



State-to-State

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Fall 2005

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Happy holidays!

by Eric L. Meeks, President



Though it seems strange wishing everyone happy holidays in early November, by the time you read this newsletter, the holiday season will be quickly approaching. Many stores rolled out holiday decorations prior to Halloween, so perhaps I am already late with my holiday greetings!

This season, our hearts and prayers are with the people impacted by the hurricanes as well as those who have experienced other tragic events. Thank you to the OOSPD volunteers who have helped with the various hurricane relief efforts and to anyone that

volunteers to help the less fortunate.

A special thanks goes out to Clayton J. Joffrion, a past OOSPD president, who lives in New Orleans. Clayton provided outstanding support in planning the OOSPD meeting, CLE presentation at the Louisiana Supreme Court, and reception. Unfortunately, Hurricane Katrina flooded New Orleans and the plans for the Big Easy to host the BOG Out-of-State meeting. The BOG "Out-of-State" meeting will now be held at Amelia Island (29 miles north of Jacksonville, Fla.) in December. The OOSPD will be co-hosting a reception with the BOG. We encourage everyone to attend this great opportunity to meet your OOSPD Executive Council and BOG members.

See "President's message," page 10

Division sees double

The OOSPD has designed an exciting new format for its annual NYC CLE seminar this December.

The program is set for Saturday, Dec. 3, at Fordham University Law School, 140 West 62nd Street in New York City.

Called "PRACTITIONER'S CHOICE – A Multi-part Seminar of Florida Law Updates and Practical Solutions," the CLE will feature two simultaneously run programs (an "Orange" session and a "Blue" session) from which the attendee can choose, on a presentation by presentation basis, the courses that offer the most to his or her practice benefit.

Chair Richard Tanner says he has "re-



called" some of the speakers who were so popular in the past and added a few brand new ones, so the topics are more diverse and useful than ever before.

"You should review the brochure for details," suggests Richard, "but the programs run from tax issues to time management, from mediation skills tips to Florida trust code issues."

As usual, a deli lunch and break snacks are part of the package, which will generate 6.5 hours of CLE credit for you in both New York and Florida.

You should know that you can now **pay by credit card**, and if you can't make it due to those darn last-minute commitments in your schedule, your money is **refundable**.

New On-line DIRECTORY!

Upgrade your listing with your practice areas and other state Bar admissions.

For details, see page 4.

See page 5 for questionnaire.

DEADLINE:
DECEMBER 31, 2005

Admission of foreign will of Florida resident to probate

by William A. Lee III

A middle-aged man comes into your office to have you handle the estate of his mother, a Florida resident who recently passed away. He and his sister are the beneficiaries of his mother's estate, and he is the named personal representative under the will she executed in your home state before she became a Florida resident. He has discovered that he cannot handle any of his mother's affairs until he is appointed personal representative, and he wants to be appointed quickly. No problem? Unfortunately, a speedy appointment may not be likely.

Only if a will of a Florida resident is self-proving under F.S. 732.503 may it be admitted to probate without further proof. The will may be self-proving either with an acknowledgement of the testator and affidavit of the witnesses in the form described in the statute, or if the will is self-proving under the law of the state where executed. In the

latter situation, you may be able to have the will admitted by alleging in the petition for administration that the will is self-proved and attaching a copy of the applicable statute. The difficulty in this approach is that the judge will be unfamiliar with non-Florida law and may not be easily convinced.

If the will is not self-proving, pursuant to F.S. 733.201 it may be admitted to probate upon the oath of one of the witnesses taken before a circuit judge or clerk or a commissioner appointed by the court. If the witnesses are not in a location to appear before a Florida clerk or circuit judge, when you file the petition for administration you must also file a petition for appointment of commissioner (P-3.0350) and a commission to prove will (P-3.0360). Who should be proposed as the commissioner to take the oath of one of the attesting witnesses? While Probate Rule 5.230(b) allows it to be anyone qualified to take an oath (any notary public, for

example), the clerk or deputy clerk of a local court in your state may carry a little more weight with the judge issuing the commission. If a clerk is appointed, make sure the person taking the oath is the person appointed. It is not uncommon for a clerk to attempt to delegate the responsibility to an assistant (it has happened to me twice). That is not acceptable – it is a person, not a position, who is appointed commissioner.

Unfortunately, the process of locating a witness to the non-Florida will, locating someone qualified to be a commissioner, convincing both to cooperate, filing the petition for appointment of commissioner, receiving the commission, having the oath of the attesting witness properly taken before the commissioner, filing the paperwork with the circuit court, and having your client appointed personal representative can take several months. The proper handling of the decedent's affairs can be crippled in the meantime.

How can this unfortunate situation be avoided? If you are preparing a will for someone who may become a Florida resident in the future, when the will is executed have the testator and witnesses simultaneously execute a Florida form, self-proving affidavit. A sample is provided in F.S. 732.503. Also, if you have clients who became Florida residents after their wills were executed, have them come into your office and execute a self-proving affidavit. The statute expressly allows the self-proving to occur after the fact. You will then greatly simplify the probate process for your clients in the future.

William A. Lee III is a graduate of the University of Florida School of Law and is a member of the Florida, Maine and Washington state Bars. He is the managing partner in O'Donnell and Lee LLC in Waterville, Maine, and his practice is concentrated in civil litigation, municipal law and estate planning and probate for residents of Maine and Florida.



FLORIDA...
was
discovered
by an
out-of-stater.

S t a t e - t o - S t a t e

THE PUBLICATION OF THE FLORIDA BAR
OUT-OF-STATE PRACTITIONERS 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 mailed to over 1,200 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 2006** issue is **March 13, 2006**. Articles should be of interest to legal practitioners with multi-jurisdictional practices. Please submit articles in rich text format (rtf) via e-mail to Susan Trainor, editor@ctf.nu. Please include a brief (2-3 sentence) biography and photograph of the author. If a digital photo is not available, please mail a print to The Florida Bar, OOSPD, 651 East Jefferson Street, Tallahassee, FL 32399-2300.



Technology update: VoIP overview

by Eric L. Meeks, President

Hanging around the office water cooler, or by surfing the Web, you may have come across the term "VoIP" and wondered, "What in the world is VoIP?" After reading this article you will have a better understanding of VoIP and how you can use it to make your life easier.

What is VoIP?

VoIP stands for Voice over Internet Protocol. This may sound confusing, but it simply means using your high speed Internet connection to carry your phone service. The phone quality can be as good as or better than traditional phone providers and much more advanced thanks to all the new features and technology. Most importantly, VoIP is much less expensive than old-fashioned phone providers.

VoIP works by connecting your broadband Internet connection to the phone adapter that is provided to you by the VoIP provider you choose, and then connecting your regular telephone to the phone adapter. Your voice is routed through the adapter to the Internet whenever you make telephone calls. It is difficult for you to tell that you're talking over the Internet, because the quality is so good.

One of the best advantages to using VoIP is that it can save you a lot of money over your traditional phone service. Generally, VoIP is much less expensive. The cost savings is achieved by using the Internet to route phone calls, and because of current government legislation that favors Internet phone companies. Recent FCC changes mean that individual states won't be able to restrict VoIP companies since they are not classified as phone companies. Since VoIP providers are not classified as phone companies, they do not charge the endless list of taxes and fees that phone companies list on their monthly invoices. As the competition to be your phone provider increases, prices are expected to continue to decrease.



The only requirement for using an Internet phone/VoIP system is a broadband Internet connection (DSL or cable) and the appropriate hardware as determined by the VoIP provider you choose. Usually the VoIP provider will provide a phone adapter box. After you receive the hardware from your provider, you will only need to follow the simple instructions to hook it all up. Once you have connected everything properly, you will be up and running.

Advantages of VoIP

VoIP customers can and do give up their normal telephone lines once they have activated their new Internet phones. The main reason for this change is the huge savings most people enjoy by replacing their normal phone lines with an Internet phone. These savings increase even more when the savings from long distance and international calls are considered. The second main reason for the change is because the Internet phone features offered are remarkable. Most normal phone providers cannot come close to offering the same number of services.

Many VoIP phone services include just about every feature you can imagine. In addition to the standard features you are accustomed to, such as caller ID, call waiting, call forwarding and voicemail, there are lots of advanced features that you probably didn't even know you could get. You can have your voicemail messages forwarded to you as attach-

ments in email messages, and you can listen to your messages over the Internet no matter where you are located. You can forward your calls to your cell phone (or any other number). You can have a telephone number with any area code you desire, no matter where in the country you live, and you can now have local numbers for friends and family in other cities, while having the calls forwarded to your desired phone in any city. You can have access to accurate logs of all calls placed and received, anytime you need them, just by logging onto your provider's website.

Most of the VoIP providers will allow you to keep your existing phone number, and when you move you can take your number with you to your new location.

There are a few downsides

There are downsides to an Internet phone, however. Since the system completely relies on your broadband connection and electricity in order to function, the system will not operate when the power fails. The standard telephone line does not require electricity to operate, so it will always work in the event of a power failure. However, most people own cellular phones, so there's usually a backup phone to use if the Internet phone is down. Another potential problem with VoIP is related to 911 dialing. Because VoIP phones are not tied to a specific location, it may be difficult to locate the user when 911 is dialed.

The following are examples of VoIP providers (listed in no particular order or for any reason other than these initially came to my mind first): Vonage, Packet8, AT&T CallVantage, and Verizon VoiceWing.

How VoIP works for me

When I opened my law office in Cincinnati I chose to use the VoIP system provided by AT&T. I did a lot of research to determine the best

continued, next page...



providers before making my selection. Part of my decision was made for me since Vonage did not offer the 513 area code. I pay approximately \$50 per month for two phone lines. My main number includes unlimited local and long distance calls in the U.S. and Canada. My second number for faxes includes up to 500 minutes (additional minutes are available for purchase). I am extremely happy with the clarity of the calls and cus-

tomers service. The features I enjoy the most are the cost savings, call forwarding and the ability to listen to voicemail messages over the Internet or to receive them in the form of an email. It is amazing to me as an attorney licensed in Florida, Illinois and Ohio that I could add a phone number with a Chicago (or any other city) area code for \$5 per month and have all the calls forwarded to any number I wished. One downside to

consider is that by not going through the local phone company I do not have a "free listing" in the local phone book, and I now have to dial seven digits for local calls.

If you have any questions or if you want to test the sound quality yourself, you can reach me at 513/826-0229.

Please keep in mind the vendor quality could vary city to city, so you may wish to research the different vendors in your particular location.

New member benefit:

Upgrade your listing in OOSPD On-line Directory!

by Eric L. Meeks, President

Responding to the needs of clients that are engaging in significantly more interstate activities, the OOSPD is in the process of updating its website. During this year I have received many phone calls from potential clients seeking attorneys to help them resolve specific legal issues from attorneys that are licensed in Florida and specific other states. For example, one caller asked for help finding a family law attorney licensed in Florida and Indiana. Currently, The Florida Bar does not track this type of information.

The updated website will now offer OOSPD members the ability to include practice areas and other state law practice licenses within their listings in the OOSPD On-line Directory. Previously the division's website redirected users to The Florida Bar's website where they could search for Florida Bar members by location, section and name. This basic listing includes public information such as name, firm name, contact information, etc.

The information included in the updated website will be nearly the

same as was collected for the paper OOSPD directory, which was replaced by the OOSPD website. The current plan is to initially populate the new listing via a download of the OOSPD member information form on file with The Florida Bar. (This is exactly the same information currently included on The Florida Bar's website.) **To have your practice areas and other states licenses listed, you need to complete and return the form included in this newsletter by December 31, 2005.**

We hope this will become a great way to inform website users of your ability to help them legally resolve multi-state issues. Note: If you do not want your practice information included on the revised website, you do not have to do anything. By not returning a completed practice profile, your practice areas/state licenses information will not be included.

The only requirement to upgrade your listing is to be a member in good standing with the OOSPD and The Florida Bar. Therefore, if you have other members of your firm that would like to be listed in the On-line Directory, be sure to have them join the OOSPD.

If you have any questions or concerns about these changes, you may contact me at 513/826-0229 or via email at emeeks@meekslawfirm.com.

(See questionnaire, next page.)

YLD Pro Bono Award Deadline for nominations is December 15, 2005

The Young Lawyers Division Pro Bono Award recognizes public service or legal aid performed by a young lawyer admitted to practice in Florida (under the age of 36 or one who has not practiced for more than five years in any jurisdiction) who provides outstanding contributions to those in need of legal services. The purpose of the award is to encourage more Florida young lawyers to freely contribute their time and expertise in providing legal services to people in their communities who cannot otherwise afford those services. In some instances, this will include legal services to charitable organizations that serve the poor. The award is intended to provide recognition to a young lawyer who has made an outstanding contribution in this area. The emphasis of the award is on legal services to the poor.

For a nomination form, go to www.flayld.org and click on "Awards."



**THE FLORIDA BAR
OUT-OF-STATE PRACTITIONERS DIVISION**

Website On-line Directory Questionnaire

The Out-of-State Practitioners Division is compiling specific information to assist in referring division members to clients and attorneys around the country.

The information compiled will appear on the division's web page at www.flabaroutstaters.org and will be searchable by states licensed in and areas of practice. Because The Florida Bar does not ask for practice area information or keep information on which states a members is licensed in, it is imperative that you return this form to be included in the out of state on-line data base.

MEMBERS WHO DO NOT RESPOND WILL BE LISTED BY NAME AND ADDRESS ONLY. Make sure you keep your contact information current with The Florida Bar. If you need to make any changes to your information go to www.floridabar.org. In the Member Services section you will find the Membership Records Online Change of Address Form. Make any updates to your contact information and follow the instructions for submitting the form to membership records.

The deadline for updating your information on-line or returning the form below is December 31, 2005. Once the Out-of-State Practitioners Division database is established it will be updated every six months.

Please type or print all information.

Name: _____

FL Bar No.: _____

Other State Bar Admissions: 1. _____ 2. _____
3. _____ 4. _____
5. _____

AREA OF PRACTICE —

Check appropriate code denoting primary area of practice for publication in the practice area listing.

- 1. Financial Institutions
- 2. Bankruptcy
- 3. Business
- 4. Business Litigation
- 5. Commercial Transaction
- 6. Corporate
- 7. Criminal
- 8. Estate Planning/Probate
- 9. Family
- 10. Government
- 11. Immigration
- 12. Intellectual Property
- 13. International
- 14. Insurance Defense
- 15. Litigation, Civil
- 16. Litigation, Malpractice
- 17. Other
- 18. Professional Ethics
- 19. Real Estate
- 20. Securities
- 21. Tax
- 22. Personal Injury
- 23. Labor & Employment
- 24. Worker's Comp.
- 25. General Practice
- 26. Health
- 27. Environmental
- 28. Elder
- 29. Construction
- 30. Maritime/Aviation
- 31. Appellate

Return this form by MAIL to:

**The Florida Bar
Out-of-State
Practitioners Division
651 E. Jefferson Street
Tallahassee, FL 32399**

OR FAX it to 850/561-5825, c/o Arlee Colman, program administrator. **This can be done at anytime before DECEMBER 31, 2005.**



The Florida Bar Continuing Legal Education Committee and the
Out-of-State Practitioners Division present the



Practitioners' Choice— *A Multi-Part Seminar of* *Florida Law Updates and Practical Solutions*

COURSE CLASSIFICATION: ADVANCED LEVEL

ONE LOCATION:

December 3, 2005 • Fordham University Law School • 140 West 62nd Street, New York, NY

Course No. 0337R

SCHEDULE:

8:30 a.m. – 8:50 a.m. – **Late Registration**

8:50 a.m. – 9:00 a.m. – **Welcome Remarks** – *Richard Tanner, Montclair, NJ*

— *Concurrent Sessions* —

Orange Session

9:00 a.m. – 9:50 a.m.

Third Party Special Needs Trust

Tom Begley, Moorestown, NJ

9:50 a.m. – 10:45 a.m.

Divorce in Florida

Ky Koch, Clearwater, FL

10:45 a.m. – 10:55 a.m. **Break**

10:55 a.m. – 11:50 a.m.

**The IRS Is Back: Tax Shelters, Money Laundering and
Other Enforcement Priorities, II**

Ian Comisky, Philadelphia, PA

11:50 a.m. – 12:45 p.m. **Lunch**

12:45 p.m. – 1:40 p.m.

**SOX for Real Lawyers... Responding to Audit Letters
After Sarbanes Oxley, I**

John Allen, Kalamazoo, MI

1:40 p.m. – 1:50 p.m. **Break**

1:50 p.m. – 2:40 p.m.

Maximizing Mediation From the Attorney's Perspective

Jerome Tabas, Miami, FL

2:40 p.m. – 3:30 p.m.

An Introduction to the Florida Trust Code

David Powell, Tallahassee, FL

Blue Session

9:00 a.m. – 9:50 a.m.

**The IRS Is Back: Tax Shelters, Money Laundering and
Other Enforcement Priorities, I**

Ian Comisky, Philadelphia, PA

9:50 a.m. – 10:45 a.m.

Negotiation Styles and Tactics Within Mediation

Jerome Tabas, Miami, FL

10:45 a.m. – 10:55 a.m. **Break**

10:55 a.m. – 11:50 a.m.

Effective Time Management

Tom Begley, Moorestown, NJ

11:50 a.m. – 12:45 p.m. **Lunch**

12:45 p.m. – 1:40 p.m.

The Florida Trust Code:

A Potpourri of Drafting Considerations

David Powell, Tallahassee, FL

1:40 p.m. – 1:50 p.m. **Break**

1:50 p.m. – 2:40 p.m.

Realty Tax Deferral – Section 1031 Style

Eric Meeks, Cincinnati, OH

2:40 p.m. – 3:30 p.m.

**SOX for Real Lawyers... Responding to Audit Letters
After Sarbanes Oxley, II**

John Allen, Kalamazoo, MI

CLE CREDIT

CLER PROGRAM

(Maximum Credit: 6.5 hours)

General: 6.5 hours
Ethics: 1.0 hour

CERTIFICATION PROGRAM

(Maximum Credit: 3.0 hours)

Elder Law: 3.0 hours
Tax Law: 3.0 hours
Wills, Trusts & Estates: 3.0 hours

Seminar credit may be applied to satisfy both CLER and Board Certification requirements in the amounts specified above, not to exceed the maximum credit. Refer to Chapter 6, Rules Regulating The Florida Bar, for more information about the CLER and Certification Requirements.

Prior to your CLER reporting date (located on the mailing label of your Florida Bar News) you will be sent a Reporting Affidavit or a Notice of Compliance. The Reporting Affidavit must be returned by your CLER reporting date. The Notice of Compliance confirms your completion of the requirement according to Bar records and therefore does not need to be returned. You are encouraged to maintain records of your CLE hours.



REFUND POLICY

Requests for refund or credit toward the purchase of the course book/tapes of this program **must be in writing and postmarked** no later than two business days following the course presentation. Registration fees are non-transferrable, unless transferred to a colleague registering at the same price paid. A \$25 service fee applies to refund requests. Registrants that do not notify The Florida Bar by 5:00 p.m., November 25, 2005, that they will be unable to attend the seminar, will have an additional \$25 retained. Persons attending under the policy of fee waivers will be required to pay \$25.

Register me for "Practitioners' Choice— A Multi-Part Seminar of Florida Law Updates and Practical Solutions."

(275) (NEW YORK, NY) Fordham University Law School (December 3, 2005)

TO REGISTER OR ORDER COURSE BOOK/TAPES, MAIL THIS FORM TO: The Florida Bar, CLE Programs, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5831. ON-SITE REGISTRATION, ADD \$25.00.

Name _____ Florida Bar # _____

Address _____

City/State/Zip _____

Phone # _____

AJC: Course No. 0337R

REGISTRATION FEE (CHECK ONE):

- Member of the Out-of-State Practitioners Division: \$190
- Non-division member: \$210
- Full-time law college faculty or full-time law student: \$117.50
- Persons attending under the policy of fee waivers: \$25
Includes Supreme Court, DCA, Circuit and County Judges, Magistrates, Judges of Compensation Claims, Administrative Law Judges, and full-time legal aid attorneys if directly related to their client practice. (We reserve the right to verify employment.)

METHOD OF PAYMENT (CHECK ONE):

- Check enclosed made payable to The Florida Bar
- Credit Card (Advance registration only. May be faxed to 850/561-5816)
- MASTERCARD VISA Exp. Date ____/____(MO/YR.)

Signature: _____

Name on Card: _____

Card No. _____

Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

COURSE BOOK – AUDIOTAPES – PUBLICATIONS

Private taping of this program is not permitted. **Delivery time is 4 to 6 weeks after December 3, 2005. TO ORDER AUDIOTAPES OR COURSE BOOKS**, fill out the order form above, including a street address for delivery. **Please add sales tax to the price of tapes or books. Tax exempt entities must pay the non-section member price.**

_____ COURSE BOOK ONLY: Cost \$30 plus tax	TOTAL \$_____
_____ AUDIOTAPES (includes course book)	
_____ Cost: \$190 plus tax (division member), \$210 plus tax (non-division member)	TOTAL \$_____

Related Florida Bar Publications can be found at
<http://bookstore.lexis.com/bookstore/catalog>.
Click on "Jurisdictions," then "Florida" for titles.

Certification/CLER credit is not awarded for the purchase of the course book only.

Please include sales tax unless ordering party is tax-exempt or a nonresident of Florida. If this order is to be purchased by a tax-exempt organization, the course book/tapes must be mailed to that organization and not to a person. Include tax-exempt number beside organization's name on the order form.

Report explodes myth that Medicaid transfers are a problem

A new report concludes that the practice among the elderly of transferring assets in order to qualify for Medicaid coverage of nursing home care is uncommon and that efforts to further restrict such transfers will have little effect on Medicaid spending.

The report, by the Georgetown University Long-Term Care Financing Project, comes at a time when the Bush administration and many governors and state legislators are calling for the tightening or elimination of rules that permit asset transfers by

the elderly in order to qualify for Medicaid. Proponents of these changes claim that asset transfers are widespread and costly to Medicaid.

But the May 2005 Issue Brief, which reviews empirical evidence on asset transfers, finds no support for such claims. "The argument that something needs to be done about abuses of the Medicaid eligibility rules is not supported by the facts," concludes the paper's author Ellen O'Brien, who is a research associate professor at the Georgetown University Health Policy Institute.

Contrary to critics' portrayal of the elderly as hiring estate planning lawyers to artificially impoverish themselves to qualify for Medicaid, the report finds "little evidence that large numbers of the elderly are planning their estates for the purpose of gaining easy access to Medicaid in the event they need nursing home care."

The report cites one study that found that less than a third of the middle-class elderly gave gifts to children or grandchildren of \$500 or more, and that the typical gift was \$2,000. The largest transfers were made by those who believed they had a low probability of entering a nursing home in the next five years.

"Audits of Medicaid applications," the paper goes on, "also reveal that only a small fraction of individuals who applied for Medicaid, and an even smaller share of those found eligible for Medicaid, transfer assets for the purpose of qualifying for free care under Medicaid."

Most of the elderly who may require nursing home care have too little wealth to warrant hiring an attorney to arrange an asset transfer, O'Brien says. Most would qualify for Medicaid at admission to a nursing home, although she notes that in part because of an aversion to "welfare," the elderly shoulder more of the costs of nursing home care than they have to.

While acknowledging that "some families try to protect modest assets (and, very infrequently, substantial assets) for future needs or for inheritances," O'Brien found that the overwhelming majority do not.

"The fact is," the report concludes, "that Medicaid is what it was intended to be, a safety net for those who cannot afford to pay for long-term care."

To download a copy of the paper, *Medicaid's Coverage of Nursing Home Costs: Asset Shelter for the Wealthy or Essential Safety Net?*, in PDF format, go to <http://ltc.georgetown.edu/pdfs/nursinghomecosts.pdf>.

(Reprinted with permission from *ElderLawAnswers.com*.)

Mark Your Calendar!

December 3, 2005

9:00 a.m. - 3:30 p.m. (EDT)

Practitioners' Choice CLE

Fordham University Law School

New York City, NY

•••

December 15, 2005

6:15 p.m. - 8:00 p.m. (EDT)

Reception in conjunction with BOG meeting

Amelia Island Museum of History

Amelia Island, FL

•••

December 16, 2005

7:30 a.m. - 8:30 a.m. (EST)

OOSPD Executive Council meeting

in conjunction with The Florida Bar BOG's rescheduled out-of-state meeting

Amelia Island, FL

•••

January 17 - 21, 2006

The Florida Bar's mid-year meeting

Miami, FL

•••

April 19 - 21, 2006

The Federal Seminar 2006

Washington, D.C.

•••

June 21 - 24, 2006

The Florida Bar's annual meeting

OOSPD Executive Council meeting and reception (date TBD)

Boca Raton, FL



Minutes of the OOSPD Executive Council meeting

August 26, 2005

The OOSPD Executive Council meeting took place in St. Petersburg, Fla., on August 26, 2005, at the Don CeSar Beach Resort.

Council members present:

Scott Atwood, immediate past president
Bard Brockman (via conference call)
Brian Burgoon
Tim Chinaris, secretary
Ian Comisky
Gary Leppla
Eric Meeks, president
Duffy Myrtetus (via conference call)
Scott Patterson, president-elect
Richard Tanner
John Voorn (via conference call)
Mindi Wells
Victoria Wu

Also present:

Arlee Colman, division administrator

1. Call to order

President Eric Meeks called the meeting to order at 7:30 a.m.

2. Minutes

The minutes of the meeting of June 24, 2005, were approved.

3. Administrator's report

Arlee Colman delivered the division administrator's report. The Bar has switched to a new financial program and the financial statements were not ready, so there was no treasurer's report. Ms. Colman will send statements when they are available. A new law makes it difficult to send out mass emails to division members. Ms. Colman informed the council that the division could contract with a private service to set up and maintain a broadcast listserv that would accomplish our purposes. The cost would be approximately \$250 to set up and \$75 per month thereafter. A motion to adopt this listserv was made and seconded. After discussion, the motion passed.

4. President's report

Eric Meeks gave the president's report. The meeting and reception in New Orleans have been arranged. The reception will be held at 7:00 p.m. on Thursday, Dec. 15, at the Aquarium. With the generous assistance of former division president Clayton Joffrion, Jr., the division has arranged for the free use of the Louisiana Supreme Court building on that afternoon and hopes to have a CLE seminar on practice management from 2:30-5:30 p.m. Richard Tanner and Gary Leppla have volunteered to speak. The division plans to present Bar President Alan Bookman with an award as a distinguished alumnus of Tulane University. Regarding the Bar's annual meeting, Pres. Meeks is exploring the possibility of sponsoring a golf outing and asked for ideas about an award the division could bestow on a worthy individual at the meeting.

5. Division update

Duffy Myrtetus provided the division update. He is working to encourage Florida lawyers to turn to division members when they need out-of-state legal assistance. Apparently there would be a high cost to add practice areas to member profiles on the division's website, and the council discussed ways to accomplish the goal at a lower cost. Arlee Colman will look into using the same process the division previously used to generate the hard-copy directory, but then putting the results on the website instead of printing them.

6. BOG update

Board of Governors members Brian Burgoon, Ian Comisky, Gary Leppla and Richard Tanner gave the BOG update. They mentioned the need for the division to get involved in getting the word out about the new MJP

rules, including the \$250 fee for non-members of The Florida Bar. This fee could become an incentive for non-members to work with out-of-state Florida Bar members. Mr. Leppla suggested forming a subcommittee that could liaison with the Bar about how to spread the word and about possible uses for the proceeds from the \$250 fee. Victoria Wu and Duffy Myrtetus volunteered to work on this. Mr. Burgoon asked for help in generating nominations for the Bar's annual Pro Bono awards. The deadline for nominations has been moved up this year. Mr. Tanner reported that the division's name change (to "Out-of-State Division") has been approved by the Program Evaluation Committee and will be presented to the BOG.

7. Membership initiative

Council members discussed a membership initiative. Arlee Colman will prepare letters for Pres. Eric Meeks' signature that are targeted at former division members who failed to renew their membership this year. She also will look into whether the annual Bar membership fees form has an "opt-in" or an "opt-out" design; it was agreed that the form should automatically renew section and division memberships unless the Bar member opts out. Gary Leppla reminded the council of the past practice of dividing the country into regions, with council members assigned to build membership in their respective regions. The possibility of resurrecting this program was discussed.

8. CLE events

Eric Meeks reported on upcoming CLE events in which the division would be involved. The Web seminar on "Ethical Marketing" will occur on Sept. 15. Richard Tanner reported on the New York seminar, which will be

continued, next page...



held on Dec. 3 at Fordham University. A new approach of having two simultaneous programs will be tried; speakers have agreed to do two 45-minute segments each. Mr. Tanner asked for council members' help in marketing the seminar. The council discussed working with other sections, including the Government Lawyers Section, on a seminar in Washington, D.C., similar to the one that was held last year. Ian Comisky commented that the division should

participate, but that the proposed topics were too narrowly focused and should be revised.

9. Miscellaneous

Richard Tanner suggested contacting Bar Communications Director Francine Walker about having the division mentioned in the revised version of the informational brochure "The Florida Bar." He also noted that the *Bar Journal* is actively seeking articles. Eric Meeks mentioned the

Nov. 1 deadline for the next division newsletter. Scott Patterson suggested adding some membership committee chairs. Several council members commented regarding the division's travel reimbursement policy for council members; it is likely that this matter will be re-examined.

10. Adjournment

The meeting was adjourned at 8:40 a.m.

— Timothy P. Chinaris, secretary

President's message

from page 1

As I approach the midpoint of my year as president, I would like to reflect on what we have accomplished as a division and what work remains to be accomplished. The OOSPD's first Web Seminar on Ethical Marketing took place in September and was well attended. During the first week of November, in conjunction with the YLD Out-of-State meeting, we co-hosted a happy hour with the YLD BOG in Washington, D.C. Additionally, we are on track to change our name to the Out-of-State Division effective early next year.

Next on the agenda is the Practitioners' Choice CLE presentation on December 3, 2005, at Fordham University Law School in New York City. BOG member Richard Tanner has planned another great CLE event in

the Big Apple. I will also be teaching a class on like-kind exchanges. Please join us for a great day of CLE and networking.

I attended the first annual Illinois Solo and Small Firm Conference outside of Chicago, and had a great time while learning more than I could ever have imagined. John Voorn, OOSPD Executive Council member, walked away with what seemed to be half of the door prizes, including a new golf putter. Congratulations, John!

The OOSPD's website renovation is in progress. Please refer to the related article and information request form. If you would like your practice information included in the division's website, you need to return the completed form, otherwise your listing will remain unchanged. Take advantage of this great

way to promote your practice.

We are working hard behind the scenes planning some fantastic events for our membership. Since plans are not finalized, the events will need to remain undisclosed until approved by The Florida Bar.

We now have the ability to send out blast emails to our division members via our listserv, so keep on the lookout for upcoming OOSPD events.

We are always looking for ways to improve this newsletter, our website and our member services. Additionally, we are always looking for volunteers to become active in the division. Please continue to contact me with your questions, requests and/or concerns about out-of-state practitioner issues by phone, 513/826-0229, or by email at emeeks@meekslawfirm.com.

Author! Author!

The Out-of-State Practitioners 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 multi-jurisdictional practices. Articles focused on your home state are less appealing than issues impacting a number of jurisdictions.

Please send document in rich text format (rtf) via e-mail (editor@ctf.nu).

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



If you are interested in becoming Board Certified, please contact the area's staff liaison below. Filing periods are listed on the back of this form.

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