

## REAL SCOOP



### *President's Message:*



Our piece of the planet is about to welcome in a beautiful spring. At least that's my prediction and I hope you and your family are excited and preparing to carve out a little time to enjoy it. Speaking of fun, we look forward to seeing many of you at the **Annual Fish Fry, May 15th**. Our 2nd Vice President, Cindy Gardner, has worked very hard to make it special and deserves a thank you shout out. She found an excellent caterer operated by off-duty police officer chefs who specialize in cooking the fish on-premises. The menu is printed inside the Real Scoop.

It was gratifying to see the U.S. Attorney's office bringing accountability on the attempted JEA steal to the forefront in the criminal justice system in the Federal Court here. I have a strong suspicion that the indictments will be followed by more before

the end of the year.

Our long-time Editorial Editor and Historian, the Honorable Harry Reagan is retiring from the board, and we will miss him. I served on the City Council with Harry who was one of the finest people with whom I had the pleasure to serve. He always had his constituent's best interest in mind. And for sure nobody owned him. We plan to continue enjoying an occasional history lesson from Harry.

Your officers are always interested in your thoughts on how we can improve the REA and the Real Scoop so never hesitate to let us know what you are thinking. Here's my contact information: [eric@ericsmithlaw.net](mailto:eric@ericsmithlaw.net); (904)-596-5767 or cell: (904)635-2973. We also would like to have pictures from time to time and articles about what members are doing.

Here's an exciting bit of news: Longtime City Council Director, Cheryl Brown, retired and has joined us with REA membership. She is a great person and I hope to get her involved with us. She rendered excellent and dedicated service to our city and I for one have enjoyed her friendship over the years.

At our last quarterly meeting Donna Deegan spoke to us and the crowd seemed to enjoy her discussing some of the topics from her two books. I am going to invite Bruce Barcelo to speak on his group that sends Aid to Ukraine at our next meeting. The war over there is a horror we can see daily on the news, and I think we should find a way to help those dear people, many of whom have lost everything.

If there is one thing, I always remember my Father telling me it's "Count your blessings." My dear wife Gloria, while working in the yard, fell and broke her arm last week and had to have surgery. We are blessed that it was not worse, and that Dr. Steven Crenshaw was such a good surgeon. I told Gloria that I am proud and happy to be her service animal for the next couple of months.

One final note...I appointed John Keane, who I have known for about 54 years as Editorial Editor of the Real Scoop.

Until next time, remember to do something unexpected and nice for someone. It is a good feeling and makes our little corner of the world a better place.



*God Bless, Eric*



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**PRESIDENT OF**  
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**SERGEANT-AT-ARMS, REA BOARD**

## **PRE-PLANNING YOUR FINAL SERVICE ARRANGEMENTS**

Preparing for a funeral may seem intimidating but making your plans and wishes in advance allows you to decide on the specific items you want and need. Because funeral expenses can place a financial burden on families, comparing prices for services and products ahead of time can significantly reduce the burden on your loved ones.

Given time, your friends and family will eventually forget their sorrow and come to value all of the fond memories they have of you. But before they attain this peace of mind, they will have to make dozens – perhaps hundreds – of decisions about your funeral, many of which will add to your overall funeral costs. These costs can add up quickly, and your loved ones may not have the necessary funds to cover all of the expenses.

By pre-planning your funeral, you can help save your family thousands of dollars.

Before you begin planning your funeral, you will have to take a couple of steps to prepare for the meeting. And the first step is deciding which funeral home you will use. Here are a couple of tips to help you find the right one.

Another key concern is deciding who will be the main contact for the funeral home. Think about which of your loved ones will be best able to handle working with the funeral director to ensure all of your funeral wishes are carried out. You can choose someone close to you such as a family member or you might select someone less emotionally invested who will approach the task and make decisions logically.

When pre-planning your funeral, you will need to decide what happens to your body after you die. The most common dispositions are burial and cremation.

The first step in planning your funeral is deciding between burial and cremation. With either choice, you can opt for immediate burial or cremation with no funeral service.

If you decide a burial with a service beforehand is right for you, you will want to decide if you want a traditional or green burial. Traditional burials require the purchase of a casket and often come with reinforcement for the grave. Green burials are more environmentally friendly – with no embalming or embalming with formaldehyde-free products and a biodegradable shroud or casket.

Cremation may require the purchase of an urn and locating a place to store or scatter the ashes.

These decisions will fall directly on your family if there is no plan to guide them. And you know your family members better than anyone. Everyone has an opinion about everything! The last thing you want them doing is fighting with each other during this emotional time.



## Update on the General Employees, Correctional Officers and Police and Fire Pension Plans

By Richard Wallace

The Financial Advisor report on the General Employees and Correctional Officers Pension Plans for the period 12/31/2021 to 2/28/2022 shows a loss of 4.67%.

(Below is the Asset Value and Return per the RVK reports).

DATE	ASSET MARKET VALUE	RETURN OF ASSETS
12/31/2018	\$2,107,578,103	
12/31/2019	\$2,342,377,799	17.50%
12/31/2020	\$2,469,519,078	11.18%
12/31/2021	\$2,664,636,142	12.15%
2/28/2022	\$2,540,380,480	4.67% loss since 12/31/2021

The Trustees and staff continue to follow the recommendations to diversify the asset investments into different areas such as US Equities, International Equities, Fixed Income, Real Estate and Other Diversifying assets in order to protect against big changes in any one of the market sectors. Currently, the funds are around 62.18% invested in U.S. and International Equities, 35.19% in Fixed income and Real Estate and 2.63% cash and Diverse Assets

The Financial Advisor report on the Police and Fire Pension Fund for the period 12/21/2021 to 2/28/2022 shows a loss of 5.18%. (Below is the Asset Value and Return per the RVK reports).

Here are the numbers for Police and Fire. (Courtesy of the Jacksonville Police and Fire Pension Fund).

DATE	ASSET MARKET VALUE	RETURN OF ASSETS
12/31/2018	\$1,915,136,898	
12/31/2019	\$2,165,594,144	20.41%
12/31/2020	\$2,391,752,220	13.60%
12/31/2021	\$2,702,782,782	14.26%
2/28/2022	\$2,560,681,082	5.18% loss since 12/31/2021

Currently, the Police and Fire funds are around 63.42% invested in U.S. and International Equities, 34.51% Fixed income and Real Estate and 2.07% cash and Diverse Assets

Thanks to the Pension Fund staffs, the Pension Fund Advisors and the markets for the positive return on investments. We all hope and pray for continued high investment returns to put our pension funds in good financial condition.

The General Employees and Correctional Officers Pension Fund Trustees meet the fourth Thursday of every month at 2pm in City Hall or lately via a Zoom meeting and the Public is welcome. The Police and Fire Pension Fund Trustees meet in the Police and Fire Pension offices at 1 W. Adams Street, Suite #100 generally meet the third Friday of each month at 9am. Meeting dates and times are subject to change.



## LAW TALK – by Eric Smith, General Counsel

For this edition, my friend and fellow Attorney, Fred Tromberg, concludes his important article on Medical Malpractice.

### HOW TO RECOGNIZE MEDICAL MALPRACTICE IN FLORIDA (AND WHAT TO DO ABOUT IT) PART II By Fred Tromberg, Attorney at Law

In some cases, the medical negligence is clear and obvious from the outset. If there has been a medical or surgical mistake in medication dosage or removing the wrong limb, that's very obvious and will likely lead to a medical negligence case. There are literally thousands of actionable cases ranging from misdiagnosis to negligent treatment to substandard surgical procedures, with every conceivable variation, depending upon the circumstances of the individual situation. On the other hand, there are many more "subtle" and not too readily observable mishaps, deviations and instances of neglect which would only be observable or understood by medical experts. That is why every prospective and potential claim must be reviewed by an expert in the same field with an opinion based upon "reasonable medical probability" that there was substandard treatment or a procedure that fell below the standard of care. Without this expert corroboration, the claim cannot move forward.

Lawyers, representing their clients, engage in a "statutory pre-suit" exchange of information before a lawsuit can be filed. There are many procedural and substantive issues that are handled between and among the attorneys in compliance with Florida law. These effectively make it necessary to see an experienced attorney when considering an action against a medical provider, clinic or hospital. Most potential claims do not result in filing a lawsuit and there are opportunities to settle claims before suit is filed.

Once there is a lawsuit filed, the rules involving civil litigation and some specialized rules and laws relating to medical negligence apply. The parties will be ordered to mediation by the court in an effort to see if there is an opportunity to settle their case and resolve their conflicts without actually going to trial. If the mediation is successful, the case is settled by a negotiated resolution. The mediation is confidential, and the parties can then have a sense of closure with a dismissal of the case based upon the settlement. If there's an impasse at mediation, the case goes to trial and both sides will present their claims and defenses, respectively, with a jury deciding all the issues of fact and the court applying Florida law as instructed by the judge. The result is a verdict and judgment, which can be appealed by either/any party.

When there is an obvious medical problem or a worsening of a patient's medical condition, even if the patient is still in the care of the physician who has likely caused the problem, the patient and his/her family should communicate with the provider about the problem in an effort to remedy the situation. If that cannot happen because the patient is incapable of communicating, unconscious, disabled or cognitively not intact, the family should still consult with the provider to determine what happened and why it happened. In practice, the medical providers in our state are all under a duty to provide the patient with risks and benefits as well as alternatives going forward before undertaking treatment and especially before any surgical procedures. If that did not happen, it may well be a violation of the standard of care applicable to the doctor-patient relationship. When the patient is a minor or is an adult lacking mental capacity to make decisions, the parents or guardians are the decision-makers and should never hesitate to obtain a second medical opinion or see a lawyer about preserving the patient's rights.

In Florida, there is a workable, albeit complicated, medical-legal framework within which to investigate and pursue medical/surgical negligence claims and we all need to be aware of and knowledgeable about our access to attorneys who are well-educated and experienced in handling these types of cases. Almost all of these cases are handled on a contingent fee basis which means the attorneys will receive a percentage of the recovery if there is a settlement or collectible judgment and no attorney's fees or costs will be charged

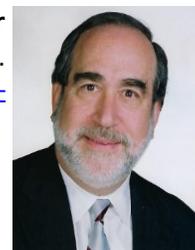
## Law Talk - Continued:

or paid by the patient or his/her family if there is no recovery. As a consequence, there are financial issues that are important to discuss with an experienced attorney who can also talk about a timeline and the prospects of litigation as opposed to other alternatives and remedies, which may include arbitration and mediation.

There are lawyers who specialize in civil trial practice. Most of these attorneys will provide a free initial evaluation of the claim if the patient and/or family want to obtain an opinion and determine if there is a sufficient basis to proceed with a medical negligence case. Time is of the essence and, remember, there is only a two-year Statute of Limitations applicable to most medical malpractice cases. There is a provision for a 90-day "automatic" extension of the Statute of Limitations, but that should properly be undertaken through an attorney. Looking at the overall process, it really makes sense to contact an experienced attorney in the event of suspected medical/surgical/hospital mistakes and malpractice. If the patient or family waits too long and goes beyond the Statute of Limitations without there being a claim started and strictly following the pre-suit notice requirements, which are both procedural and substantive in Florida, that patient and/or family will never be able to bring that claim in the future.

It is impossible to eliminate imperfection and mistakes in the medical system and in all of the discreet interactions which occur in every doctor-patient relationship ranging from "well-baby" visits to delicate surgeries in adults and geriatric patients. The key to understanding whether there is a claim is based upon whether there has been a "deviation" below the minimum accepted standard of care that caused harm, and that is something that needs to be determined by a consulting expert. If it turns out the procedure was correct and the outcome was less than acceptable, that typically means there is no actionable medical negligence. On the other hand, if there is substandard care or one or more medical/surgical mistakes that cause harm, the potential claim should be properly investigated by an experienced attorney and pursued in court.

**Fred Tromberg is a Florida Board Certified Attorney specializing in Civil Trial Law. He has over 44 years of experience as a Trial Lawyer in Jacksonville. He can be reached at 904-396-5321. His website is [www.tromberglaw.com](http://www.tromberglaw.com) and you can contact him directly online at [tromberglaw@bellsouth.net](mailto:tromberglaw@bellsouth.net).**



## Take Time to Pray



"I got up early one morning and rushed right into the day; I had so much to accomplish that I didn't have time to pray. Problems just tumbled about me, and heavier came each task; "Why doesn't God help me?" I wondered. He answered, "**You didn't ask.**" I wanted to see joy and beauty But the day toiled on gray and bleak. I wondered why God didn't show me, He said, "But **you didn't seek,**" I tried to come into God's presence; I used all my keys in the lock. God gently and lovingly chided, "My child, **you didn't knock.**"

I woke up early this morning, And paused before entering the day; I had so much to accomplish that I had to take time to pray."

**LEONA SPANN, CHAPLAIN**

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Serving time: 1-2:30 PM. \$5.00 per person

Meal Includes: Fried Fish, Hushpuppies, Cheese Grits, Cole Slaw, Baked Beans, Assorted Cakes, Sweet Tea &amp; Unsweet Tea.

Reservations must be received in our office no later than: **05/10/22.**

Tickets will be given out at the door, not mailed ahead of time

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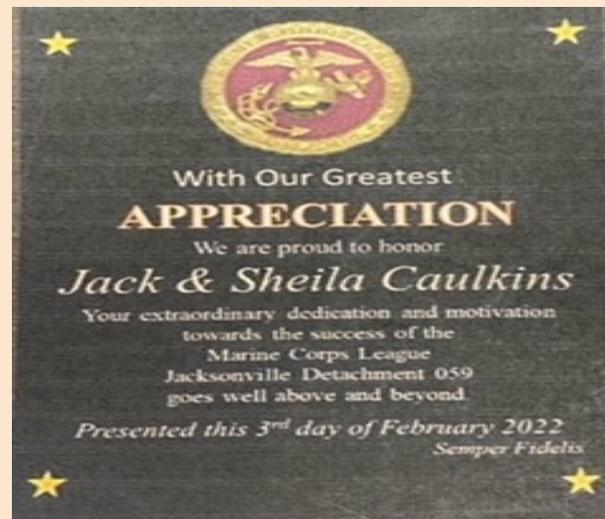
**Recognize Our Own! --- Sheila Caulkins, Past President of REA Detachment Monthly Meeting**

It is with immense pleasure and honor that we recognize our own for their commitment and dedication to the principles and mission of the Marine Corps League and our Jacksonville Detachment 059.

On this date we have awarded the Detachment Marine of the Year (second award) to Jack Caulkins. In addition, for his unselfish and relentless efforts towards the financial goal of the Detachment's Monument Campaign, we were also honored to award Jack the MCL Distinguished Citizen Medal (Bronze).

On this date we awarded Sheila Caulkins with the Distinguished Service Award who exemplified the true meaning of the Marine Corps Values: honor, commitment, and courage by staffing the Detachment Fund-raising Table. There have been occasions, whereby Sheila, not being in the best of health, managed to accomplish the mission to enhance our financial goals.

In deep appreciation of this dynamic duo to be there weekend after weekend and year after year, the Detachment presented Jack and Sheila with a token of "Appreciation Plaque".



**Retired Employees of the Consolidated  
City of Jacksonville**

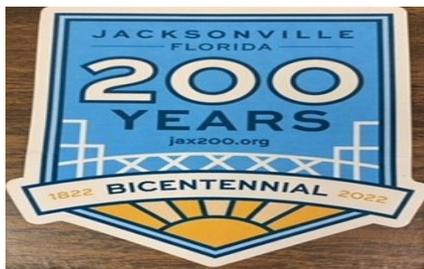
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**Important!!**

Check the REA website often for up to date news about our next meeting, when it will take place and where it will be. Also, call the office for information at 904-353-2400. 9am - 2pm Tuesday - Thursday.

**REA Real Scoop Staff**

Managing Editor: Jackie King  
Executive Editor: John Keane  
Reporting Contributors: Eric Smith, Darryl Patterson, Richard Wallace, Leona Spann & Sheila Caulkins

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