



The Florida Bar
Consumer Protection Law Committee and the Elder Law Section

Present:

Protecting Consumers
Who Have unCONVENTIONAL Needs
with CONVENTIONAL Strategies:
Making Florida Safe
for Military and Elderly Consumers

Saturday, June 29, 2019, 8:45 a.m. until 3:45 p.m.

COURSE CLASSIFICATION: INTERMEDIATE

Course 3200

slyle@floridabar.org

OVERVIEW

Florida is home to more than 21 military bases. And many service members remain in Florida after they retire.

Senior citizens make up more than 19 percent of Florida's population, more than any other state. All too frequently, Florida's senior citizens as well as service members and veterans are targeted by consumer swindles and predatory business and investment scams.

Service members, often new to Florida and trying to make ends meet, can be taken advantage of by those making special offers. While veterans comprise less than 10 percent of the U.S. population, they are 33 percent of the victims of investment fraud.

Each year, more than 5 million older Americans are financially preyed on, to the tune of \$37 billion in theft and exploitation.

"Protecting Consumers" will feature attorneys in the military, private practice and government as well as judges who shape the laws, transactions and litigation that affect these vulnerable consumers.

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Co-presented by a Bar Committee dedicated to advancing consumer protection law and a Bar Section focused on helping senior citizens, this seminar will inspire attendees to not only provide pro bono and community service, but also to learn how private practitioners can work in these areas as part of their careers for the benefit of significant populations of fellow Floridians.

LECTURE PROGRAM

8:45 a.m. – 9:00 a.m.

Introduction and Overview

Craig Rothburd, Chair, Consumer Protection Law Committee
Jason Waddell, Chair, Elder Law Section

9:00 a.m. – 10:00 a.m.

Practitioners' Views & Advice on Litigation, Transactions, & Lending Involving the Military

Topics for discussion:

- Service Members Civil Relief Act
- Predatory lending, payday advance
- VA loans
- Installment-sales contracts, consumer credit contracts
- The Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA)

Moderator: Anthony Palermo, Holland & Knight, LLP

Speakers:

Yohance Pettis, Civil Rights Division chief, U.S. Attorney's Office for the Middle District of Florida

Tiffany Cummins Nick, Assistant U.S. Attorney, Civil Division, U.S. Attorney's Office, Middle District of Florida

Charlie Stutts, Holland & Knight, LLP, former general counsel for the Florida Comptroller's Office and the Department of Banking and Finance

10:00 a.m. – 11:00 a.m.

Practitioners' Views & Advice on Litigation, Transactions, & Lending Involving the Elderly

Topics for discussion:

- Reverse mortgages
- PACE loans
- Home solicitations

Speakers:

Murray Silverstein, Greenspoon Marder

Sue-Helen Motley, Bay Area Legal Services

11:00 a.m. – 11:10 a.m.

Networking Break

11:10 a.m. – 12:10 p.m.

Investigations & Enforcement Actions Involving the Military

Topics for discussion:

- Issues unique to servicemembers
- Scams related to veterans-related charities

Moderator: Richard Lawson, Manatt, Phelps & Phillips, LLP

Speakers:

Donna Valin, Assistant Attorney General, Florida Office of Attorney General
Lt. Commander Paul Thompson, U.S. Navy, head of Legal Assistance Department, Region Legal Service Office Southeast

12:10 p.m. – 1:00 p.m.

Investigations & Enforcement Actions Involving the Elderly

Topics for discussion:

- Elder exploitation
- Investment-related issues/scams
- Trends and current issues in this area

Moderator: Richard Lawson, Manatt, Phelps & Phillips, LLP

Speakers:

The Hon. Thomas Palermo, 13th Circuit Court Judge
Ronald C. Long, Director of Elder Client Initiatives Center of Excellence, Wells Fargo Advisors
Robert Follis, Assistant Attorney General, Florida Office of the Attorney General

1:00 p.m. – 1:15 p.m.

Networking Break

1:15 p.m. – 2:15 p.m.

Judicial Panel: Veterans' Courts & U.S. Court of Appeals for Veterans Claims

Speakers:

The Hon. Daryl M. Manning, 13th Circuit Court judge, who served as a JAG officer in the U.S. Army, and leads the Hillsborough County Veterans Outreach Court

The Hon. Michael J. Scionti, 13th Circuit Court judge, who oversees the Thirteenth Judicial Circuit's Veterans Treatment Court

2:15 p.m. – 3:15 p.m.

Protecting Against Financial Exploitation of Vulnerable Adults

Speakers:

Ellen Cheek, staff attorney, Bay Area Legal Services Senior Helpline

Nancy Wright, Law Office of Nancy Wright, practice focus on special care needs of those with disabilities and the elderly

3:30 p.m. – 3:45 p.m.

Q&A

SPEAKERS



ELLEN CHEEK is the Assistant Manager of the Florida Senior Legal Helpline and practices Elder Law at Bay Area Legal Services, Inc., in Tampa. She is the co-chair of the Abuse, Neglect and Exploitation Committee of The Florida Bar's Elder Law Section. Cheek graduated from Mt. Holyoke College and The University of Santa Clara School of Law and has been admitted to practice in California, the District of Columbia and Florida (active).

ROBERT FOLLIS has been with the Attorney General's office since 2006 and assists with the investigation and the prosecution of consumer protection cases within Florida. He also has spoken to various groups across Florida on issues affecting senior citizens. Before joining the Attorney General's office, he was a Felony Attorney at the Hillsborough Public Defenders' office for several years. Follis has focused on consumer protection issues relating to the timeshare industry. He is a member of The Florida Bar and a retired CPA.



RICHARD LAWSON is a partner with Manatt, Phelps & Phillips, LLP's consumer protection practice, where he concentrates on Federal Trade Commission and state attorney general investigations and litigation. Before joining Manatt, Lawson served as the director of the Consumer Protection Division for the Florida Attorney General's Office. Lawson received his B.A. from the University of Florida and his J.D. from the Florida State University College of Law.

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RONALD C. LONG is director of Elder Client Initiatives Center of Excellence at Wells Fargo Advisors, LLC. He keeps the firm abreast of the changing regulatory environment and issues related to the aging client. He frequently meets with securities regulators, adult protective services and others overseeing the brokerage industry and elder clients. Long was district administrator of the Securities and Exchange Commission's Philadelphia District Office and worked as a counselor to Chairman Arthur Levitt. Long started his legal career as an associate with the San Jose, California, law firm of Hoge, Fenton, Jones and Appel, Inc. He is a graduate of Williams College and received his law degree from Georgetown University Law Center.



THE HON. DARYL MANNING is a county court judge in Florida's 13th Judicial Circuit. He leads the Hillsborough County Veterans Outreach Court. Manning enlisted in the U.S. Army when he was 17 years old and served several tours in Iraq, Afghanistan, Saudi Arabia and Kuwait before retiring in 2015 as a lieutenant colonel after serving as a JAG officer. Manning graduated from St. John's University School of Law and the Judge Advocate General's Legal Center and School. He was appointed to the county court bench in 2015 and won another term in the Nov. 6, 2018, general election.

SUE-HELEN MOTLEY joined Bay Area Legal Service as an attorney in 1991. She earned her business and law degrees from Washington University in St. Louis, Missouri, and her master's degree in Urban Affairs and Policy Analysis from Southern Illinois University. In 1999, Motley was one of two founding attorneys of the Senior Home Ownership Protection Program (SHOPP), which continues to provide advocacy and representation to seniors who are in danger of losing their homes. As a SHOPP attorney, Motley represents seniors in state court, federal district court and bankruptcy court.



TIFFANY CUMMINS NICK is an Assistant U.S. Attorney in the Civil Division of the U.S. Attorney's Office for the Middle District of Florida. She is located in the Orlando office and principally handles civil rights investigations and litigation arising in the Jacksonville, Ocala and Orlando Divisions of the District. She has also served in the Criminal Division of the U.S. Attorney's Office, prosecuting federal violent crimes, child exploitation matters and criminal civil rights cases. Previously, Nick worked in private practice doing employment litigation defense at Baker Hostetler in Orlando, and Paul Hastings in Washington, D.C., and specialized in the defense of class and collective actions. Prior to that, she served as a Law Clerk to U.S. District Judge Mary S. Scriven in the Middle District of Florida. Nick received her law degree, cum laude, from the University of Florida Levin College of Law. She received her undergraduate degree, cum laude, from Wake Forest University.

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ANTHONY J. PALERMO is an associate at Holland & Knight in Tampa, where he represents clients in commercial litigation and consumer protection matters and advises on regulatory compliance issues. He has been engaged in state and federal court class actions, complex business disputes and governmental investigations, particularly in the financial services, health care and life sciences, and transportation industries. As part of his regulatory practice, Palermo was appointed a Special Assistant Attorney General to advise a state-run lending institution on compliance with consumer protection laws. He graduated from the honors program at the University of North Carolina, where he received his B.A. with highest distinction, and he earned his J.D. from Harvard Law School, where he received the Harvard University Certificate of Distinction in Teaching for his work as a Teaching Fellow in the Government Department.



THOMAS PALERMO was appointed to the 13th Circuit Court bench in March 2019 by Gov. Ron DeSantis. Before that, he was an assistant U.S. Attorney for the Middle District of Florida, where he served as the Senior Litigation Counsel for the Criminal Division. Palermo also was the reviewer in the Violent Crimes and Narcotics Section and the Middle District of Florida Opioid Coordinator. Palermo also served in the Organized Crime Section. Additionally, he had worked as the District's Human Trafficking Task Force Coordinator and Mortgage Fraud Coordinator, having formed the District's Mortgage Fraud Task Force. Before working for the U.S. Attorney, Palermo was an Assistant State Attorney in the 13th Judicial Circuit and clerked for U.S. Magistrate Judge Elizabeth A. Jenkins. Palermo has an LLM from King's College London in Banking and Finance Law, and a J.D. cum laude from Florida State University College of Law.



YOHANCE PETTIS is an Assistant U.S. Attorney for the Middle District of Florida (MDFL), where he serves as the Deputy Chief for the Middle District of Florida's Civil Division. He has been an Assistant U.S. Attorney in the MDFL since 2011. His areas of practice include civil rights and defensive litigation. Pettis is also the District's Civil Rights Coordinator and serves as co-chair of the Federal Law Enforcement and Prosecution subcommittee for the U.S. Attorney's Civil Rights Working Group (MDFL). Previously, Pettis was an associate attorney with the law firm of Haliczzer, Pettis, & Schwamm, P.A., in Fort Lauderdale. Pettis is an active member of the George Edgecomb Bar Association and serves on the Florida Bar Federal Court Practice Committee and the Executive Council of the Trial Lawyer's Section. He also serves on the Board of Directors for Bay Area Legal Services. Pettis graduated from the University of Florida where he obtained his undergraduate degree in Criminology and the University of Florida Levin College of Law.

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CRAIG ROTHBURD has practiced law for 24 years with a focus on class actions, consumer law, complex business, and commercial and health care law and litigation. He is AV-Martindale-Hubbell rated and was recently awarded the Consumer Protection Lawyer of the Year for 2017 by The Florida Bar. Rothburd devotes a considerable amount of his practice on consumer law and litigation, with a special focus on class action litigation, including mortgage loan servicing, truth in lending, insurance, deceptive practices, and consumer statutory violations. He is presently chair of The Florida Bar's Consumer Protection Law Committee, a member of the National Associate of Consumer Advocates (serving as its membership committee co-chair), a strong supporter of and advocate for legal services (serving as a volunteer pro bono attorney and on the Board of Directors, teaching continuing education and fighting to obtain significant cy pres funding for legal services). He is a double Gator, having graduated from the University of Florida both with his Bachelor of Science and from the College of Law with honors.



JUDGE MICHAEL SCIONTI, of Florida's 13th Circuit Court, was elected to the court in 2014. He is a former Democratic member of the Florida House of Representatives, as well. He joined the U.S. Army Reserve Judge Advocate General's Corps in 2000. Scionti represented District 58 of the Florida House of Representatives from 2006 to Dec. 13, 2009. Scionti resigned his seat after being appointed to serve as Deputy Assistant Secretary of Defense for Intergovernmental Affairs and Homeland Defense. Scionti earned his J.D. degree from the South Texas College of Law in 1996. He graduated from the U.S. Army's Judge Advocate General School in 2000; Military Intelligence School in 2007; and Command and General Staff College in 2011.



MURRAY SILVERSTEIN is managing partner in Greenspoon Marder's Tampa office. He has more than 36 years' experience in complex commercial, business and real estate litigation in the state and federal trial and appellate courts of Florida. Silverstein is board certified in civil trial practice and business litigation by The Florida Bar. He regularly handles jury and non-jury trials. His practice areas include cases involving unfair competition, trade secrets, restrictive covenants, intellectual property disputes, consumer finance litigation and class action defense, construction and real property disputes, health care litigation, and professional licensing matters before administrative agencies.

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CHARLES L. STUTTS is a partner in Holland & Knight's Tampa office. He practices in the firm's Business Law Department, with an emphasis on securities and banking law. As former general counsel to the Florida Comptroller's Office and the Department of Banking and Finance, he helped develop the agency's policies on banking, mortgage lending and securities regulation. Stutts also directed the agency's securities enforcement efforts and coordinated prosecutions under Florida's antifraud provisions with its federal counterparts including the U.S. Securities and Exchange Commission and Commodity Futures Trading

Commission.



LT. COMMANDER THOMPSON is currently serving as the head of the Region Legal Service Office Southeast Legal Assistance Department. He supervises the military legal assistance mission at 10 legal offices across the southeastern United States. He earned his J.D. from the University of Colorado Law School in 2008 and commissioned in the Navy the same year. His prior Naval assignments include serving as defense counsel and legal assistance attorney in New Orleans, Louisiana; Deputy Staff Judge Advocate to Commander, Navy Region Europe, Africa, and Southwest Asia in Naples, Italy; and Staff Judge Advocate to Commander, Submarine Squadron 11, in San Diego, Calif. He also deployed to Afghanistan as part of Combined Joint Interagency Task Force 435 from 2013-2014.



JASON WADDELL is a Board-Certified Elder Law attorney who currently serves as the chair of The Florida Bar Elder Law Section. Waddell has received several awards and designations such as The Florida Bar Elder Law Section Member of the Year in 2014-2015 and more recently, in 2016, The Florida Bar President's Pro Bono Service Award for the 1st Judicial Circuit. For Waddell, his own family's struggles with illnesses such as Alzheimer's and the need for elder care intensified his desire to serve the elderly. Waddell maintains the highest rating from the two largest peer review companies: AV rating with Martindale-Hubbell® Peer Review Rating TM, which is the oldest peer-review rating company in the country; as well as 10.0 with AVVO.

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NANCY WRIGHT'S practice in Gainesville is focused on the special care needs of persons with disabilities and the elderly, with an emphasis on helping clients receive services that allow them to remain as independent as possible. Much of her work involves the complex and varied programs offered through Medicaid. Her legal advocacy includes administrative hearings, rule challenges, state court appeals and federal lawsuits, under the Medicaid Act and the Americans with Disabilities Act. She has co-counseled with statewide advocacy organizations in federal actions challenging both the Agency for Persons with Disabilities and the Agency for Health Care Administration in operating Medicaid Waiver programs.

CLE Credit

General: 7.0 hours

Certification Credit

Elder Law: 7.0 hours