



ReIntegra

THE JOURNAL OF THE LAKELAND BAR ASSOCIATION

www.lakelandbarassoc.org

Hon. Ralph Artigliere
will be our September
11th CLE Guest
Speaker



Our first LBA meeting of the year will be on Friday, September 11 from 12:00–1:00 PM. Hon. Ralph Artigliere, a former Polk County Judge and a nationally known expert on e-discovery, will present a CLE via Zoom on the topic of Technology and Effective Advocacy. Join us at the Club at Eaglebrooke or from your home or office.

Ralph Artigliere retired as a Circuit Judge from Florida's Tenth Judicial Circuit in Bartow to teach and write. Before his appointment to the bench in 2001, Artigliere was a 24-year trial lawyer handling primarily professional negligence, medical malpractice, and product liability cases.

As a Circuit Judge, Artigliere served in the felony, family, probate, and civil trial divisions, and was Administrative Judge of the Circuit's civil and family divisions. Artigliere teaches in the Florida Judicial College, Florida New Judges College, the Florida College of Advanced Judicial Studies, the Florida Bar Advanced Trial Advocacy Course, the Sedona Conference Institute, and continuing legal and judicial education programs.

As a lawyer, Artigliere was AV® rated and a Florida Bar Board Certified Civil Trial Lawyer. He is a Fellow of the American College of Trial Lawyers. Artigliere was the recipient of the 2007 Anstead Award for Florida Board Certified Lawyer of the Year, 2006 Hoeveler Award for Professionalism as a Judge from the Florida Supreme Court Committee on Professionalism, 2005 Professionalism Award for the Tenth Judicial Circuit, and the 2011 Excellence in Writing Award from The Florida Bar Journal & News Editorial Board.

Artigliere is a co-author of "Writing Jury Instructions in Florida" which is an Appendix in the official Florida Supreme Court Standard Jury Instructions, both Civil and Criminal. He is co-author with William Hamilton of the LexisNexis book entitled Florida e-Discovery and Evidence.

Lakeland Bar Monthly Meetings... TWO Ways to Stay Connected and Safe!

Lakeland Bar Association will now be offering TWO ways to stay connected at our monthly meeting. We are going HYBRID... This means, based upon your preference, you will be able to enjoy a meal and our program at the Club at Eaglebrooke OR you can ZOOM with us from the comfort of your office or home.

Here are the guidelines for each option:

- 1 Join us at the Club at Eaglebrooke at NOON on the second Friday of each month. ONLY 40 attendees will be admitted AND each attendee will need to register to attend. Meals will be staff served and each table will have limited seating for continued safety. Our speakers may be virtual at this meeting but it will provide those who are comfortable with an opportunity for socializing.
2. Join us via a ZOOM meeting and watch the meeting while eating your lunch from the comforts of your office or home. Each attendee will need to register to attend and a link and password will be sent to you.



Ken Bryk
will be our October 9th
CLE Guest Speaker

Join us on October 9th as we provide our members with an ethics CLE. Kenneth Bryk will be the presenter.

Kenneth H. P. Bryk received his BA in Political Science from Slippery Rock University of Pennsylvania and his JD from Vermont Law School. In 1988, Ken was admitted to practice in New York and Massachusetts. In 1993, he was admitted to practice law in Georgia.

In 1999, he was admitted to practice law in Florida. Since 2000, Ken has served as a Bar Counsel for the Florida Bar in Orlando, Florida. In addition to investigating and prosecuting cases involving attorney misconduct, Ken speaks on ethics before various voluntary bars, Inns of Court, law firms and at numerous Offices of the State Attorney and Public Defender. Ken also lectures at The Florida Bar's Ethics School, Advertising Workshop and Practicing with Professionalism.

2020–2021 CALENDAR OF EVENTS

September 2020

- 11 Member Luncheon / Virtual (CLE)
- 23 Virtual Town Hall mtg w/ FL Bar President
- 24 ZOOM Social (Getting to Know Our Members)

October 2020

- 1 Board of Directors Meeting
- 5 Journal Article deadline
- 9 Member Luncheon / Virtual (Bryk CLE)
- 22 VIRTUAL Cooking with Publix Aprons Chef

November 2020

- 5 Board of Directors Meeting
- 13 Member Luncheon/ Virtual (Dennis Ross)
- 19 VIRTUAL Trivia Night

December 2020

- 17 Board of Directors Meeting
- TBA NO Membership Luncheon
- Family Night at the Silvermoon Drive-In

January 2021

- 5 Journal article deadline
- 8 Membership Luncheon (District 15 Representative)

February 2021

- 4 Board of Directors Meeting
- 12 Membership Luncheon (TBA)
- 12 Golf Tournament

March 2021

- 4 Board of Directors Meeting
- 12 Membership Luncheon (TBA)

April 2021

- 1 Board of Directors Meeting
- 5 Journal article deadline
- 9 Membership JA Luncheon (Masters)

May 2021

- 7 Law day luncheon (Foster-Morales)

IN THIS ISSUE

- 2 President's Message
- 3 Court Administrator / Judicial Assignments
- 4 Board of Governors Report
- 5 Clerk of Courts Report
- 6 Gearing up for Golf
- 7 Membership Application
- 8 Past Presidents
- 9 A Blast from the Past
- 10 Accurate Serve
- 11 Zoom Socials
- 12 Immigration Article
- 13 Accurate Serve
- 14 Town Hall Meeting



A MESSAGE FROM THE PRESIDENT

Dear Colleagues,

Welcome back for a new LBA year, in a calendar year that very likely is the most unique one we'll ever know. It was perhaps overly optimistic of me, although I do not think that I was alone, to think that by now life would be back to normal. In March, I never imagined that, six months later, our children would be faced with the prospect of online school again, that fall sports seasons would be in jeopardy, that our courthouses would remain largely closed, and that we would be wearing face masks in public, not to mention that we would have suffered so much loss of life worldwide.

Although life is very far from normal, we are all striving to adjust to the "new normal." Like the leaders of all other organizations, your LBA officers, Board, and Executive Director, Lisa Oliver, have been grappling with making plans for the upcoming year. We have worked hard to create alternative formats for "gathering" together with our

colleagues and friends. Recognizing that many of our members are understandably reluctant to gather in person, we have created a hybrid monthly meeting that will allow those who are comfortable with in-person meetings to enjoy a luncheon at the Club at Eaglebrooke and allow other members to join us via Zoom for a CLE presentation. These hybrid meetings with CLE are planned through the end of the year in order to provide added value to our members.

In addition, we have planned a monthly social event for each month from September through December. In September, we hope you will join us for a virtual "meet and greet" designed to allow our members, new and old, to get to know each other a little better. In October, we'll host a virtual cooking class where those who participate will be guided by a Publix Aprons Chef through the preparation of a delicious meal made in the comfort of your own kitchen. In November, we'll host a virtual trivia night where teams will be randomly selected to compete against each other

for cash prizes - another great way to get to know new people or reconnect with old friends. Finally, in December, we have planned an old-fashioned family drive-in night. I think you'll agree with me that your LBA leaders have really come up with some creative ways for us to stay connected in a fun but safe way.

I encourage all of you to join us - to stay engaged in this time of physical distancing. Hopefully, by the start of 2021 or sooner, we will be able to get back to all of our usual meetings and events that you know and love. In the meantime, I look forward to some new experiences and to being together with you all, even if it must be through the wonders of technology. Stay safe!

Warmest Regards,

Barbara Davis

Res Integra

"A whole thing; a new or unopened thing. The term is applied to those points of law which have not been decided, which are untouched by dictum or decision."

3 Mer. 269

Editorial Committee

Rick Nail, Editor....284-2280
Lisa Oliver, Layout / Graphic Design....838-6691
Sara Reyes, Content / Proofing Editor

The Res Integra supports participation of the membership in production of the publications. We encourage you to submit articles and letters. However, we reserve the right to edit any submission and to publish only those articles that we, in our sole discretion, deem appropriate.

Note: The comments, messages, statements, and opinions, legal or otherwise, expressed in the articles herein are exclusively those of the author and shall not be considered to be those of the Lakeland Bar Association, its officers, directors, agents, this publication, its editors or staff. Additionally, the comments, statements and articles contained herein are general in nature and should not be relied upon as a basis for any legal opinion, action or conclusion on the part of the reader with respect to any particular set of facts or circumstances.



*A Message
from
Editor Rick Nail*



Dear LBA members,

As we begin the 15th year of publishing our Res Integra, I wish to recognize someone else who is also celebrating the same anniversary. It was in 2005 that Lakeland Bar Association decided to hire an executive director. I had the honor of hiring Lisa Oliver to this position. Her knowledge and professionalism have helped our organization stay focused and grow. Her creativity and energy have produced remarkable socials and meetings. She does so much more than greet our members at the monthly meeting. She works behind the scenes organizing meetings, designing both our website and this journal, and hosting our socials and parties. She continues to be the reason we are a strong and healthy organization. Thank you and Happy 15th Anniversary Lisa Oliver.



A NEW DAY IN THE COURTS

BY NICK SUDZINA
Court Administrator

What day is it? Where did the time go? How many shopping days until our virtual Christmas? So much has happened since the month of March and not all of it is good. They say if you cannot accept change, then you should not work in the court system but the last five months have lent new meaning to the word “change”. So now we have this situation-it is what it is. We can cry about it or we can make the most of every moment. Our court system, specifically the Tenth Judicial Circuit, has accepted the changes cast upon it and has responded remarkably well.

Every division of the court has been set up so that virtual hearings can take place, either audibly or with video as well. A year and half ago, this office met with the Polk County Manager and Facilities Management to discuss plans for the Lawrence C. Crow Building since the court system had long run out of space in the Polk County Courthouse. Plans were discussed to raze that building except for one small segment that the Sheriff’s office would maintain for its Court Process Section. Little did we know how fast that building would be converted to the Polk County Virtual Court Complex and how integral that location is to current court hearings.

New procedures have been put in place to adjust what used to be everyday behavior in the workplace for judges and court staff. Masks are required unless someone is alone in their office or courtroom. Frequent sanitizing of doorknobs, furniture, elevator buttons, water faucets and other items have become common workplace protocol. Hygiene has become one of the most often used terms and one look at our inventory of wipes, sanitizers, spray bottles and gloves that we have stockpiled proves that we are prepared for anything the future may hold in the event the pandemic continues much longer. All of us are aware of the need to practice social distancing, not only at work but in our private lives as well. This has been a real game changer for courts across the country.

Even though jury trials have been halted statewide except for five circuits that have been conducting virtual civil jury trials for a pilot program, most all other court hearings are still being heard, albeit virtually. Very few cases are heard that involve a party appearing in person and only after judges determine that a personal appearance is necessary, given the health screening criteria for entry into the courthouse. Judges who are a bit more proficient in the use of technology have been mentors to other judges in the use of the new technologies. The court’s I.T. staff has been extremely critical in setting up the technology platform for the court to hold hearings and most of their recent projects have been expedited on a fast-track to transfer to the virtual courtrooms. Cases are being recorded by electronic court reporting, interpreters are being provided for non-English speaking persons and due process rights have not been compromised during these new days.

One of the hallmarks of the Tenth Circuit is the frequent communication that takes place between the judiciary and its justice system partners. Numerous meetings have taken place virtually between the Chief Judge Ellen Masters and the justice community, including the bar, to ensure that plans are in place to move forward and to solicit comments from everyone who has a vested interest in court operations. This has resulted in a healthy discussion of all the issues the court confronts as it moves towards the submission of an Operational Plan to the Florida Supreme Court that will effectively move the court system progressively through different phases until a gradual return to normal can be realized.

At this critical junction of our lives, attitude mean so much. No one likes what’s going on, nor did anyone expect the pandemic to hit home so hard, but through all of this thus far, judges and court staff have maintained a positive attitude and continue to strive to keep our court system relevant, accessible and fair to everyone. Let’s keep up the good work!

Assignment of Judges

July 1, 2020—January 1, 2021

Circuit Judges		Circuit Judges	
<u>Polk County</u>		<u>Highlands County</u>	
Felony		Felony	
F1:	Sites	06:	Estrada
F2:	McDaniel	Civil	
F3:	Jacobsen	10:	Ward
F4:	Abdoney (Adm. Judge)	Family	
F5:	Helms	12:	Butz
F6:	Spoto	Juvenile/ Prob/ Prose/ Family Relief/ Domv	
F9:	Harb (Civil)	JR :	Cowden (Adm. Judge)
VP:	Carpanini	<u>Hardee County</u>	
Civil		03:	Raiden (Adm. Judge)
04:	Hill	County Judges	
07:	TBA	<u>Polk County</u>	
8:	Selph	County Criminal	
15:	Radabaugh	M-6:	Kaylor
11:	Durden (Adm. Judge)	M-4:	Green
Family		M-5:	Barber
01:	Combee	M-7:	Griffin
02:	Moore	County Civil	
05:	Franklin	M-0:	Swenson
09:	Yancey (Adm. Judge)	County Small Claims / Criminal	
13:	Beato	M-2:	Winstead
Probate / Mental Health		Problem Solving Courts	
14:	TBA	M-8	Stamey
Appeals / Writs		Pro se and VOPs	
30:	Masters	M-9:	Fegers (Adm. Judge)
Chief Judge		<u>Lakeland</u>	
30:	Masters	L-1:	Pattey
Juvenile		<u>Winter Haven</u>	
J1/MH/18:	Pincket (DEP Adm. Judge)	W-3:	Grode
J2:	Gravitt (DEL)	<u>Hardee County</u>	
J4/MH/ 17:	Ojeda (DEP)	CC/ JR:	Horton
		<u>Highlands County</u>	
		CC:	Ritenour





10th Judicial Circuit
District 1 July 2020



C. Richard Nail

REPORT FROM
The Florida Bar Board of Governors

TO: All 10th Circuit Florida Bar Members
FROM: C. Richard Nail
10th Circuit Representative

The Florida Bar Board of Governors met via Zoom video conference on July 17, 2020. The major actions of the Board and reports received included:

Chief Justice Charles Canady addressed the Board and repeated his pledge to avoid unnecessary risk in expanding court operations during the pandemic, but emphasized that essential matters are still being heard with thousands of virtual hearings already held in courts throughout the state. The Supreme Court's special COVID-19 work group continues to provide recommendations on how best to safely resume normal operations.

President Dori Foster-Morales will host virtual town hall meetings in all 20 circuits during August and September to discuss how Florida attorneys are coping during the pandemic and specific challenges they are encountering in their practices. The schedule and registration links are posted at floridabar.org/virtualtownhalls.

The Board Technology Committee is focused on helping Bar members adjust to practice and court changes caused by the pandemic, especially in using digital platforms for remote court hearings. The committee is fast-tracking guidelines or a proposed procedural rule that would foster more uniformity in remote hearings and is asking videoconferencing software providers to consider adding features designed for the legal community. This Florida Bar News article provides additional information on the work of the committee.

After a thorough discussion, the Board of Governors also declined to make the recommended changes to the current standing board policy regarding the appointment of non-voting liaisons to the Board of Governors, as provided by the Special Committee on Non-Voting Board Appointments, which recently completed its report and recommendations.

A subcommittee of the Board's Program Evaluation Committee will conduct further study on best practices for improving diversity on the Florida Bar's Board of Governors, including evaluation of any changes to the current standing board policy regarding non-voting liaisons appointed to attend Board meetings.

In other business, the Board:

- Heard that The Florida Bar's first Virtual Annual Convention concluded with more than 8,700 program and event registrations, compared to about 1,000 for last year's in-person event, and approximately 3,000 unique participants. The General Assembly, normally attended by 250-300 participants, generated 1,650 unique views. Recorded seminars and events are posted for continued viewing including nine free CLE programs.

- Voted unanimously to sunset The Florida Bar's 2018-2020 legislative positions, including section and division positions, and to reactivate, as modified, the 2020-2022 positions. Legislative positions, information about Bar advocacy, and other links for those interested in the legislative process are available at floridabar.org/legislativeactivity.

- Approved the proposed amendment to

Rule 6-3.3 Jurisdiction of Certification Committee to close a certification area if there have not been any applicants in five consecutive years, but as a new Rule 6-3.14.

- Approved proposed amendments to the Florida Rules of Appellate Procedure, Rules of Civil Procedure, Rules of Juvenile Procedure and the Rules of Criminal Procedure. The amendments will be filed with the Florida Supreme Court for consideration.

- Heard the Communications Committee report that the Bar's COVID-19 pandemic page, at floridabar.org/covid19, which provides Supreme Court and Bar announcements and many member resources including free CLE, has recorded more than 68,000 views and continues to be updated with new information.

VIRTUAL TOWN HALL MEETINGS FOR BAR MEMBERS

Join Florida Bar President Dori Foster-Morales and other bar and judicial leaders for a Virtual Town Hall in your circuit to discuss how Florida attorneys are coping during the pandemic and what the Bar can do to assist members in their legal practice and beyond. View the full schedule and register at floridabar.org/virtualtownhalls.

C. Richard Nail, B.C.S.
Florida Bar Board Certified Marital & Family Law
Florida Supreme Court Certified Family Mediator
GrayRobinson, P.A.
Email: richard.nail@gray-robinson.com



DID YOU KNOW....

You can register for our meetings, read our journal and pay for your dues on our Lakeland Bar Association Website. Check us out at lakelandbar.org

A Word from Clerk & Comptroller Stacy Butterfield

New Hours of Operation



Due to severe impacts to Clerk fees necessary to fund court operations, the Clerk's court departments in Bartow, Lakeland, and Winter Haven are closed on Fridays until October 1. Additionally, these departments close at 4:30 p.m., Monday through Thursday.

The Clerk's Official Records Department, Comptroller, and Inspector General offices in Bartow **ONLY** remain open for normal business hours of 8 a.m. to 5 p.m., Monday through Friday. Official Records includes marriage licenses, tax deeds, notice of commencement, recording services, and more. **Court hearings are unaffected by these closures and will occur as scheduled.** The Clerk will have a small team to support court hearings scheduled on Fridays. For more information, call my office at 863-534-4000

New Service: Find My Courtroom

My office has released [Find My Courtroom](#), a new program that allows individuals to quickly find the location of their courtroom or the link to their virtual hearing for criminal and civil case hearings.

The majority of all court hearings are occurring remotely via phone and video, so providing customers with an easy to use courtroom app helps them navigate an increasingly virtual system of justice.

Find my Courtroom also balances safety and access by minimizing close contact between staff and customers while providing an easy way for customers to find where they need to go. Users can

	Location	Hearing Time	Atty
	LAKELAND VIRTUAL COURTROOM	8:30 AM	MAT
	FELONY PRETRIAL CONFERENCE VIRTUAL	1:00 PM	VALI
	BARTOW SMALL CLAIMS/EVICTIONS VIRTUAL	11:00 AM	
	FELONY PRETRIAL CONFERENCE VIRTUAL	1:00 PM	TIER
	BARTOW SMALL CLAIMS/EVICTIONS VIRTUAL	10:00 AM	



FLORIDA'S COURT DATE
Notification System

ENOTIFY.FLCOURTS.ORG

Register for E-Notify and never miss a hearing!

Remember to register for E-Notify, the new, FREE way to get reminders about criminal court dates through text or email.

Fewer defendants with missed court dates will reduce negative consequences both for the individuals and associated costs to the justice system. Learn more



STACY M. BUTTERFIELD, CPA
Clerk of the Circuit Court & Comptroller



stacybutterfield@polk-county.net | 863-534-4000
PolkCountyClerk | www.polkcountyclerk.net



Join the Lakeland Bar Association as it hosts its 6th Annual Golf Tournament

Where:	The Club at Eaglebrooke 1300 Eaglebrooke Blvd., Lakeland, FL 33813 Phone: (863) 701-0101
When:	Friday, February 12, 2021
Time:	Registration – 11:00a / Shotgun Start – 1:15p
Cost:	\$100 / per person/ \$360 for foursome
Payment:	Checks MUST be made payable to LAKELAND BAR ASSOCIATION



UnlimitedDPI
DESIGN & PRINT INNOVATIONS

we appreciate your business

 **863.647.0074**

 4130 South Florida Avenue
Lakeland, FL 33813

 **orders@unlimitedddpi.com**

 **www.unlimitedddpi.com**

Graphic Design Solutions • Logo & Brand Design • Business Identity
Marketing Collateral • Print Services • Business Cards • Brochures • Newsletters
Postcards • Large Format Posters & Banners • Vinyl Graphics • T-Shirts
Customized Apparel • Promotional Products • Free Pickup & Delivery

JOIN LBA TODAY!



**Lakeland Bar Association, Inc.
Membership Application / Membership Renewal Form
2020-2021**

\$ 110 for government employees less than 5 years

\$ 100 Inactive Florida Bar Attorneys

\$ 135 for government employees 5 or more years

\$ 150 for private attorneys

No cost to first year Florida Bar attorneys employed and practicing in the 10th Judicial Circuit

Name: _____

Email Address (for LBA correspondence only): _____

My primary area of practice in the field of law, which will appear on my nametag, is _____

My information is the same as last year (If you check this box, there is no need to complete the information requested below.)

Firm Name/Employer: _____

Business Address: _____

City: _____ State: _____ Zip: _____

Business Phone: _____ Area of Law _____

I would like the Res Integra journal sent to me (check one please)

_____ mail only

_____ E-mail only

_____ both ways please

I am interested in serving on the LBA board. Please check one: yes no

Amount Enclosed (Please check one):

_____ (\$110) Government Employee less than 5 years

_____ (\$100) Retired / Inactive & bar member of Florida Bar

_____ (\$135) Government Employee 5 or more years

_____ (\$150) Private Practice Attorney

_____ (\$0) First Year Florida Bar Attorney
Practicing in the 10th Judicial Circuit

NOTE! All guests (or those who have not renewed their memberships by October 2020) are invited to attend our luncheons and social events for a cost of \$25 per person per luncheon or event.

Did you know that your membership fee includes:

- admission to all luncheons at no cost
- admission to social events at no cost
- annual subscription to our Res Integra Journal at no cost
- CLE opportunities throughout the year at no cost
- community outreach opportunities throughout the year

TWO WAYS TO RENEW OR JOIN

Mail this completed form & your membership fee to:

Lakeland Bar Association, Inc.

c/o Lisa Oliver, Executive Director

P.O. Box 2883

Lakeland, Florida 33806-2883

OR

Visit our website at Lakelandbar.org to join and pay electronically

A Tribute to our Lakeland Bar Presidents 50 Years of Leadership

The Lakeland Bar Association was officially incorporated in 1971. Although the Lakeland Bar has been in existence longer, we wish to celebrate those who have helped our organization grow and change. This year's president, Barbara Davis, will be the 50th president at our helm since its incorporation. We want to thank and recognize all of our past leaders for their time, dedication and commitment to our bar organization. Your special talents, qualities and goals have allowed Lakeland Bar Association to continue to provide our members with knowledge, value and comradery.

Past Lakeland Bar Presidents

Incorporated March 8, 1971

Term year	Name
1971-1972	Thomas L. Clarke, Jr.
1972-1973	E.Vane McClurg
1973-1974	J. Ron Smith
1974-1975	Jerry A. DeVane
1975-1976	William O.E. Henry
1976-1977	Jan L. King
1977-1978	J. Hal Roberts
1987-1979	W. Ray Fortner
1979-1980	Michael J. Canan
1980-1981	W. James Kelly
1981-1982	Victor J. Troiano
1982-1983	Jon Anderson
1983-1984	Walter W. Manley, II
1984-1985	Ronald L. Clark
1985-1986	William M. Midyette, III
1986-1987	Ernest M. Jones, Jr.
1987-1988	Samuel G. Crosby
1988-1989	Gary W. Barrick
1989-1990	Joseph A. Morrison
1990-1991	James A. Yancey
1991-1992	Dennis A. Ross
1992-1993	John Paul Parks
1993-1994	Joseph A. Geary
1994-1995	J. Lenora King (Bresler)
1995-1996	Tanya M. Comparetto
1996-1997	Timothy F. Campbell
1997-1998	Robert M. Brush
1998-1999	Robert B. Peddy, Jr.
1999-2000	Mia McKown
2000-2001	Angela Cowden
2001-2002	Jon Marc Tamayo
2002-2003	David Carmichael
2003-2004	Karie L. Sanoba
2004-2005	Brent Geohagan
2005-2006	Mario Cabrera
2006-2007	C.Richard Nail
2007-2008	Jonn Hoppe
2008-2009	R. Mark Fore
2009-2010	Sara Reyes
2010-2011	Kent Lilly
2011-2012	Cassandra Denmark
2012-2013	Rob Stanz
2013-2014	Natalie Wilson
2014-2015	Ali Wright
2015-2016	Jean Henne
2016-2017	Kevin Humphries
2017-2018	Art Fulmer Jr.
2018-2019	Nick Troiano
2019-2020	Don Conway

We are still searching for past presidents prior to our incorporation in 1971. Should you have more information or corrections to the list above, please contact Lisa Oliver at 619-7160.

*Thank
you*



2010 Past Presidents Dinner



2016 Past Presidents BBQ



2017 Past Presidents BBQ

A BLAST FROM THE PAST

This year marks the 15 year anniversary of the publication of the *Res Integra*, but it was not the first newsletter published by LBA. We recently found a box of historical gems and this newsletter is the oldest one we found. Enjoy a few memories from the past!



The Lakeland Bar Association

JUNE 1993

VOL. 11, NO. 10

PROFESSIONAL MILESTONES

As part of its annual observance of Law Day, the Lakeland Bar Association sponsored two legal forums to which members of the public were admitted without charge. **Stephen Artman, Tanya Comparetto, Joseph A. Geary, and John Paul Parks** spoke at the Forum on Real Estate, Landlord-Tenant, Mobile Home, Condominium, and Homeowners Association Law, and **Timothy Coon, Scott Langston, Joseph Morrison, and John Paul Parks** spoke at the Forum on Wills, Trusts, Probate, and Social Security Disability Law.

Samuel G. Crosby, a shareholder in the Lakeland law firm of **Miller, Crosby & Miller, P.A.**, was a guest lecturer to the Academy of Florida Trial Lawyers' recent annual legislative and case law update seminar, held at the Marriott Hotel in Tampa. Mr. Crosby also wrote the seminar materials on current developments in civil procedure.

Judge Dennis P. Maloney was the fastest lawyer in the 1993 Last Will Run sponsored by the Lakeland Bar Association. The Last Will Run, held on May 1, 1993 in observance of Law Day, consisted of a 2.85 mile run around Lake Hollingsworth in Lakeland. Judge Maloney's time was eighteen minutes and one second.

John F. Wendel, a shareholder in the Lakeland law firm of **Wendel, Chritton & Parks, Chartered**, has been appointed to the Editorial Panel of the *Sports Marketing Law, Tax and Financial Newsletter*, published by IBC Legal Studies & Services Ltd., in London, England.

PROFESSIONAL MILESTONES is a feature which gives members of the Lakeland Bar Association a dignified method of informing their colleagues of their notable achievements. Items for this column should be sent to John Paul Parks, Editor, Lakeland Bar Association Newsletter, c/o Wendel, Chritton & Parks, Chartered, P.O. Box 5378, Lakeland, Florida 33807-5378, attention: Professional Milestones.

SURVEY RESULTS

Thanks to those who completed the "Social Events Questionnaire" at the April 1993 meeting. All but three thought it was important or appropriate for the Lakeland Bar Association to sponsor social events, and all but one approved of involving other organizations, including non-legal organizations. The major factors in your decision whether to attend an event are convenient scheduling and the type of event, with a majority favoring strictly social events as opposed to a program which contains an educational component. Most of you favor receptions, rather than dinners, although by far most would like some sort of short entertainment program. The most convenient beginning time is between 6:00 p.m. and 6:30 p.m. You overwhelmingly responded that nametags would be helpful. Many were amenable to a barbecue for members and spouses and a majority thought a golf tournament and family picnic were good possibilities. More than half the lawyers who have practiced seven years or less would support a social event just for them, and several suggested a dance. Almost all of you would be willing to pay \$35-50 (and several up to \$100) for a ticket to a "big name" speaker, and suggestions included Bob Graham, Forrest Sawyer, Barbara Walters, Pat Seitz, Melvin Belli, Gerry Spence, and Racehorse Haynes. Those interested in assisting in the planning and implementation of social events for the 1993-1994 membership year should contact J. Lenora King at (813) 644-6478.

1992-1993 OFFICERS OF L.B.A.

President, John Paul Parks
President-elect, Joseph A. Geary
Secretary, Tanya Comparetto
Treasurer, J. Lenora King

1992-1993 NEWSLETTER COMMITTEE

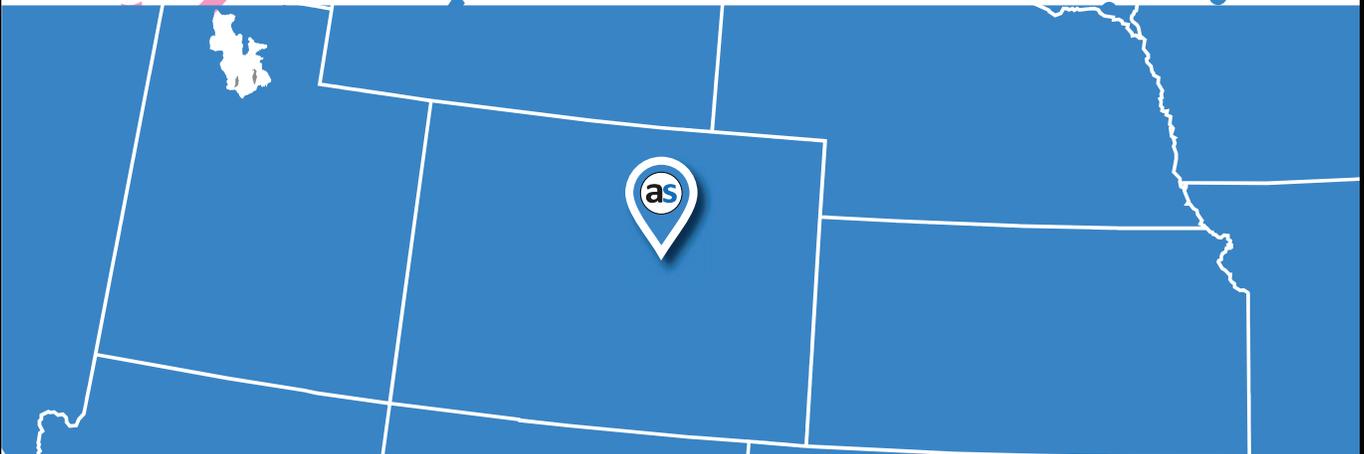
John Paul Parks, Chairman & Editor



accurateserve®

WHERE PERFECTION IS THE PROCESS
"We Give Attorneys Peace of Mind"

**We Just Opened an
Office in Denver, CO!**



**www.accurateservedenver.com
www.theaccurateservefranchise.com**

(844) 94 ACU SRV • (844) 942-2877

Our Nationwide Offices Serve:

Lakeland • Tampa • St. Petersburg • New Port Richey • Jacksonville • Orlando • St. Augustine • Orange Park • Kissimmee
Lake Mary • Ft. Myers • Naples • Plantation • Sarasota • Bradenton • Pensacola • Ft. Walton Beach • West Palm Beach • Milton
Titusville • Daytona Beach • Port Charlotte • Miami • Tallahassee • The Villages • Ocala • Clermont • Spring Hill • Inverness • LaBelle
Port St. Lucie • Vero Beach • Stuart • Okeechobee • Palm Coast • Key West • Gainesville • Panama City • Mobile, AL • Denver, CO

**Socialize and ZOOM with LBA
NO COST TO ATTEND
BUT YOU MAY NEED A FEW SUPPLIES!**



Thursday, September 15
**“Getting to Know
Our Members”**
6:00 PM

Thursday, October 22
**“Cooking with the Chef
from Publix Aprons”**

Thursday, November 19
“It’s Virtual Trivia Night”
6:00 PM



Register via our website
lakelandbar.org

December Social
**“Drive-In with the Family at
the Silvermoon”**



**It’s Membership Time.
Join LBA Today!**

The Lakeland Bar Association invites you to join. Membership fees include monthly membership meetings with guest speakers. Our evening socials are an opportunity to relax and enjoy conversation with fellow colleagues. Get involved with our Golf Tournament & other philanthropic opportunities.

There are two ways to join:

1. Send the enclosed application for membership by October 1, 2020 as well as your check for payment to :
Lakeland Bar Association
P. O. Box 2883
Lakeland, FL 33806
2. Visit our Website at Lakelandbar.org and pay by credit card
See page 7 for dues information

Legal Laughs



Used by permission of copyright owner.



CAN AN IMMIGRATION JUDGE ADMINISTRATIVELY CLOSE REMOVAL PROCEEDINGS?

By

Jean Pierre Espinoza, Esq. ¹ & Sergio Fernandez ²

On May 17, 2018 former Attorney General Jeff Sessions issued a precedent decision in *In re Castro-Tum*, 27 I. & N. Dec. 271 (B.I.A. May 17, 2018), where he overruled two prior Board of Immigration Appeals (BIA) cases, *Matter of Avetisyan*, 25 I. & N. Dec. 688 (B.I.A. January 31, 2012) and *Matter of W-Y-U-*, 27 I. & N. Dec. 17 (B.I.A. April 18, 2017). *Matter of Avetisyan* held that an Immigration Judge could administratively close a removal proceedings case even over a party's objection; and that during the course of proceedings, an immigration judge may defer further action for some period of time. *Matter of W-Y-U-* basically held that the deciding factor to administratively close a case should be "whether the party opposing administrative closure has provided a persuasive reason for the case to proceed and be resolved on the merits." Administrative closure has been a tool used by Immigration judges to manage their docket by temporarily pausing removal proceedings while the immigrant pursued a form of relief to remain in the US lawfully. Under the Obama administration it was used as a manner of prosecutorial discretion by closing removal proceeding cases for a short or long period of time in order to clear the docket for higher priority cases. The usage of this tool was shaped through different precedent cases by the Board of Immigration of Appeals, like *Matter of Avetisyan*, which also held that an immigration judge could administratively close a case over the objection of one party. In 2018, the Attorney General held in *Matter of Castro Tum* that there is no general authority for administrative closure, and that the Attorney General has never delegated the general authority. The

Attorney General stated that neither section 1003.1 (b) nor section 1003.1(d)(1)(ii) of the Code of Federal Regulations (CFR) confer authority to grant administrative closure. He further stated that the provisions in the statutes direct immigration judges or the Board to resolve matters "in a timely fashion", which is a requirement that conflicts with a general suspension authority. However, in August 29, 2019 the Fourth Circuit Court of Appeals, in *Romero v. Barr*, 937 F.3d 282 (4th Cir. 2019) vacated the Board of Immigration Appeals' decision in *Matter of Castro Tum*. In this case the immigrant in removal proceedings had an approved family-based petition and was awaiting the closure of his removal proceedings to apply for an unlawful presence waiver. The court basically held that the statutes 8 C.F.R § 1003.10(b) and 8 C.F.R § 1003.1(d)(1)(ii) unambiguously confer upon the Immigration Judges and the Board of Immigration Appeals the general authority to administratively close cases. Furthermore, in June 26, 2020 the Seventh Circuit Court of Appeals decided *Morales v. Barr*, 963 F.3d 629 (7th Cir. 2020), in which the court also vacated the Attorney General's decision in *Matter of Castro Tum*. *Morales v. Barr* held that administrative closure is within an immigration judge's authority to take "any action" that it is "appropriate and necessary for the disposition of cases" according to the statute 8 C.F.R § 1003.1 (b). The court further held that the Attorney General may not create new regulation that contradicts that one in place. Currently the

immigration courts are overwhelmed with pending cases. The tool of administratively close removal proceedings is crucial for the immigration judges to manage their complex dockets. Currently there are four pending cases in four different Circuit Courts challenging the Attorney General's decision in *Matter of Castro Tum*: *Benitez Marquez v. Barr* (Second Circuit), *Ramos-Padilla v. Att'y Gen.* (Third Circuit), *Hernandez-Serrano v. Barr* (Sixth Circuit), and *Umana Escobar v. Barr* (Ninth Circuit). This circuit split will most likely be resolved in the future by the United States Supreme Court, as this matter is of high importance to the practice of immigration law.



MEET THE CO-AUTHOR

Sergio Fernandez is a Second Year Law Student at the University of Dayton School of Law. He is a Staff Writer for the University of Dayton Law Review. He is also the President of the Immigration Law Student Association. He worked at Espinoza Law Offices before going to Law School.

¹ Espinoza Law Offices P.A. and Member of the American Immigration Lawyers Association.

² Law Student at University of Dayton and president of the Immigration Law Student Association at Dayton Law.

A Word from the Staff

The editorial staff would like to thank our contributing writers for their timely and informative articles. We invite any of our readers to submit an article as well.

Please contact our staff at 838-6691 or at lakelandbarassoc@tampabay.rr.com if you are interested in sharing an article with us. Our next deadline is October 5th.



accurateserve®

WHERE PERFECTION IS THE PROCESS

"We Give Attorneys Peace of Mind"

www.accurateservefl.com

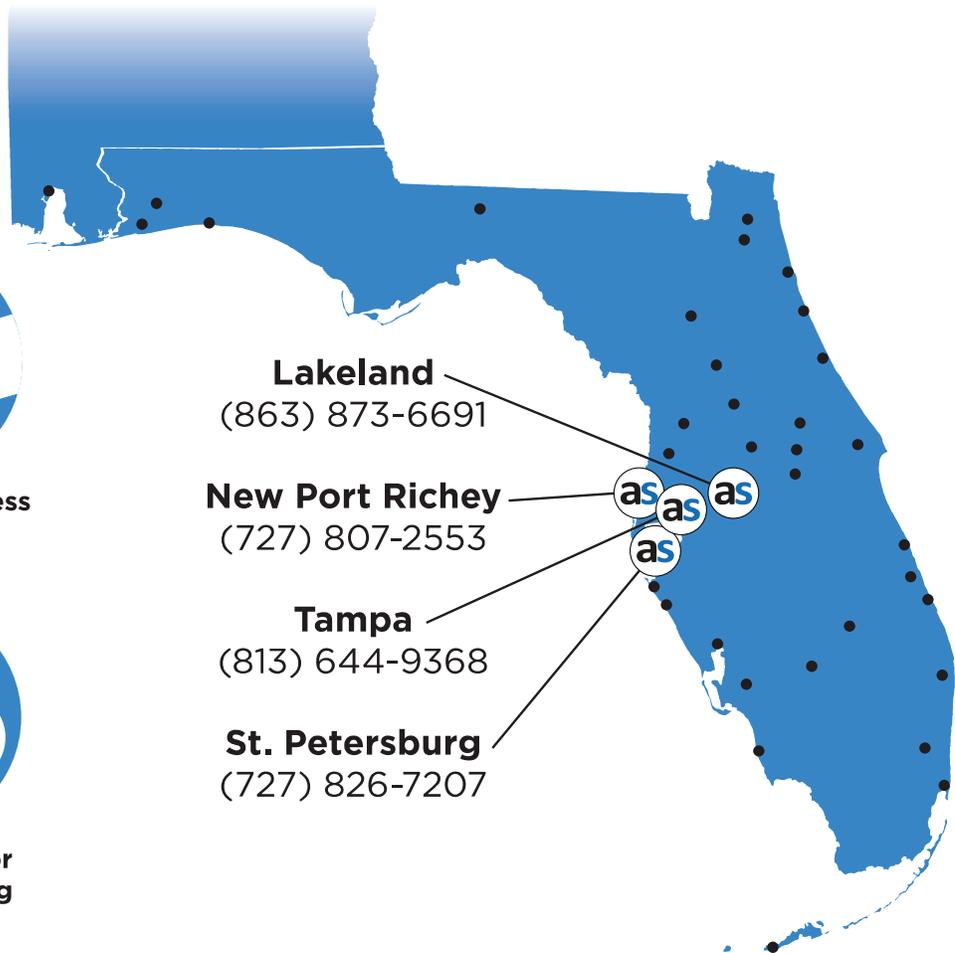
beau.charlet@accurateservefl.com



Service of Process



Skip Tracing for
Process Serving



Lakeland

(863) 873-6691

New Port Richey

(727) 807-2553

Tampa

(813) 644-9368

St. Petersburg

(727) 826-7207

Our Florida & Alabama Offices Serve:

Lakeland • Tampa • St. Petersburg • New Port Richey • Jacksonville • Orlando • St. Augustine • Orange Park • Kissimmee
Lake Mary • Ft. Myers • Naples • Plantation • Sarasota • Bradenton • Pensacola • Ft. Walton Beach • West Palm Beach
Milton • Titusville • Daytona Beach • Port Charlotte • Miami • Tallahassee • The Villages • Ocala • Clermont • Spring Hill
Inverness • LaBelle • Port St. Lucie • Vero Beach • Stuart • Okeechobee • Palm Coast • Key West • Mobile, AL • Gainesville

Lakeland Bar Association
PO Box 2883
Lakeland, FL 33806

PRESORTED STD
US POSTAGE
PAID
PERMIT #1
LAKELAND, FL

RETURN SERVICE REQUESTED



This complimentary issue of the Res Integra is sent to all Florida Bar members of the 10th Judicial Circuit. Please complete the enclosed membership form on page 7 to continue receiving our journal.



virtual
TOWN HALL MEETINGS
with Florida Bar President Dori Foster-Morales

Join Florida Bar President Dori Foster-Morales and other Bar leaders to discuss how Florida attorneys are coping during the pandemic and what the Bar can do to assist members in their legal practice and beyond.

**10th Judicial Circuit
Town Hall Meeting
Thursday, September 23
Noon—1 PM**

Registration details will be sent to all
10th Circuit members in September

OR

Visit Floridabar.org Town Hall meetings
to register

2020-2021



Lakeland Bar Association
Officers and Board of Governors

President - Barbara Davis
President-Elect - Melodie Lopez
Treasurer - Kevin Albaum
Secretary - Nicholas Sellars
Past President - Don Conway

Board of Governors

Susan Best Mike Farrell
Rusty Franklin Hon. Michael McCarthy
Randy Mink Tony Stevens
Nick Troiano Liesl Weeks