



REVIEW

New appellate opinion highlights unsettled area of non-compete law

BY ANNE W. CHAPMAN, ESQ. AND MICHAEL D. MAGIDSON, ESQ.

A recent Florida appellate court decision has created additional uncertainty concerning the treatment of referral relationships under Florida's non-compete law. Under Florida law, a non-compete cannot simply be enforced to eliminate competition per se. Fla. Stat. § 542.335(b)(1). Rather, Florida law provides for enforcement of such agreements only when they are reasonably related to the protection of a "legitimate business interest."

The statute provides a list of examples of legitimate business interests including the protection of trade secrets, confidential business information, relationships with specific customers, patients or clients, customer goodwill and extraordinary or specialized training. However, the statute provides that the list is not exhaustive, so courts may consider other "legitimate business interests" in determining whether to enforce a non-compete. In several non-compete cases over the years, Florida courts have been asked to determine whether a business's relationships with referral sources constitute a "legitimate business interest" for purposes of enforcing a non-compete.

Until recently, the leading case on this issue was *Florida Hematology & Oncology v. Tummala*, 927 So.2d 135 (Fla. 5th DCA 2006). In *Tummala*, the appellate court refused to issue an injunction against an oncologist practicing medicine within a geographic radius prohibited by the language of his employment agreement. The former employer argued that as a specialty medical practice, much of its business comes from referring physicians and, further, that the relationships Dr. Tummala had developed with referring physicians were the result of his employment with the practice and, therefore, constituted a legitimate business interest for purposes of enforcing the non-compete. The court noted that although the relationships with referral sources in this case were clearly important to the former employer's business, "what referring physicians supply is a stream of unidentified prospective patients with whom [the former employer] had no prior relationship." The court went on to note that referring physicians testified at the trial that they refer to individuals and not to a business or medical practice as a whole. On this basis, the court rejected the former employer's argument that referral sources could be a legitimate business interest and refused to issue the injunction against Dr. Tummala.

Other cases in Florida, most prominently, *Southernmost Foot and Ankle Specialists, P.A. v. Torregrosa*, 891 So.2d 591, 593 (Fla. 3d DCA 2004), have relied, at least in part, on referral sources as a basis to enforce non-competes. None of these cases, however, matched the *Tummala* court's level of

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Anne Chapman, Labor and Employment Law



Michael Magidson, Florida Board Certified in Health Law



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A Message from the Principals



BY STEPHEN G. PERRY, ESQ.

We spent an exciting weekend at our annual retreat strategically planning for the firm's future.

While this is tremendously important moving forward, it also gave us an opportunity to reflect on our past so that we may continue to build on our firm's foundation. As we approach the firm's 100th Anniversary, the firm and its members have been fortunate to have helped the Gulf Coast of Florida as it has grown from a group of rural farming communities to one of the most dynamic and prosperous areas in the nation. We continue to aid our clients in achieving their goals while our attorneys and staff remain active in many charitable and community efforts up and down the coast.

Much like the Gulf Coast region, the firm has had an exciting and busy year as we continue to help our clients with their many endeavors. We have seen growth and success in all of our practice groups – Business & Corporate, Health Care, Estate Planning & Wealth Preservation, Litigation, Land Use and Government. As one example of the strength of the economy in our area of the state, our real estate and business transaction attorneys have assisted clients in transactions totaling hundreds of millions in the last quarter alone.

As the real estate practice group leader, I wanted to share some of our group's experiences. The engagements have been wide ranging and include the sale of several shopping centers, a hospital and a large tract of agricultural property, along with bond financing for community development districts, the refinancing of a large mobile home park, and commercial leasing of thousands of square feet of retail space. We have been involved assisting clients in permitting land developments and entering into Public Private Partnerships (P3), which benefit both the community and the property owner.

Our team's breadth of skill and experience has been strongly exemplified over the last quarter. We are appreciative that our clients trust us and form meaningful long-term partnerships in assisting them with their legal needs. Being an advocate and partner with our clients enables us to achieve our goal of making a difference. ■



Stephen Perry, Banking and Real Estate Law

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FOR OVER
years



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New appellate opinion highlights unsettled area of non-compete law

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analysis regarding referral sources as a legitimate business interest.

Until now. In August 2015, in the case of *Infinity Home Care, LLC and Sylvie Forjet v. Amedisys Holding, LLC*, the Fourth District Court of Appeal squarely held that referral relationships can be legitimate business interests for purposes of enforcing a non-compete in Florida. The former employer in this case is a home health provider which, like a specialty medical practice, gets most of its patients as a result of referrals. In contrast to the *Tummala* court, however, the *Amedisys* court held that referral sources are the “lifeblood” of the former employer’s business and “are not the same as relationships with unidentified prospective patients.”

There are several important factual distinctions between *Tummala* and *Amedisys*: (i) the non-compete agreement in *Amedisys* specifically mentioned referral sources, while the one in *Tummala* did not; (ii) Ms. Forjet’s job description was to market to and solicit referral sources, while Dr. Tummala was a physician; and (iii) *Amedisys* established that a drop in revenue was specifically tied to Ms. Forjet’s marketing efforts on behalf of its competitor. Nevertheless, the *Amedisys* opinion has created great uncertainty as to whether referral sources are a legitimate business interest entitled to protection under Florida law. This issue has applicability in all industries and not just in the health care context.

At this point, only the Florida Supreme Court can resolve the conflict between *Tummala* and *Amedisys*. The *Amedisys* court has asked the Florida Supreme Court to do so, but the Supreme Court has not yet taken the case. Until that happens, the current state of the law in Florida is unsettled as to the critical issue of whether referral sources can be a legitimate business interest for purposes of enforcing a non-compete. Parties desiring to include restrictive covenants in their agreements should be aware of this uncertainty and carefully examine the justifications for those restrictive covenants. ■

Blalock Walters’ Downtown Bradenton location



BLALOCK WALTERS REVIEW

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The information in this newsletter is not intended as legal advice, but rather as a service to our clients, friends and other Internet users. If you have questions about any of the information contained in the newsletter, please contact an attorney for a consult. Please keep in mind that contacting us by itself does not establish an attorney-client relationship. Therefore, you should not convey any confidential information to us until a formal attorney-client relationship has been established after our thorough conflict of interest procedures have been completed. We welcome your inquiries, but please keep the above information in mind, as well as the fact that electronic mail on the Internet is not secure in most instances. Accordingly, you should not send confidential or sensitive information in e-mail messages. Thank you for your interest in Blalock Walters.

TAX DISCLAIMER

Our firm provides the information in this Newsletter for general guidance only, and does not constitute the provision of legal advice, tax advice, accounting services, investment advice, or professional consulting of any kind. The information provided herein should not be used as a substitute for consultation with professional tax, accounting, legal, or other competent advisers. Before making any decision or taking any action, you should consult a professional adviser who has been provided with all pertinent facts relevant to your particular situation. Tax articles in this Newsletter are not intended to be used, and cannot be used by any taxpayer, for the purpose of avoiding accuracy-related penalties that may be imposed on the taxpayer.

To ensure compliance with Treasury Department regulations, we advise you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein. This publication is not intended as legal advice, which may often turn on specific facts. Readers should seek legal advice before acting with regard to the subjects mentioned herein. Citations omitted due to space limitations but available upon request.



Understanding arbitration clauses

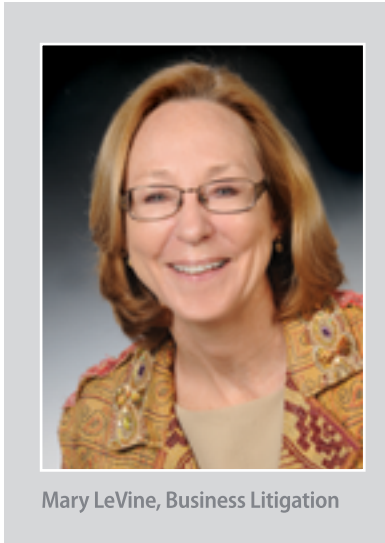
BY MARY LEVINE, ESQ.

Today, many contracts contain arbitration clauses, which often state that in the event of any dispute arising from the contract, the parties will be required to resolve the dispute through binding arbitration --- instead of in a court of law.

Before agreeing to arbitration, it is important that you understand the consequences of signing a contract which requires binding arbitration and deprives you of the right of recourse to your local courts for any dispute.

While all litigation can be costly, commercial arbitration can be considerably more costly than using the court system because of the arbitration filing fees, administrative fees and requirement that the participants pay for the arbitrators' services. Where a three arbitrator panel is selected, the costs can be tripled. In contrast, initial access to the courts

While all litigation can be costly, commercial arbitration can be considerably more costly than using the court system because of the arbitration filing fees, administrative fees and requirement that the participants pay for the arbitrators' services.



Mary LeVine, Business Litigation

only requires the payment of filing fees and cost of service of the summons and complaint. Both types of proceedings require depositions to record witnesses' sworn testimony.

An arbitration clause may provide that the arbitration shall be governed by the laws of another state and conducted in a far off location. These aspects of arbitration can add to the expenses involved, not only for the travel, but also for the need to engage another attorney familiar with the laws of that other state where the arbitration may be conducted. These critical details can greatly affect the party with lesser resources.

Frequently, the arbitration process is more lax in applying the rules of evidence, which may not necessarily be to your advantage. In the judicial system, the rules of evidence are required, and the decisions of a trial court judge are subject to review by the appellate courts for both errors of law, and abuse of judicial discretion. ■



An update: New Florida health care surrogate law

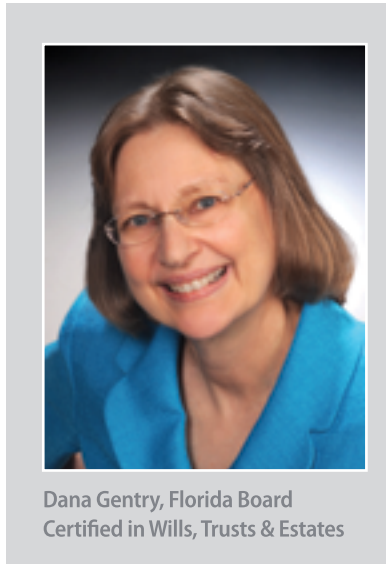
BY DANA C. GENTRY, ESQ.

The Florida Legislature has updated Florida's Health Care Surrogate law effective October 1, 2015. The new format states that the health care surrogate's authority becomes effective when your primary physician determines that you are unable to make your own health care decisions.

Primary physician is defined broadly to mean (1) a physician designated by you or your surrogate, or your agent under a durable power of attorney for health care if you have not designated a primary physician, or (2) if the designated physician is not reasonably available, a physician who undertakes the responsibility to be primary physician.

In the alternative, you can elect on the form itself to have the health care surrogate's authority take effect immediately by checking an appropriate box, which is probably the best solution for you if you desire to have your health care concerns addressed quickly by the individual you have trusted to be your health care surrogate.

The statutes and new format make it clear that the principal (you) are to be kept informed, you have full control over your health care



Dana Gentry, Florida Board
Certified in Wills, Trusts & Estates

decisions and you can supersede any instructions given by your surrogate.

In addition, the new Health Care Directive Statutes allow for the designation of a health care surrogate for a minor. Medical power of attorneys for minor children signed by the natural parents or a legal guardian have been recognized in Florida for years. This section codifies and provides an alternative format solely for designation of health care surrogates for a minor in the event their parents or legal guardian are for any reason unavailable.

The statutory suggested format for minors may not be adequate in every situation. For instance, while the statute allows for the Health Care Directive to continue until revoked or be limited in time or place, the form suggested is silent on that issue, a rather important detail for any concerned parent.

If you have any questions about the new statute, please call our office at 941.748.0100 to schedule an appointment with any lawyer in our Estate Planning group.

To contact attorney Dana Gentry, call 941.748.0100 or email her at dgentry@blalockwalters.com. ■

Obergefell v. Hodges:

Estate planning implications of same-sex marriage

BY JENIFER S. SCHEMBRI, ESQ

The United States Supreme Court ruled in June that any ban on same-sex marriage is unconstitutional and as such shifted the landscape of estate planning for same sex couples.

A same-sex couple that is now legally married, i.e., pursuant to a properly issued marriage certificate, can now take advantage of the same planning opportunities that have been available to opposite-sex couples for decades, including:

- 1. Unlimited Estate/Gift Tax Marital Deduction** - Assets that are transferred to a spouse during lifetime or to a surviving spouse at death are eligible for the unlimited marital deduction for same-sex spouses.
- 2. Portability of Estate Tax Exemptions** - To the extent that the first spouse to die does not utilize his/her estate tax exemption, it can be passed (or "parted") to the surviving spouse.
- 3. IRA spousal rollovers** - which allow the surviving spouse to delay IRA required minimum distributions until the surviving spouse reaches age 70½, are now available to same-sex spouses.
- 4. Amending prior income, estate and gift tax returns** - same-sex couples who are legally married may want to review and consider amending prior returns to the extent there would be a tax benefit to the federal recognition of their marriage.
- 5. Non-citizen spouses** may want to seek permanent residency or become citizens if they are married to a U.S. citizen.
- 6. Tenants by the Entireties** - Florida law provides generally that a creditor of one spouse cannot access assets owned jointly by both spouses as "tenants by

the entireties"; and therefore same-sex couples may want to explore this form of ownership.

- 7. Joint Revocable Trusts** - these estate planning vehicles are now available for same-sex couples.

There are other things same-sex couples might pay attention to if they are legally married, or plan to be legally married.

For instance, **Elective Share** - Florida allows a surviving spouse to elect to receive roughly one-third of a deceased spouse's estate, and this provision will now apply to same-sex couples.

If you have any questions, please feel free to contact our estate planning department at 941.748.0100. ■



Jenifer Schembri, Business Law,
Estate Planning and Florida Board
Certified in Tax Law

A same-sex couple that is now legally married can now take advantage of the same planning opportunities that have been available to opposite-sex couples for decades.



Changes in opting out of Medicare procedure

Opting out of Medicare became much easier this summer for physicians looking to make a big change in their practice structure. Additionally, physicians already opted out of Medicare can cross one more piece of paperwork off their list.

BY ANN K. BREITINGER, ESQ

Pursuant to the original opt-out rules, opted-out physicians were required to continually opt out of Medicare at the expiration of every two-year period. This renewal of opt-out status involved sending new affidavits to Medicare and re-contracting with Medicare beneficiaries. This procedure of opt-out renewal every two years proved to be a hassle and source of anxiety for many validly opted-out physicians.

Participating physicians may properly opt-out of Medicare at the beginning of any calendar quarter. Opt-out affidavits must be submitted to the proper Medicare Administrator at least 30 days before the beginning of the selected calendar quarter. Once a physician has opted out of Medicare, they may not re-enter the Medicare program for at least two years.

With the passage of the Medicare Access and CHIP Reauthorization Act of 2015, which was signed into law in mid-April 2015, a physician choosing to opt-out of Medicare now only is required to opt out once. The opt-out will now have a permanent effect. The permanent opt-out became available 60 days after the enactment of the Medicare Access and CHIP Reauthorization Act of 2015, which was signed on April 17, 2015. As such, opt-out affidavits, including renewals, filed after June 16, 2015 may be a permanent opt-out.

The decision to opt-out of Medicare is one of the most important decisions you will make in your practice. There are many factors to consider when making this decision. The following types of physicians and other practitioners are permitted by statute to opt-out of the Medicare program:

PHYSICIANS WHO ARE:

- Doctors of medicine or osteopathy;
- Doctors of dental surgery or dental medicine;
- Doctors of podiatry; or
- Doctors of optometry; and
- Who are legally authorized to practice dentistry, podiatry, optometry, medicine, or surgery by the State in which such function or action is performed.

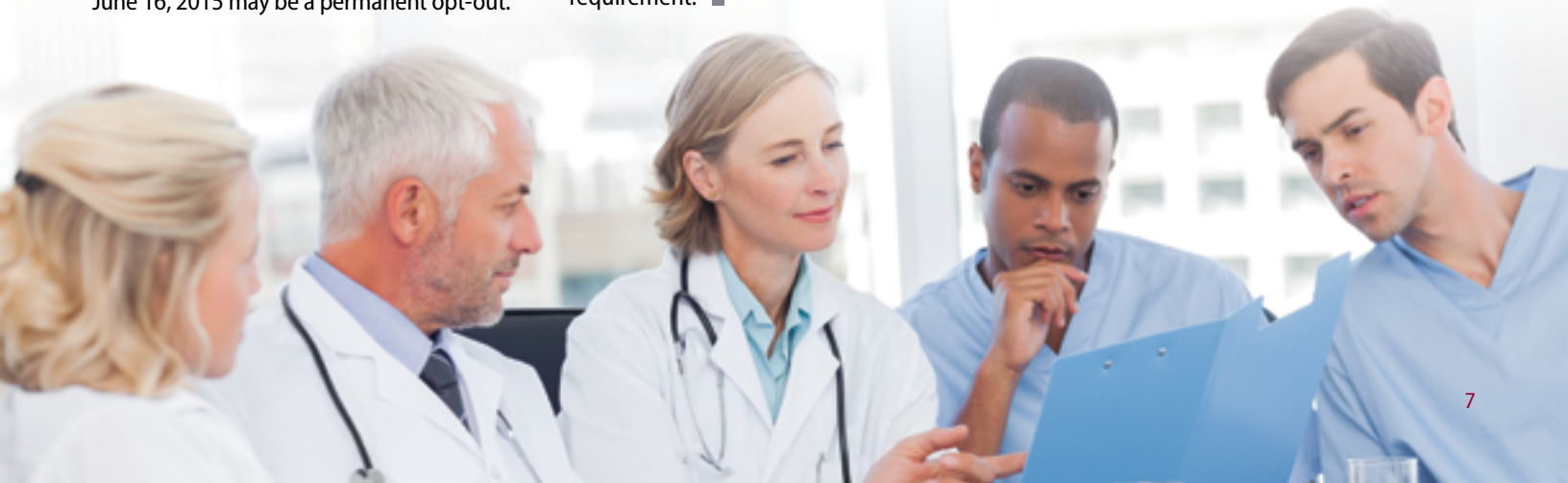
PRACTITIONERS WHO ARE:

- Physician assistants;
- Nurse practitioners;
- Clinical nurse specialists;
- Certified registered nurse anesthetists;
- Certified nurse midwives;
- Clinical psychologists;
- Clinical social workers; or
- Registered dietitians or nutrition professionals; and
- Legally authorized to practice by the State and otherwise meet Medicare requirement. ■



Ann Breitinger, Business and Health Care Law

Please contact a member of our health care services practice group to discuss if opting out of Medicare is a viable option for your practice



Blalock Walters assists client in obtaining approval for mixed-use development

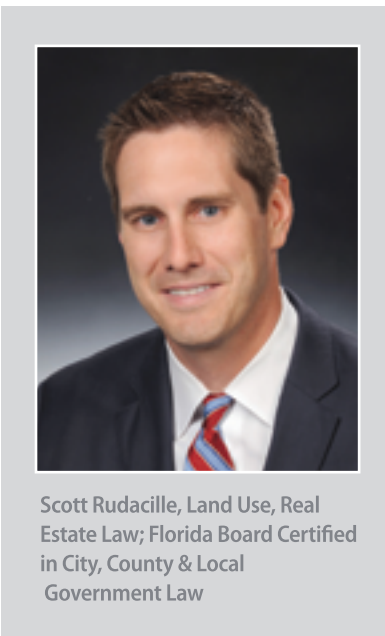
BY SCOTT E. RUDACILLE, ESQ.

The Manatee County Commission approved a Rezone and General Development Plan for a mixed-use development project located at the intersection of Fort Hamer Road and Mulholland Road in northern Manatee County in October.

Scott Rudacille, a land use attorney with Blalock Walters, represented the applicant on the project, which consisted of 164 single-family semi-detached lots and an optional 30,000 square-foot neighborhood retail and office component.

The project was challenged at public hearing by neighboring property owners who voiced concerns regarding compatibility and potential impacts. The project was modified during the public hearing in order to address many of these concerns, while preserving the developer's vision for the site.

The impending construction of the Fort Hamer Bridge will drastically change the character of this area of the county, and Blalock Walters



has assisted clients on development projects that anticipate the changing needs of the community. This project is unique in that it introduces a new housing prototype to this area of Manatee while providing the potential for the first commercial uses encountered after crossing northbound on the future Fort Hamer Bridge.

Blalock Walters' Land Use Group, consisting of Mark Barnebey, Scott Rudacille and Will Robinson, has experience assisting development clients in all aspects of the entitlement and permitting process.

They have successfully represented clients in the permitting of a wide range of projects, including hotels, mixed-use developments, developments of regional impact, educational facilities, shopping centers, industrial uses, a power plant and a sports arena.

In both their representation of private and public entities, they also have worked on a wide array of Public-Private Partnership (P3) developments for projects to help jump start, or further, community redevelopment. ■

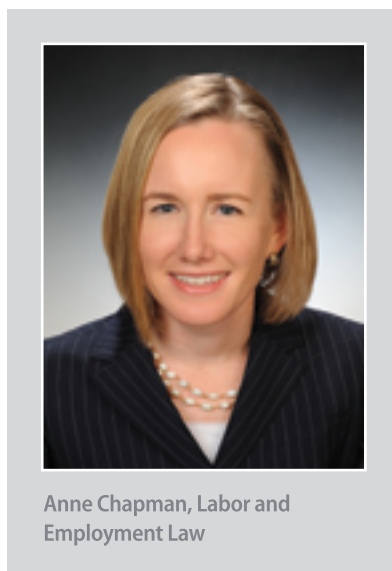


About Us...



We welcome Labor & Employment Attorney Anne Chapman to our firm

We are pleased to welcome attorney Anne W. Chapman to the firm. Anne focuses on representing clients in a wide range of labor and employment law issues, including defending public and private sector employers in discrimination, harassment, retaliation and wage-hour litigation in state and federal court and before administrative agencies.



Anne Chapman, Labor and Employment Law

Her practice also involves providing companies with advice and counsel concerning day-to-day employee relations issues and legal compliance. Anne earned her Juris Doctor from the University of Miami School of Law in 2004 and a Bachelor of Arts in History from the University of Florida in 2000.

"The firm is thrilled to have Anne join us as the leader of our Labor & Employment practice area," says Jonathan Fleece, Managing Partner. "This focus continues to be a critical and growing component of the firm's services and as our clients are facing increasing challenges in the employment law arena, we continue our dedication to helping them in this regard. Anne's combined experience, skills, personality and commitment to our community make her a perfect addition to the Blalock Walters team."

Anne serves on the board of directors for the Sarasota Chapter of Florida Association of Women Lawyers. She is a member of the Manatee County Bar Association, Sarasota County Bar Association, and Sarasota Manatee Human Resource Association. **Anne can be reached at 941.748.0100 or achapman@blalockwalters.com.** ■

Blalock Walters earns 2016 Best Law Firm ranking by U.S. News & World Report and Best Lawyers

For the second year in a row, Blalock Walters has been ranked as a "Best Law Firm" by *U.S. News and Best Lawyers*®. In 2016, the firm earned the recognition in the following areas: Real Estate Law and Trusts & Estates Law. Firms included in the 2016 "Best Law Firms" list are recognized for professional excellence with persistently impressive ratings from clients and peers. Achieving a ranking signals a unique combination of quality law practice and breadth of legal expertise.

To be eligible for a ranking, a firm must have a lawyer listed in *The Best Lawyers in America*, which recognizes the top four percent of practicing attorneys in the U.S. Blalock Walters has three lawyers listed in *The Best Lawyers in America* – Clifford L. Walters, III; Charles F. Johnson and Robert G. Blalock. Over 21,000 attorneys provided almost 700,000 law firm assessments, and almost 8,000 clients provided more than 47,000 evaluations.



The 2016 "Best Law Firms" rankings are based on a rigorous evaluation process that includes clients' and peers' evaluation of firms based on the following criteria:

responsiveness, understanding of a business and its needs, cost-effectiveness, integrity and civility, as well as whether they would refer a matter to the firm and/or consider the firm a worthy competitor.

Awards were given in 74 national practice areas and 120 metropolitan practice areas. The 2016 "Best Law Firms" rankings can be seen in their entirety by visiting bestlawfirms.usnews.com. ■





Anthony D. Bartirome,
Estate Planning, Tax Law



Michael D. Magidson, Florida
Board Certified in Health Care Law

Bartirome and Magidson recognized in 2015 Florida Super Lawyers and Rising Stars lists

Congratulations to Anthony D. Bartirome and Michael D. Magidson for being selected to the 2015 Florida Super Lawyers and Florida Rising Stars lists.

Super Lawyers are chosen through a multi-phase, patented selection process which includes a statewide survey of lawyers, independent research evaluation of candidates and peer reviews by practice area. The top lawyers from more than 70 practice areas are selected for Super Lawyers.

To be eligible for inclusion in Rising Stars, a candidate must be either 40 years old or younger or in practice for 10 years or less. While up to five percent of the lawyers in the state are named to Super Lawyers, no more than 2.5 percent are named to the Rising Stars list.

Anthony D. Bartirome, principal at the firm, was selected to the 2015 Super Lawyers list. Tony heads Blalock Walters' Estate Planning and Wealth Preservation practice group in Bradenton and Sarasota.

His law practice primarily involves estate planning, charitable planning and estate and trust administration, with an emphasis on estate, gift and generation-skipping transfer taxation.

Michael D. Magidson was selected to the 2015 Florida Rising Stars list. Mike is a member of the firm's Business and Health Care practice groups.

He counsels clients regarding entity formation, business governance issues, business transactions and health care transactional and regulatory matters. Mike is Board Certified in Health Law by The Florida Bar. ■

Will Robinson elected chair of the Twelfth Circuit Judicial Nominating Commission

William C. Robinson, Jr., principal and real estate attorney at Blalock Walters, was elected Chair of the Twelfth Circuit Judicial Nominating Commission for the Twelfth Judicial Circuit in July.

The Judicial Nominating Commissions select and nominate to the Governor persons found by the Commission to be legally and most fully professionally qualified to fill a vacancy. Will's first order of business was to focus on the Commission's recent announcement of vacancies in the Circuit Court due to the retirement of Judges Peter A. Dubensky and James S. Parker.

"The firm congratulates Will on this esteemed appointment," says Blalock Walters' Managing Partner Jonathan Fleece. "It is a testament to Will's commitment to public service and the judicial branch of government. He is well qualified and committed to perform marvelously through his term." ■



Will Robinson, Florida Board
Certified in Real Estate Law

Charles Johnson in 2016 Best Lawyers in America®

Blalock Walters is proud to announce that Charles Johnson has been selected by his peers for inclusion in The Best Lawyers in America® 2016. Charles was selected in the field of Real Estate Litigation.

A listing in Best Lawyers is widely regarded as a significant honor conferred on a lawyer by his or her peers. If the votes for an attorney are positive enough for inclusion in Best Lawyers, that attorney must maintain those votes in subsequent polls to remain on the list for each edition.

Charles is the firm's Business Litigation practice area leader. His practice concentrates in the areas of commercial litigation and probate litigation. Last year, Bob Blalock and Cliff Walters were selected by their peers for inclusion in The Best Lawyers in America® 2015. Bob was selected in the field of Trust and Estates and Cliff in the field of Real Estate Law. ■



Charles Johnson,
Business Litigation



Marisa J. Powers, Manatee County Bar Association Board of Directors member



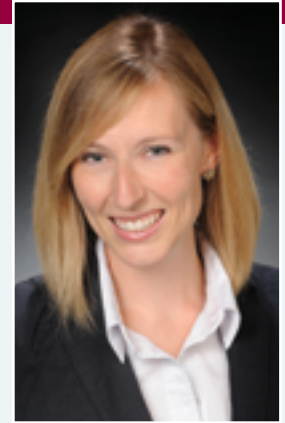
Alexander K. John, Young Lawyers Division Board of Directors member



Jason H. Levy, Young Lawyers Division Board of Directors member



Amanda C. Tullidge, Secretary of Young Lawyers Bar Association Board of Directors



Ann K. Breitingering will continue as Young Lawyers Division Board of Directors member

Attorneys elected to Manatee County Bar Association's Board of Directors and its Young Lawyers Division

The Manatee County Bar Association, an organization focused on improving the administration of justice and service to the public, has elected litigation attorney Marisa J. Powers to its board of directors.

Blalock Walters has a deep-rooted history with the Manatee County Bar Association, exemplified by the firm's numerous attorneys who have served as members, six of whom have served as president.

Manatee County Bar Association is a non-profit voluntary organization for attorneys and judges in Manatee County. The association has approximately 345 members and is dedicated to enhancing the legal profession, serving the community and promoting fellowship.

Business and health care attorney Alexander K. John and litigation



attorney Jason H. Levy were newly elected to the Manatee County Bar Association's Young Lawyers Division Board of Directors. Amanda C. Tullidge, real estate attorney, will serve as secretary after having served on the Young Lawyers Board since 2013. Health care attorney Ann K. Breitingering will continue her service on the Young Lawyers Division Board as well.

The purposes of Young Lawyers Division are to orient recently admitted lawyers to their responsibilities as members of the Manatee County Bar Association, Inc. and to promote continuing legal education and professional development. The Division also provides opportunities for social activities, pro bono activities, and participation in projects for the betterment of the MCBA, the Bench, the legal community, and the community in general. ■

Attorneys renovate two children's areas at courthouse

Attorneys Ann Breitingering, Amanda Tullidge, Alex John and Jason Levy serve on The Manatee County Bar Association Young Lawyers Division. They helped complete two of YLD's major projects benefitting children at the local courthouse.

Members of the Young Lawyers Division Board met in September to clean and organize the Children's Waiting Room, a kid-friendly space on the fifth floor of the courthouse where children can safely play while their parents appear in court. The Young Lawyers Division Board bought new toys, games, videos and furnishings to update the playroom. The board also completed its renovation of the Children's Testimony Room, a space where children give video testimony in legal proceedings. In order to make the children feel more relaxed and comfortable in often intimidating situations, Board members had the room painted and filled with welcoming, age-appropriate furniture and décor. ■



Young Lawyers Division members cleaned and reorganized the Children's Waiting Room. Top from left: Ryan Chapman, Jay Horne, Sierra Pino, Aaron Crittenden, James Lynch, Jason Levy and Alex John. Bottom from left: Monica Villaverde Beck, Amanda Tullidge and Ann Breitingering.



BEHIND THE *Suit*

With Jonathan Fleece



What is your proudest accomplishment?

Raising my three children, Nathan, Anna and Colin and marrying Amy who has been the best wife and mother a man could ever ask for

Favorite author?

C.S. Lewis

If you could go back in time to change one thing, it would be...

I wouldn't have sweated the "small stuff"

What's the most daring thing you've ever done?

Water skied behind a 50 foot Viking

Who is your greatest inspiration? Jesus Christ

What was your first job? Flipping burgers at McDonald's

What motivates you to work hard?

To make a positive difference for my family, clients, colleagues and community

Who is your favorite cook and what dish of theirs do you like best?

Peter Mattina, M.D. Lamb chops, baked potatoes, broccoli followed by Cassata Cake and Limoncello

If you were a super-hero, your powers would be...

To fly and time travel

What has been your favorite vacation?

Cruising the Mediterranean followed by a week in Barcelona, Spain

My hidden talent is ... Singing

On the weekends, I... Love to hang with family

And what destinations are on your bucket list?

Austria, Switzerland, Africa, New Zealand, Australia, China, Thailand, Pacific Islands and the Galapagos

My most inspirational moment in life was...

Writing a book: "The New Health Age: The Future of Healthcare in America"

The most unusual thing I've ever eaten was...

Chocolate covered ants

If you could go back in time, to what year would you travel?

The day Jesus was crucified

If you had a warning label, what would yours say?

Carpe Diem ... The good, bad and ugly

What song would you say best sums you up?

10,000 Maniacs – "These are the Days"

What is your favorite childhood memory?

Hiking through the Appalachian Mountains in N.C. in the snow with my dog Max and my little brother Stephen playing "war games"

What's the craziest thing you've done in the name of love?

I proposed to Amy on Tuna Beach, AMI by hiding our engagement ring in a cutout section of a book. She opened the book to the "rest of the story" and thankfully said YES! ■



Healthy LIVING

Blalock Walters
Wellness Initiative



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WE MAKE A DIFFERENCE



Matt Plummer

Matt Plummer plays in the Anna Maria Island Community Center Adult Soccer League.

For many, the pursuit of a healthy work/life balance seems like an impossible goal. Between juggling heavy workloads, managing relationships and family responsibilities, and squeezing in outside interests, it is important to prioritize a balanced lifestyle. Here are some examples of how some of our team members stay happy and healthy.



Fred Moore and his family

Fred Moore runs 5K races with his family.

Nicole Carlock finds a shady spot along the Bradenton Riverwalk on her lunch break to meditate.

Tony Bartirome, an avid mixed martial artist, is testing for his black belt in Taekwondo.

90
years



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Triathlete Will Robinson completed his second IRONMAN race



Will Robinson



Jacki Mori and Survivors in Sync

Jacki Mori, breast cancer survivor, races with the dragon boat racing team called Survivors in Sync.

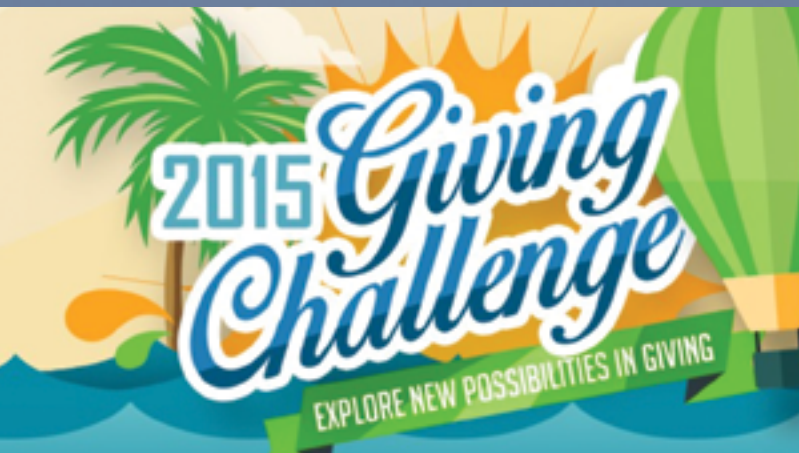
The dynamic group of Laraine McCool, Cecilia Hopper, Michele Munnings and Nancy Robbins meet three times a week to walk five miles around their neighborhood.



Ann Ebreitinger rides bike to work.

Mary LeVine regularly swims the Gulf of Mexico

Making a Difference...



Our community raised more than \$6.6 million during Giving Challenge 2015, a 24-hour giving day of philanthropy to support hundreds of area non-profits. There were more than 36,400 individual donations made – the largest single day of giving in the state of Florida. Blalock Walters is proud to be a part of an enormous success in our non-profit community.

Our attorneys take part in 2015 Giving Challenge

Will Robinson pedals for Meals on Wheels, Goodwill Manasota

Attorney Will Robinson, chair of Meals on Wheels PLUS of Manatee board of directors, “Pedaled for a Purpose” to help raise awareness and funds for the Meals on Wheels and Goodwill Manasota Giving Challenge partnership.

The organizations delivered a hot pink stationary bike to the lobby, where Will hopped on and started pedaling. Blalock Walters employees donated money for the many miles Will rode.

You can see the video of Will’s trek at www.facebook.com/blalockwalters.



Bradenton Rocks!

Blalock Walters helped support Realize Bradenton’s Giving Challenge Campaign - #BradentonROCKS.

Realize Bradenton is a non-profit organization that brings people together to create a vibrant and prosperous downtown area for residents, visitors and businesses.

Managing Partner Jonathan Fleece (below) rocks at the R.B. “Chips” Shore Manatee County Historical Courtroom during #BradentonROCKS.



The 2015 Giving Challenge is made possible by the Community Foundation of Sarasota County and The Patterson Foundation with support from the William G. and Marie Selby Foundation, John S. and James L. Knight Foundation, and the Manatee Community Foundation.

Five Blalock neighborhood heroes come through for We Care Manatee, Turning Points during 2015 Giving Challenge

In an super hero effort to raise awareness and money for We Care Manatee and Turning Points, attorneys Ann Breitinger, Michael Magidson and Marisa Powers as well as Managing Partner Jonathan Fleece and Marketing Director Jill McGarry transformed into "Neighborhood Heroes."

Ann Breitinger serves on the We Care Manatee board of directors, an organization that facilitates free medical care to low-income, uninsured residents of Manatee County. Michael Magidson serves on the board of directors for Turning Points, which provides services to the homeless and those at risk of becoming homeless in Manatee County. ■



Neighborhood heroes Marisa Powers, Ann Breitinger, Michael Magidson, Jill McGarry and Jonathan Fleece help raise awareness and money for non-profit organizations during the 2015 Giving Challenge.

It's not just a tag line...

'We Make a Difference' is truly a philosophy we live

In early July, this sweet and loving momma cat and newborn kittens found their way to Blalock Walters and made a home in the bushes in front of attorney Melanie Luten's office. The animal lovers that we are, we quickly took them under our care with food and water around the clock.

Melanie Luten contacted the Humane Society of Manatee County for guidance and attorney Marisa Powers kindheartedly brought the momma cat and four kittens to her home to care for and foster them. Blalock Walters' employees contributed to their care by donating food, money and supplies.

Marisa Powers and her husband, Justin, and daughter, Amelia, took loving care of them for eight weeks, creating a safe and comfortable area to allow the mom cat to nurse her babies until they weaned. They also enjoyed holding and petting them often, so they could get accustomed to humans.

In September, when the babies were weaned and mature enough for adoption, Marisa took two kittens to Humane Society of Manatee



County, where they were quickly adopted. Marisa decided to keep the mom, who she named Liberty, and two kittens, a female named Thelma and a male named Louis. We applaud Marisa and Melanie for their heroic and compassionate actions in saving this momma cat and her four kittens. Thank you for "making a difference" in the lives of these sweet, innocent animals! ■



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Thank You



In this time of gratitude during the holiday season, we give thanks to you. The success we have experienced over the years is due to loyal clients and friends like you, who faithfully support and trust in our firm. Our promise is to continue giving you the kind of exemplary service you deserve.

