details are so rarely at issue that it's difficult to get familiar with them in a practical way. For today, I want to examine the particularities of service on corporate entities.

In Florida, all businesses are required to register an agent with the division of corporations. This entity is the designated recipient of service of process for a company. Depending on the business, this may be a corporate entity (e.g., The corporation service company), a natural person, or even a government agency (The Florida Chief Financial Officer is the registered agent for all insurance companies.) Registered agents are required by law to be available from 10 AM to 12 noon and from 12 pm to 4 pm, Monday through Friday. This means that service on a company is usually very simple, but as is usually the case with law, the details are in the exceptions.

The first thing to remember about this type of situation is that the registered agent hours outlined above are a requirement which binds the registered agent, not a limit which binds the process server. In other words, a process server can serve a registered agent anywhere and anytime, and the agent does not have to be happy about it. When the registered agent is a natural person, they can be

served at their house, or in a box, or with a mouse, or with a fox, here, there, or anywhere.

All that being said, it is important to make sure to attempt the registered agent location within registered agent hours first, before moving on to other options for effecting service of process. If the registered agent doesn't make themselves available during the time required, service can then be extended to the company leadership. The specifics of this vary depending on the exact structure of the company, but in all cases one "good-faith" attempt is required before expanding the service.

If the registered agent doesn't comply with statutory requirements and the other servable officers can't be reached, the service may ultimately be made on the secretary of state via the division of corporations. Ultimately, no company in Florida can rely on the fence and pitbull legal strategy.

It can be disorienting when something that is supposed to be simple becomes unexpectedly complicated. The best way to prepare for this is to retain a competent process server who has been around the block before. If anything in this article has piqued your interest, send an email to your local Accurate Serve office, and we'll be happy to discuss in greater detail.

Author Bio

Brennan Fogarty has assisted the legal community as a private process server for over ten years and is a proud supporter and sponsor of the Tallahassee Bar association, as well as other Bars associations around the state where he operates Accurate Serve offices.

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When Your Client's ChatGPT Session Becomes the Other Side's Exhibit

By: Liz McCausland, Florida Lawyers Mutual Insurance Company



Your client, trying to be a good participant in their own case, uploads documents into a public AI platform to organize records before a call with you. Or your expert uses AI to

identify themes in voluminous medical records before drafting a report. Or a staff member pastes deposition summaries into ChatGPT to save time.

None of them meant any harm. But depending on the platform, the court, and the judge, those interactions may now be discoverable.

Most of the recent AI conversations in the legal profession have focused on lawyers' own use of AI including the ethics, the malpractice exposure, and the dangers of hallucinated citations. That risk is real, but there's a second front that deserves equal attention: AI use by clients, experts, consultants, and staff.

Recent court decisions suggest the stakes are serious. In a May 2026 Connecticut federal case involving Shell Oil, a magistrate judge ordered production of the prompts and queries used by an expert witness in preparing a report, reasoning that the prompts reflected the expert's methodology and were therefore subject to discovery. In *United States v. Heppner* (S.D.N.Y. 2026), a court concluded that a defendant's interactions with a public AI platform were not protected by attorney-client privilege or work product doctrine because

the information had been shared with a third party — the AI system itself. The defendant had used the platform to better understand legal strategy and communicate with counsel. The communications were held to be discoverable.

These decisions illustrate a gap in how most law firms currently handle AI: policies, if they exist at all, typically address lawyer use. They rarely address anyone else connected to a matter.

Closing that gap doesn't require a technology overhaul. It requires treating AI usage the way you already treat confidentiality. Concretely:

- **Add AI language to your engagement agreements:** Make it a standalone provision the client initials separately, rather than a clause buried in boilerplate. A client who has initialed a specific AI instruction is far more likely to have actually read it, and the separate acknowledgment creates a clearer record that the warning was received. This mirrors how many firms already handle arbitration clauses and fee dispute disclosures. Because AI platforms are evolving rapidly, this language is worth revisiting at least annually to ensure it remains adequate.
- **Address AI in expert retention letters:** Experts should understand that their AI tool usage in connection with your matter may be subject to discovery.

- **Establish internal staff guidelines:** Even well-intentioned use of AI for summarization or drafting can create privilege and confidentiality concerns depending on the platform and the information being shared.
- **Have a protocol ready for mid-matter disclosures:** If a client reveals during active litigation that they have already been using AI with case-related materials, improvising that conversation is not ideal. Having a response plan in place before that situation arises — including how to assess potential exposure and whether any corrective steps are warranted — is far better than figuring it out in the moment.

AI offers genuine benefits, and the goal isn't to ban it. It's to manage it deliberately. Courts are actively working through the privilege, confidentiality, and discoverability questions that AI use raises.

Lawyers who build proactive policies now are far better positioned than those who address the issue only after a discovery dispute forces their hand. Most AI malpractice discussions focus on what lawyers do wrong. But if your client's AI use creates a discovery problem, you're still the one dealing with the fallout. Getting ahead of that now, before a case is active, is time well spent.

Author Bio

Liz McCausland is the Resources & Services Division Manager for Florida Lawyers Mutual Insurance Company (FLMIC), where she works with attorneys across Florida on malpractice prevention, practice management, and emerging technology risks. A Florida attorney, Circuit Civil Certified Mediator, and former President of the Orange County Bar Association, Liz brings nearly three decades of legal experience rooted in lawyer education, mentoring, and practice management. When not discussing malpractice prevention, she enjoys travel, good food, and trying entirely too many productivity apps.

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We are incredibly grateful to everyone who joined us for our CLE panel discussion on the high-profile Markel case. It was a truly engaging and insightful session that brought together thoughtful perspectives and meaningful conversation.

A special thank you to our distinguished panelists, ASA Georgia Cappleman and Investigator Jason Newlin, for sharing their expertise, experiences, and unique insights into this complex case. Your time and contributions made this program both impactful and memorable.

We also want to extend our appreciation to all attendees for your participation and engagement, as well as to those who helped coordinate and host the event at Capital City Country Club.

Thank you for being part of such an informative and successful CLE Luncheon. We look forward to seeing you at future events!



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Building Trust Before the First Consultation: How Attorneys Shape Confidence, Credibility, and Opportunity Before the First Phone Call

By: Alena Johnsen, Ti Adoro Studios



Long before a prospective client picks up the phone, they are already forming opinions about the attorney they may hire.

Today's clients research extensively. They visit websites, browse LinkedIn profiles, read reviews, ask colleagues for recommendations, and increasingly use AI tools such as ChatGPT and other search platforms to gather information before ever reaching out to a firm.

In many cases, prospective clients form their initial impression long before a phone call is scheduled or a consultation is booked. They are evaluating not only an attorney's credentials and experience, but also the overall professionalism and credibility of the firm's online presence.

While legal expertise and reputation remain critical factors, visual presentation plays a larger role than many attorneys realize. The images used on a firm's website, professional profiles, marketing materials, and online publications can influence whether a prospective client feels confident enough to take the next step.

First Impressions Happen Faster Than You Think

When a prospective client visits a law firm's website, they are often asking themselves a series of questions:

- Can I trust this attorney?
- Do they appear experienced and competent?
- Will they understand my situation?
- Do I feel comfortable contacting them?

Professional imagery helps answer those questions before a single conversation takes place.

A thoughtfully created portrait communicates professionalism, confidence, and approachability in a matter of seconds.

The Balance Between Authority and Approachability

One of the most common challenges attorneys face is presenting themselves as both knowledgeable and approachable.

Clients want confidence. They want experience. They want someone capable of guiding them through important legal matters. At the same time, they also want someone they feel comfortable talking to during what may be one of the most stressful periods of their lives.

This balance can be particularly important for women attorneys, who are often navigating expectations that can feel contradictory. The strongest portraits do not force a choice between authority and warmth. Through thoughtful

expression, posture, wardrobe, and environment, attorneys can communicate confidence, competence, and approachability simultaneously.

Your Professional Image Evolves With Your Career

When attorneys first begin practicing, a professional portrait often serves a simple purpose: introducing them to prospective clients.

As careers advance, that image begins to represent something much larger.

It may accompany a speaking engagement, an award nomination, a leadership appointment, a media interview, a board position, or recognition within the legal community. Increasingly, professional portraits are being used in publications, conference materials, recruitment efforts, and social media platforms that shape an attorney's visibility and reputation.

The portrait that served an attorney well five years ago may no longer reflect the professional they have become today.

Just as firms evolve, professional imagery should evolve alongside them.

Consistency Builds Confidence

Prospective clients evaluate more than individual attorneys. They evaluate the firm as a whole.

When team photos vary significantly in style, quality, lighting, or presentation, it can create an impression of inconsistency. Conversely, a cohesive visual presence communicates professionalism, organization, and attention to detail.

Consistent imagery across attorney portraits, team photographs, website content, and marketing materials helps reinforce confidence in the firm's brand and culture.

What Your Images Say to Future Talent

In today's competitive hiring environment, professional imagery influences more than prospective clients.

Potential associates, lateral hires, and support staff often evaluate a firm's culture before ever submitting an application. The images displayed on a website can help communicate whether a firm feels modern, collaborative, established, entrepreneurial, or community focused.

Just as clients are evaluating whether they can trust a firm, prospective employees are evaluating whether they can see themselves as part of it.

Beyond the Headshot

Today's attorneys need more than a single formal headshot.

Firm websites, LinkedIn profiles, speaking engagements, media appearances, award nominations, board service, publications, AI-generated firm summaries, and leadership roles often require professional imagery that accurately represents both the attorney and the firm.

Professional branding portraits, environmental portraits, and team photography allow attorneys to present themselves appropriately across multiple platforms while maintaining consistency and professionalism.

The Client Experience Begins Before the First Consultation

Many attorneys invest significant time and resources into creating an exceptional client experience once someone becomes a client. However, that experience often begins much earlier. The website, online presence, and visual identity of a firm help establish expectations long before an initial consultation is scheduled.

Every image communicates something about the firm's values, professionalism, and culture.

As AI-driven search and recommendation tools become increasingly common, professional imagery is no longer viewed solely by visitors to a firm's website. It often becomes part of a broader digital footprint that influences how attorneys and firms are perceived across multiple platforms.

Three Questions Every Attorney Should Ask

When evaluating your firm's current imagery, consider the following:

1. Does our visual presence reflect the quality of service we provide?
2. Do our photographs inspire confidence and trust?
3. Are we presenting ourselves in a way that reflects who we are today and where we are headed tomorrow?

When the answer to those questions is yes, photography becomes more than a marketing tool. It becomes an extension of your professional reputation and a powerful way to build trust before the first consultation ever takes place.

About Ti Adoro Studios

Ti Adoro Studios specializes in executive portraits, professional branding, and legacy photography for attorneys, business owners, and families throughout Tallahassee and the surrounding region. Through a guided, full service experience, we help professionals create imagery that reflects their expertise, confidence, and personal brand.

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Tallahassee Bar Q2 Event Recap!

By: Louise St. Laurent, Stearns Weaver Miller



The Tallahassee Bar Association recently hosted several successful events and is looking forward to an exciting summer and fall lineup.

On April 15, TBA held its annual Table for 8 event at the Beth Moor Lounge on Florida State University's campus. The event saw a tremendous turnout of judges, attorneys, law students, and undergraduate students. For the fourth consecutive year, TBA partnered with FSU's Bridge to Law School program to provide first-generation college students with the opportunity to connect with both law students and practicing attorneys, fostering valuable mentorship and professional relationships through the Table for 8 program.

On May 5, TBA partnered with the Legal Aid Foundation, Legal Services of North Florida, and Tallahassee Women Lawyers to co-host the annual Law Day celebration. This year's theme, "The Rule of Law and the American Dream," highlighted the importance of the legal profession and the justice system in preserving opportunity and equality. Attendees enjoyed a thoughtful panel presentation on "Why We Celebrate the Law," featuring Joshua Doyle, the Honorable Monique Richardson, Seth Miller, and Father Dustin Feddon. TBA was also honored to present the Richard W. Ervin Equal Justice Award to Mark Hanson in recognition of his unwavering commitment to expanding access to the courts through the Low Bono Center and his

continued service to individuals in need of legal assistance.

Looking ahead, TBA encourages members to mark their calendars for the upcoming Judicial Candidates Forum in July at Parkview at Cascades Park. The forum will provide an opportunity to hear directly from candidates seeking local judicial offices appearing on this fall's ballot and offers a valuable chance to learn more about the candidates' backgrounds, qualifications, and experience before heading to the polls.

We are pleased to announce these upcoming events. All events are advertised on our social media, posted on the TBA website, and promoted via email. Please mark your calendars and be sure to register early so you don't miss out

- July 22, 2026, 5:30 p.m. – TBA Candidate Forum at Parkview at Cascades
- August 18, 2026, 12:00 p.m. – CLE Luncheon (location TBD)
- September 10, 2026, 5:30 p.m. – Member Happy Hour Co-Hosted with YLS (location TBD)
- October 7, 2026, 5:30 p.m. – Chili Cookoff Benefitting the Legal Aid Foundation at Goodwood Museum and Gardens (please take note of the new date)
- November 10, 2026, 11:30 a.m. – TBA Annual Meeting and Luncheon (location TBD)
- December 16, 2026, 5:30 p.m. – Bench & Bar Holiday Party, The Monroe

TABLE FOR 8

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Pickle Pad

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THURSDAY, JUNE 4TH



Event Recap!

A huge thank you to everyone who joined us at PicklePad for our recent happy hour! We had an amazing time connecting with everyone, enjoying great food, and spending the evening together. Events like these are a wonderful opportunity to build relationships, catch up with colleagues and friends, and simply have some fun outside of the office.

We're grateful to everyone who came out and helped make the event such a success. We look forward to hosting more happy hours and networking events in the future and hope to see you at the next one. Thanks again for making it such a memorable evening!



LAW DAY

On May 5th, the Tallahassee Bar Association partnered with Legal Services of North Florida for our annual Law Day Program. We were proud to recognize Mark Hanson with the Richard W. Ervin Equal Justice Award for his outstanding service as a dedicated Low Bono volunteer. Thank you to everyone who joined us in celebrating Law Day and supporting equal access to justice together!



TALLAHASSEE WOMEN LAWYERS PANEL



At the Tallahassee Women Lawyers panel, our Executive Director, Colby Ann Smith, had the opportunity to discuss how attorneys can use their skills to make a meaningful difference for individuals and families in our community through volunteerism, mentorship, and pro bono service.



Thank you to everyone who participated and continues to serve beyond the courtroom. The impact of our legal community reaches far beyond the practice of law.

If you are interested in volunteering at the Low Bono Center, please contact executivedirector@tallahasseebar.org for more information!



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MARCH

- CLE | MARKEL CASE MAR. 3RD 11:30 - 1:00 PM CAPITAL CITY COUNTRY CLUB
- HAPPY HOUR MAR. 18TH 5:00 - 7:00 PM DEEP BREWING COMPANY

APRIL

- TABLE FOR 8 WITH BRIDGE TO LAW SCHOOL APR. 18TH 5:30 - 8:00 PM BETH MOOR LOUNGE IN LONGMIRE AT FLORIDA STATE UNIVERSITY

MAY

- LAW DAY MAY 5TH 5:30PM A.C. MARRIOTT

JUNE

- HAPPY HOUR JUN. 4TH PICKLE PAD

JULY

- CANDIDATE FORUM JUL. 22ND 5:30-7:30 PM

AUGUST

- CLE LUNCHEON AUG. 18TH 11:30 - 1:00 PM

SEPTEMBER

- HAPPY HOUR WITH YOUNG LAWYERS SECTION SEP. 10TH

OCTOBER

- CHILI COOKOFF BENEFITING LEGAL AID FOUNDATION OCT. 22ND

NOVEMBER

- TBA ANNUAL MEETING AND LUNCHEON NOV. 10TH

DECEMBER

- ANNUAL BENCH & BAR HOLIDAY PARTY DEC. 16TH

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