The Florida Bar Out-of-State Division

State-to-State

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PHOTOS:
The Washington State Capitol Building [Source: *Google images*]

Liability from transferring trust funds—it can happen to you

by Gwynne A. Young

G. YOUNG

Can a lawyer's transfer of monies from a client's trust account at the client's direction be a fraudulent transfer under the bankruptcy code? The bankruptcy court and the district court said "No."[1] The Eleventh Circuit said "Yes."[2] Although the Eleventh Circuit was careful to emphasize that no such liability would exist for a lawyer in "the vast majority of cases," the fact remains that it reversed the summary judgment entered for the lawyer by the bankruptcy court (and affirmed by the district court) and held issues of fact existed as to whether the lawyer "had or lacked control of the funds" and whether he acted in "good or bad faith." As such, this decision is important for all lawyers who receive monies for, and disburse monies from, clients' trust accounts.[3]

Briefly stated, the facts—assumed in the light most favorable to the bankruptcy trustee as the non-moving party—are as follows. With knowledge that a creditor had a judgment against the client and was seeking to enforce it by a deficient writ of garnishment, the lawyer disbursed monies in the client's trust, at the client's direction, to various persons, including the client. The lawyer acknowledged he did so to assure the monies would be out of his trust account if the creditor sought another writ of garnishment. The lawyer admitted "these transactions were unusual and departed from the typical handling of client trust funds."

For purposes of ruling on the lawyer's motion for summary judgment, the bankruptcy court assumed that the lawyer was the "mastermind" of a fraudulent scheme with his client to have certain settlement funds of the client placed in the lawyer's trust account and then disbursed them to the client, his family members and selected creditors.[4] The bankruptcy court nonetheless ruled the bankruptcy trustee could not recover the funds from the lawyer because he never had dominion and control over the client's monies in the trust account and thus was not an "initial transferee" under 11 U.S.C. § 550(a)(1).

District Judge James Moody affirmed.[5] In his view:

> [The lawyer] received funds in question on behalf of his client and deposited them into his trust account. He was acting in a fiduciary capacity and was obligated to disburse funds only in accordance with the instructions from his client. That [he] disbursed funds as directed, and assisted by personally delivering the checks, does not alter his status as a fiduciary. The funds in the trust account belonged to the client, not the lawyer. Therefore, under the control test of the Eleventh Circuit, [the lawyer] and his law firm were not initial transferees under § 550 of the Bankruptcy Code.[12]

In footnote 12, Judge Moody declared that "the result would be the same," even if "good faith" were to be taken into account, noting the lawyer's lack of knowledge of certain matters relied on by the bankruptcy trustee.

The Eleventh Circuit reversed. Because the bankruptcy code does not define "initial transferee," the court began by reviewing in detail its prior decisions addressing that term, "albeit in different contexts …." It concluded those precedents demonstrate that: 1) "the first recipient of the debtor's fraudulently transferred funds is an 'initial transferee'"; 2) there is an "equitable exception … known as the mere conduit or control test, for initial recipients who are 'mere conduits' with no control over the fraudulently-transferred funds"; and (3) the court must consider "whether the intermediary acts without bad faith, and is simply an innocent participant" to the fraudulent transfer. The Eleventh Circuit held that the lawyer was "an initial transferee" and that issues of fact existed on the other two elements.

At the extremes of a lawyer's disbursement of funds from a client's trust account, this decision is straightforward. A lawyer who follows a client's directions to disburse trust account monies, without any knowledge that this is being done to fraudulently transfer monies away from creditors, should have no liability under Section 550. On the other hand, a lawyer who has such knowledge and plans the transfer of monies precisely to allow his client to avoid creditors' execution upon them may well be liable for those monies. It is the "gray" area—where a lawyer simply knows the client has creditors, for example, or even judgment holders—that is scary for us lawyers.

The district court highlighted this precise point. In reviewing how circuits other than the Eleventh Circuit have addressed the issue of who is an "initial trans-

continued, next page...

feree," it noted that the Ninth Circuit's "dominion test focuses on whether the recipient of funds has legal title to them and the ability to use them as he sees fit," whereas the "control test" used in the Eleventh Circuit "takes a more gestalt view of the entire transaction to determine who, in reality, controlled the funds in question."[6] The district court observed that while the "dominion test" may yield "a more predictable result, it has the drawback of ensnaring some that are in reality only conduits. This is so because of the infinite variety of factual contexts in which conduits may find themselves."[7]

Citing the "lack of predictability in result" on the issue of who is an "initial transferee," the district court noted that one commentator has observed that "one would hope that the Supreme Court will soon clear up the confusion. All we need is a working (and workable) definition of the word 'transferee.'"[8] Maybe this is the case to get that "workable" resolution. Although no motion for rehearing was filed, the lawyer has 90 days to file a petition for *certiorari* in the Supreme Court. Stay tuned!

Endnotes:

1 *Martinez v. Hutton (In re Harwell)*, 414 B.R. 770 (M.D. Fla. 2009), *rev'd*, 2010 WL 5374340 (11th Cir. Dec. 29, 2010).

2 2010 WL 5374340, at *11.

3 This article's focus only is on the bankruptcy issue addressed in In re Harwell, 2010 WL 5374340. It should be emphasized that there are other issues that lawyers must be concerned with in disbursing funds out of trust accounts that are beyond the scope of this article. For example, Florida Statute, Ch. 726, Uniform Fraudulent Transfer Act, has implications for any transfer out of a trust account, whether or not the client ends up in bankruptcy.

4 2010 WL 5374340, at *11.

5 414 B.R. at 772.

6 414 B.R. at 776.

7 *Id.* at 777 (citations omitted).

8 *Id.* at 783 n.11.

Be sure to vote!

Three vie for 2011 Florida Bar president-elect

For the first time in many years, there is a three-way race for president-elect of The Florida Bar, and the winner will serve as president of The Florida Bar from July 1, 2012, to June 30, 2013. In the event no candidate receives a majority of the votes cast, a runoff election between the two candidates receiving the highest number of votes will be held.

Contested races for president have been rare, but when they do occur, the races provide unique opportunities for out-of-state lawyers and other Bar constituents to elicit the candidates' views on issues important to them. Out-of-State lawyers comprise more than 14,000 of The Florida Bar's approximately 90,000 attorneys.

Representatives of the Out-of-State Division will meet with the three candidates (Walter G. "Skip" Campbell of Fort Lauderdale, John J. "Jake" Schickel of Jacksonville and Gwynne A. Young of Tampa). The goal will be to ask them about issues or concerns relevant to out-of-state lawyers. The results from the candidate meetings will be sent to OOSD members at the end of February, summarizing the candidates' views, including but not limited to their position on F.S. 733.304, which prohibits out-of-state residents from serving as personal representatives in Florida estates, unless they are related to the decedent.

Ballots will be sent to members in good standing of The Florida Bar on or before Mar. 1, 2011. Votes must be received by midnight on Mar. 21. Please watch for the email and the ballot!

Ethics Questions?

Call The Florida Bar's

ETHICS HOTLINE

1/800/235-8619

President's message:

Giving back

by Michael G. Busenkell, President

M. BUSENKELL

It's that time of year again. Time to make your New Year's resolutions and embark on another hopeful journey of change and self-improvement. New gym memberships, new fad diets, self-help books and another attempt at quitting the cigarettes.

At the risk of sounding sanctimonious, as the New Year rolls around, consider making a resolution to improve the Bar, our profession and your own professional development by increasing your pro bono work, promoting civility in your practice or becoming a mentor to another lawyer.

We hear this often, and so the expression may sound trite, but all citizens, no matter their economic status, are entitled to access to our legal system. Too often, justice is delayed, or even denied, to those who lack the economic means to afford competent counsel. The pro bono services generously provided by the members of The Florida Bar allow countless individuals, who would otherwise lack the resources to obtain counsel, access to the courts to ensure the protection of their most basic rights, the preservation of their well-being and the pursuit of a better life. We all are blessed to work in a profession, which for most, provides a nice living; yet, our members plainly recognize the needs of those less fortunate. Indeed, the frequency with which Florida Bar members "give something back" and help pro bono clients in navigating difficult landlord-tenant issues, domestic and custody problems or any number of other legal dilemmas is one of the more admirable hallmarks of our profession. If you already provide pro bono services, your service is undoubtedly appreciated by many. If you do not, consider making time to provide pro bono services on behalf of those who are unable to afford access to our courts.

Likewise, we all can probably make efforts to improve the civility in our practice. Our profession by its nature is adversarial and conflict ridden. In our efforts to achieve the best possible results for our clients, civility may sometimes be sacrificed. As the New Year begins, we can make a greater commitment to maintaining the highest degree of professionalism and remember that serving the client's best interests is not synonymous with adopting a "Rambo" approach with our adversaries. More often, we best serve our client's interests (and maintain our own sanity) by promoting a courteous relationship with other practitioners.

Finally, explore the possibility of becoming a mentor to another attorney. Most of us have benefited at some point in our career from the guidance and wisdom provided by a more senior and experienced attorney. Often, you have "been there, done that," and sharing your thoughts and insights can offer a valuable boost to the professional development of a new attorney. Consider reaching out to a newcomer in our profession and offering the benefit of your experience and wisdom.

Have a Happy New Year—and good luck with the diet!

Visit the division's website: flabaroutofstaters.org

We need your help to be *Bigger and Better*

D. WORKMAN

Happy New Year.

You're reading our latest edition of the all-cyber version of *State-to-State*. You should be receiving a link to each edition of the newsletter that allows you to view the article online in color at your desk or on your mobile device. Of course, you can also choose to print it and take it with you. We hope you're enjoying this step forward to be Bigger and Better!

We have more articles from new contributing authors this month. Our publication continues to grow. And we'd like even more! You'll see throughout *State-to-State* our requests for contributing authors. Our content continues to increase because of you. We feature our contributing authors prominently in our publication and include the information you'd like others to read about your practice. We have two goals here: to present your ideas to a broad audience and to introduce the readers to you. We're not shy—we want to help you grow your practice.

We continue to work with your OOSD president, Mike Busenkell, to reach more members. Our goal is to continue to increase membership in the division. We've enjoyed great success with receptions in various cities. Another effort involves expanding the attraction of *State-to-State*, especially to advertisers. By doing so, we can expand services provided to out-of-state lawyers. It should be a win-win for everyone.

So, send us your articles and we'll get you published as quickly and as often as we can. You can also advertise. Please email Arlee Colman at *acolman@flabar.org* for more information. And by all means, please let us know how we can serve you better. Please feel free to contact me at *dworkman@bakerlaw.com* or by telephone at 202/861-1602. We also look forward to seeing you at one of the local receptions.

— Don Workman, editor

State-to-State

THE PUBLICATION OF THE FLORIDA BAR OUT-OF-STATE DIVISION

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State-to-State is devoted to Florida and multi-jurisdictional legal matters. It is editorially reviewed and peer reviewed for matters concerning relevancy, content, accuracy and style. State-to-State is sent electronically to more than 14,000 legal practitioners throughout the United States.

Statements or expressions of opinion or comments appearing herein are those of the contributors and not of The Florida Bar or the division.

The deadline for the Spring 2011 issue is April 15, 2011. Articles should be of interest to legal practitioners with multijurisdictional practices. Please submit articles in a Word format via email to Don Workman, *dworkman@bakerlaw.com*. Please include a brief biography with contact information and a photograph of the author. If a digital photo is not available, please mail a print to The Florida Bar, OOSD, 651 East Jefferson Street, Tallahassee, FL 32399-2300.

Author! Author!

The Out-of-State Division offers its membership a valuable forum for the exchange of information on legal issues affecting our interstate practices. To be truly effective, it is essential for a large cross section of our members to contribute articles, news and announcements to this newsletter.

For those of you who would like to see your work in print, the rules for publication are simple: The article should be related to a subject of general interest to legal practitioners with multijurisdictional practices. Articles focused on your home state are less appealing than issues impacting a number of jurisdictions.

Please send documents in MS Word format via email to Don Workman, *dworkman@bakerlaw.com*.

Please help your colleagues to get to know you by including a brief biography with contact information, and include a head and shoulders photograph. If you do not have a digital photograph, please mail a print to The Florida Bar, OOSD, 651 East Jefferson Street, Tallahassee, FL 32399-2300. Your photo and bio will be kept on file and need only be submitted once.

When being happy to have a job is not enough

by Alexa Sherr Hartley

A. SHERR HARTLEY

Although a person may be grateful to be employed, that gratitude does not necessarily translate into career satisfaction. So, how can a less than satisfied attorney increase his or her professional happiness? Here are some suggestions to help you find meaning in your work and to increase your personal fulfillment.

For members only

Become a member of the committee in which you have always been interested, but never joined. Membership allows you to form relationships with other attorneys. Remember, your career is a long-term proposition and although you may not benefit from these relationships in the immediate future, these relationships will serve you well down the road. Moreover, if you are discouraged and unmotivated in your current job, membership on a committee allows you to feel good about yourself by giving back.

Get in the game

Join the OOSD and other sections of The Florida Bar pertinent to your field of law. And once you do, get as involved as possible. For instance, when The Florida Bar has its annual meeting, secure a spot as a panelist. Presenting yourself to your peers as an expert gives you exposure and name recognition. Again, you are laying the groundwork for future opportunities. By serving as a panelist you will be viewed as a potential employee, a person with valuable connections and a successful networker. People will not be able to think of you as their go-to-person if they do not know who you are.

To this end, also keep in mind your undergraduate and law school alumni associations. These associations often host excellent networking events, sponsor activities that are good for morale and provide continuing education classes. It is important to take advantage of these resources, especially since you have an automatic in.

Extra! Extra! Read all about it!

Now more than ever it is important to read legal publications. Reading legal periodicals will keep you informed about important trends and advances in your area. Being aware of developments will assist you in identifying what direction you should take in your career. Specifically, publications highlight upcoming opportunities and red flag dead ends.

Hit the books

Now is a good time to get any professional certifications you have wanted. Getting certified will position you for opportunities down the road. When determining which credentials to pursue, think about your five-year plan and your 10-year plan. Do not focus solely on how these certifications will benefit you now; think about your professional goals, and use this time to take the first steps toward achieving those goals. Further, particularly if you feel trapped in your current job, getting certified will give you a much needed sense of accomplishment and empowerment.

If you don't play, you can't win

Reach out to anyone who is working on a project that interests you. You have nothing to lose and a lot to gain. By stating that you are currently employed when making contact, you make it clear that you are not looking for a job and simply want to learn more about what the other person is working on. If possible, volunteer your professional services. Do your best to establish a relationship so that you can benefit from this person's knowledge and experience. Particularly if this individual is doing what you would like to be doing, there is no better way to model your career than by close observation.

Sign of the times

Do not be afraid of technology. Embrace whatever medium you can to make contacts and get exposure. Open an account on a site such as Facebook, LinkedIn or Twitter. Even consider creating a webpage or a blog. The more people you communicate with, the better. Increasing your social network increases the odds that you will come into contact with someone who knows of career opportunities, with whom you can problem solve or who can make suggestions about the next step in your career.

Ultimately, whatever it is that you decide to do, the important thing is that you choose activities that will keep you current and fresh, get you excited and invigorated and maximize your time. Even if you decide to take no action, be positive and remember that nothing is permanent and your current career doldrums will pass.

50-year counselors to be recognized

The Florida Bar will recognize veteran lawyers during a luncheon at the Bar's Annual Convention, Friday, June 24, at the Gaylord Palms Resort in Orlando, Fla.

Both 50-year members of The Florida Bar and Senior Counselors will be recognized at the luncheon. Attorneys who have achieved 50 years in the practice, even if they spent part of their careers in other states, can be recognized for their dedication and service.

The Senior Counselor program, which was recommended by the Out-of-State Division, will recognize active and inactive Bar members who have practiced law for 50 years and have not previously been recognized for this accomplishment. Participants must write a letter stating their request to be considered for a 50-Year Senior Counselor Award and include a list of all bar memberships held with both start and end dates indicated. The cumulative 50 years in legal practice must have been completed by Jan. 1, 2011, for this year's honors.

Letters should be addressed to

50 Year Senior Counselor Award
Attention Dana Larichiuta
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

Letters must be received no later than Monday, Mar. 31, 2011. For more information, contact Ms. Larichiuta at 800/342-8060, ext. 5767, or email *dlarichi@flabar.org*.

OOSD hosts networking receptions

The Out-of-State Division recently hosted receptions in Atlanta and Washington, D.C., that provided great networking opportunities for Florida Bar members in those cities.

Atlanta

The OOSD reception in Atlanta was held on Nov. 4 at Ormsby's in West Midtown. Atlanta attorneys Brian Burgoon and Bard Brockman, who both serve on the OOSD Executive Council, coordinated the event. OOSD President Mike Busenkell of Wilmington, Del., also attended.

Washington, D.C.

The division hosted another very successful reception, this time in our nation's capital. Out-of-state attorneys gathered on Nov. 10 at Morton's Steakhouse in Washington, D.C. OOSD President Michael Busenkell, President-elect Ward Griffin and Treasurer Donald Workman hosted this well-attended event.

We have received great feedback from these events, which are intended to introduce out-of-state attorneys to one another and promote professional relationships. If you would like to host a reception in your area, please email Arlee Colman at *acolman@flabar.org* or Mike Busenkell at *mbusenkell@wcsr.com*.

We can be BIGGER & better!

Share your expertise with other out-of-state practitioners. Market your practice to 14,000 Florida lawyers out of state – all for free! Submit articles of interest to legal practitioners with multijurisdictional practices to Don Workman at *dworkman@bakerlaw.com*. Please include a brief biography with contact information and a photograph of the author. We will publish you!

A two-minute coaching primer for your first, last and best trial witness

by Richard A. Tanner

R. TANNER

Yes—first impressions are lasting impressions, and you do not get a second chance on a first impression. In your opening, you want to create memories for the judge, jury or arbitrator. If you want your client's first, last and best witness to have maximum impact, here are a few coaching suggestions.

I. Structure

Of course, like any good story, your opening *story* has a beginning, middle and end. Deliver it in a narrative and/or flashback style. Your goal is to interest the audience in what's to come.

Use a high-impact starting statement (primacy) even before introducing yourself and your client. Narrate the facts so as to insert the listener as an observer—an eyewitness, not just a listener. Finish (recency) with another high-impact statement that reiterates your theme. Ask for the result you seek—request a verdict.

II. Start

Your theme is the persuasive message, presenting the societal values for why the listener should trust in your case. It is the "injustice" that needs correction, as will be demonstrated by the case's facts.

Reduce rendition of that theme to a single sentence (or two) and present it first in your opening (even before any introduction of yourself and your client). This introductory tagline encapsulates the essence of your theme and connects it to your factual and legal theory—in one sentence.

Limited factually detailed comments become "hooks" for the entire story. The hooks in your opening encourage the listener to want to learn and fill in the blanks as the case proceeds. A hook is a sophisticated clue connecting basic human themes to this case. Use brief, memorable and factual enticement.

The principles of primacy and recency should control the beginning and ending of your opening's content.

III. Language

Your purpose is to set a time and place using some familiar detailed reality.

- Tell your story in the active (present) tense, using visually descriptive nouns and verbs. You want the listeners to literally or figuratively see your facts, not just hear them. Avoid legalese and related lawyer "noises."
- Employ inflection, volume and pauses for clarity and emphasis.
- Avoid contractions (can't, don't, wouldn't), as they are easily misheard.
- Avoid *any* mispronunciations. They scream insincerity, amateurism and ill preparation.
- Find ways to bring touches of humanity in the telling. Words expressing condition, feelings, etc., humanize your client in the face of his or her problem.
- Avoid obvious forensic eloquence. That is an admirable skill, but disabling to a serious storytelling presentation. You do not want the audience overwhelmed with your presence and underwhelmed with your client's story.
- Use simple words and short sentences—making one point at a time.

IV. Presence

How you present in your opening is as important as what you say there.

Take an erect, head-up, balanced stance, which gives unrestricted frontal exposure to the audience. No lecterns or other leaning allowed! Appreciate the concepts of personal space when beginning. Display confidence and comfort in the factual story you are presenting. Use eye contact to connect with each listener.

You are your client's first, last and best witness!

Out of state... Not out of touch... www.flabaroutofstaters.org

Board of Governors' update

We want you to stay informed on actions taken by The Florida Bar Board of Governors. So, here is the latest Board of Governors' update:

At its Oct. 1, 2010, meeting, The Florida Bar Board of Governors:

- Recommended approval of Rule of Judicial Administration 2.516, dealing with electronic service of case documents. The rule will be filed in the Supreme Court, and there will be a comment period. It will be posted on the website when the petition is filed.
- Discussed ways to continue to promote diversity in the profession beyond the Bar's new program to encourage local bars to pursue diversity. President Mayanne Downs and President-elect Scott Hawkins said they have talked with sections and committees about bringing in younger and more diverse lawyers and putting them on leadership tracks.
- Voted to temporarily suspend Standing Board Policy 2.20 on campaigning for president-elect, pending later confirmation of qualified candidates and further review of the ground rules for these elections.
- Approved an amendment to Rule 4-3.4, which would allow paying a reasonable fee to someone who is retired for being a witness in a case.
- Heard that the Rules Committee is considering an amendment eliminating Bylaw 2-5.2, which allows any Bar member to propose a resolution to be considered at the General Assembly of the Bar's annual convention.
- Heard that in addition to its other efforts, the Program Evaluation Committee is studying what the Bar can do to help members hard-hit by the current economic recession.
- Heard that the Disciplinary Procedure Committee, in addition to working on forms and instructions to accurately reflect who in the law firm is responsible for properly maintaining trust account records, is considering computer software to help attorneys comply with the rules regulating trust accounts.
- Received a report on the New Rule 2.420 Seminar. It was the most downloaded/accessed program on LegalSpan in September. It explains the new rule on what information must be redacted in court filings as of Oct. 1, 2010.

Mark Your Calendar!

Florida Bar Meetings

BOARD OF GOVERNORS MEETINGS

Mar. 23-26, 2011
Disney's Yacht and Beach Club, Orlando, Fla.

May 25-27, 2011
The Westin, Key West, Fla.

Oct. 18-23, 2011
Charleston Place, S.C.

Dec. 7-11, 2011
The Ritz Carlton, Amelia Island, Fla.

THE FLORIDA BAR ANNUAL CONVENTION

June 22-25, 2011
Gaylord Palms Resort & Convention Center Orlando, Fla.

THE FLORIDA BAR MIDYEAR MEETING

Sept. 21-24, 2011
Hilton Walt Disney World Resort Orlando, Fla.

Contributing authors

The Out-of-State Division appreciates the articles submitted for this edition by our contributing authors. They can serve as a resource to fellow division members who might have a question regarding these authors' areas of expertise or if a referral is needed.

***Michael Busenkell**, OOSD president, is a certified bankruptcy attorney and a certified management accountant in the Wilmington, Del., office of Womble Carlyle Sandridge & Rice PLLC. He concentrates his practice in the areas of corporate bankruptcy, creditors' rights and commercial and corporate litigation. He can be reached at mbusenkell@wcsr.com or 302/252-4324.*

***Alexa Sherr Hartley** is an attorney and executive coach who provides in-person and telecoaching services to individuals and groups. Her areas of expertise include working with attorneys to achieve work-life integration so they can have a meaningful experience both professionally and personally. Specifically, Ms. Hartley works with her clients to decrease stress points, to negotiate flex-time work arrangements and to identify and use support systems. She can be reached via her website, www.premierleadershipcoaching.com.*

***Richard A. Tanner,** an Out-of-State Division past president and member of The Florida Bar Board of Governors, is a frequent speaker and mentor at trial skills CLEs and law school trial advocacy programs. He practices law in Upper Montclair, N.J., where he specializes in business and civil litigation. He can be reached at 973/239-4343, ext. 14, or rtanner@bashdeerlaw.com.*

***Donald A. Workman**, OOSD treasurer and State-to-State editor, is a partner in the Business Group and head of Baker Hostetler's bankruptcy and creditors' rights practice in the Washington, D.C., office. His practice areas include business bankruptcy, creditors' rights, debtor reorganizations, general insolvency, stockbroker liquidations and commercial litigation. He can be reached at 202/861-1602 or dworkman@bakerlaw.com.*

***Gwynne A. Young** is a shareholder with Carlton Fields Attorneys at Law in Tampa, Fla. She handles civil litigation in all areas including insurance coverage matters, real estate and land use matters; probate, guardianship and trust matters; as well as other corporate and business disputes. Ms. Young is one of three candidates in a contested race for president-elect of The Florida Bar. She can be reached at 813/229-4333 or gyoung@carltonfields.com.*

Become a contributor!
See submission information on page 6.

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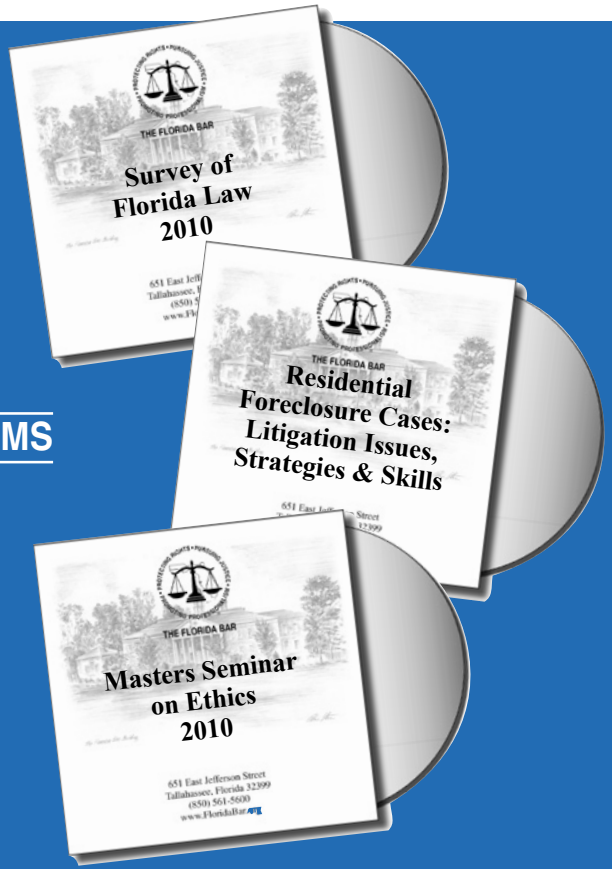

Apply for CLE credit for out-of-state seminars!

The application is available on the Bar's website. Go to www.flabar.org and click on the headings in this order to find the form you see below: CLE/ CLER-BSCR Information and Forms/CLE Forms and Applications/ Course Attendance Credit.

For more information on applying for out-of-state CLE credit, contact the CLER department at 850/561-5842.

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ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ FAX: _____

ACTIVITY TITLE: _____

SPONSOR NAME: _____

DATE AND LOCATION OF COURSE: _____

PLEASE ATTACH A COURSE BROCHURE AND/OR OUTLINE WHICH:

(A) FULLY DESCRIBES THE COURSE CONTENT AND LEVEL OF PRESENTATION
(B) INDICATES THE TIME DEVOTED TO EACH TOPIC COVERED WITHIN THE PROGRAM
(C) INDENTIFIES THE INSTRUCTORS

CERTIFICATION CREDIT

Indicate if credit is to be assessed for Board Certification.

CERTIFICATION AREA(S): _____

TOTAL MINUTES ON INSTRUCTION: (EXCLUDING BREAKS, MEALS AND INTRODUCTIONS AND BASED ON A 50 MINUTE HOUR)

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If requesting Ethics, Professionalism, Substance Abuse, and/ Mental Illness Awareness Credit, please check appropriate box below.

☐ Ethics ☐ Substance Abuse
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NOTE: If you have completed the minimum number of required CLER hours, and are not seeking Certification credit, please do not submit further courses for evaluation. **There is no carry over of hours in Florida from one reporting period to the next.**

You may submit this application to clemail@flabar.org with the proper documentation.

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