

State-to-State

flabaroutofstaters.org

Spring 2006

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Nothing ventured, nothing gained

by Eric Meeks, President



"The probability that we may fall in the struggle ought not to deter us from the support of a cause we believe to be just; it shall not deter me."

This quote came from Abraham Lincoln on Dec. 26, 1839, in a speech on the Sub-treasury in the Illinois House of Representatives and is an eloquent version of "nothing ventured, nothing gained."

This year I am proud of what the division has achieved by venturing in new directions, and I look forward to our future accomplishments.

Many of you may have heard about The Florida Bar's new Fifty Year Award, which will honor veteran attorneys who have

spent their 50 years practicing in different states. I originated this award and extend a special thank you to Richard Tanner, BOG, who presented the idea to the BOG, and to Gary Leppla, BOG, who provided supportive comments to align opponents. For more information about this award, please refer to the separate article included in this newsletter. Based on research conducted by The Florida Bar, this is the first time a state bar will give members credit for other state bar memberships! Once again Florida is at the leading edge of programs.

See "President's message," page 2

Washington, D.C.'s Bryant Richardson Awarded 2006 Pro Bono Service Award for out-of-state attorneys



B. RICHARDSON

Bryant M. Richardson has been awarded the 2006 Florida Bar President's Pro Bono Service Award for the out-of-state attorneys. Richardson is a real estate associate in the Washington, D.C., office of DLA Piper Rudnick Gray Cary US.

Each year, the Florida Bar recognizes one attorney from each of the state's 20 judicial districts and one out-of-state attorney for their outstanding contributions of pro bono legal

services. The annual awards were created to encourage more Florida lawyers to freely contribute their time and experience in providing legal services to people in their communities who cannot otherwise afford these services. Richardson and the 20 in-state circuit winners were recognized by the Florida Supreme Court and Florida Bar President Alan Bookman at a ceremony in Tallahassee on Feb. 16.

In his young law career, Richardson has devoted a tremendous amount of time to pro bono work in the Washington, D.C., community. In 2004 alone, in addition to billing over 2,300 hours, he performed more than

See "Richardson," page 16

On-line DIRECTORY Updates!

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

NEXT UPDATE:

MAY 19, 2006

Get your information in NOW!

See form on page 15.

President's message

from page 1

The Practitioner's Choice – A Multipart Seminar of Florida Law Updates and Practical Solutions CLE held in New York City was a success, and I enjoyed speaking with several of our NYC division members. Ian Comisky, BOG and division Executive Committee member, grabbed everyone's attention when he took the stage to discuss tax shelters, money laundering and other IRS enforcement priorities. Good job, Richard Tanner. Keep up the good work!

The BOG "Out-of-State" meeting was held in December at Amelia Island. The OOSPD co-hosted a wonderful reception with the BOG. We would like to thank everyone who attended this opportunity to meet your OOSPD Executive Council and BOG members.

In January, the Out-of-State Prac-

tioners Division supported a proposal to seek ABA accreditation of The Florida Bar's certification programs. In some states (Wisconsin, for example) Florida Bar certified attorneys are not allowed to advertise their certification because The Florida Bar certification programs are not certified by the ABA. During the Mid-year Meeting the BLSE deferred discussion on the issue until the staff can obtain more information.

We are co-hosting a joint reception during The Federal Seminar 2006, which will be held April 19-21, 2006. The OOSPD has joined forces with the Government Law Section and Environmental and Land Use Section to host this reception Wednesday, April 19, from 4:00 to 6:00 p.m. There is an opportunity to be sworn in to practice before the U.S. Supreme Court during this seminar, great networking opportunities and CLE. Reg-

istration forms are available through the Bar website. If you have trouble finding the form, please contact Arlee Colman, our division's program administrator.

The upgraded website experienced a few snafus while attempting to rearrange the web hosting. The website is scheduled to be operational by the end of March. We have received from our members a significant number of requests to include the state licenses and practice areas with our membership listings. When the site becomes operational, the new search features will help our members obtain more referrals and allow members to find attorneys to satisfy the new Inventory Attorney rule.

Next on the agenda will be the annual meeting in June. On Wednesday, June 21, 2006, the OOSPD will host an afternoon CLE "Taking Care of Yourself, Your Practice and Ethics in 2006." Special thanks to the volunteer instructors: Richard Tanner (NJ); John Voorn (IL); Eric Meeks (OH); Gary Leppla (OH); and Tim Chinaris (AL). Please join us for an interesting afternoon of CLE.

On Friday, June 23, 2006, the OOSPD will co-host a luncheon with the Young Lawyers Division to present the Fifty Year Awards. Later in the afternoon will be the OOSPD Executive Council meeting, when our new officers will take the oath of office. Following the meeting, we will co-host a reception. We encourage everyone to attend and participate in these and the other annual meeting events.

Congratulations OOSPD Immediate Past President Scott Atwood! Scott was elected president-elect designate of The Florida Bar's Young Lawyers Division. Scott will be the second out-of-stater to serve as the YLD president. Matt Comisky, Ian's brother, was the first.

Congratulations to Ian Comisky, who recently was elected to another term on the BOG!

We are always looking for ways to improve this newsletter, our website and our member services. Additionally, we welcome 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.

www.flabaroutofstaters.org

The OOSPD's website offers lots of useful information about division events, and provides a goldmine of information for you when you practice in Florida. Everything from court websites to court rules to an attorney search directory. And it provides everything you need to know about your CLE requirements.



State-to-State

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

Eric Meeks (Cincinnati, OH) President
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Susan Trainor, Tallahassee, FL Staff Editor
Lynn M. Brady, Tallahassee, FL Layout

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 **Summer 2006** issue is **July 17, 2006**. Articles should be of interest to legal practitioners with multi-jurisdictional practices. Please submit articles in rich text format (rtf) via email 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.

Taking Care of Yourself, Your Practice and Ethics in 2006

The Florida Bar Annual Meeting • Wednesday, June 21, 2006

Program Chair Eric Meeks

1:00 p.m. - 1:15 p.m.
Welcome and Introductions
Eric Meeks, OH

1:15 p.m. - 2:05 p.m.
Practical Marketing and Billing Tips
Richard Tanner, NJ
Setting goals, making it rain, appeasing the clients, keeping the books and collecting accounts. You thought you would be practicing law! This program will help you handle the marketing and billing tasks that can deluge a law practice.

2:05 p.m. - 2:30 p.m.
Real Estate Fraud
John Voorn, IL
Prevalence of real estate fraud requires all practitioners to be aware of red flags in transactions. This presentation will help to make you aware of what to look for when completing real estate transactions.

2:30 p.m. - 2:55 p.m.
Managing Time Effectively
Eric Meeks, OH
Need more time? Time is not adaptable; therefore, time management is really about self-management. This presentation will show how managing time appropriately means adapting ourselves to its passage in a more satisfying manner.

2:55 p.m. - 3:05 p.m.
Break

3:05 p.m. - 3:55 p.m.
The Unique Law of Attorney Advertising in Florida
Gary Leppla, OH
Attorney advertising in Florida is regulated by a variety of rules and regulations. This presentation will help practitioners better understand the unique rules related to advertising in the Sunshine State.

3:55 p.m. - 4:45 p.m.
Ethics for Everyone: An Update on Recent Ethical Developments
Tim Chinaris, AL
This past year saw many changes in ethics rules and principles. This presentation will highlight many of the changes that affect all practitioners who are admitted to The Florida Bar and will discuss some other changes that are on the horizon. Coverage includes new and revised Rules of Professional Conduct, ethics opinions and case law.

For Annual Convention details, see your Florida Bar Journal and News, or visit www.FLORIDABAR.org.

HOTEL RESERVATION CUTOFF DATE: MAY 22, 2005

Hotel Reservations 2006 Annual Florida Bar Convention

June 21 - 24, 2006
Boca Raton Resort & Club
501 E.Camino Real • Boca Raton, Florida 33432

Hotel reservations may be made by using the hotel link on The Florida Bar's website: www.floridabar.org.

Category	Cloister Room	Tower Room	Beach Club Deluxe	Beach Club Oceanview	Yacht Club
Single or Double Occupancy	\$155	\$165	\$179	\$200	\$200

A daily service of \$10, plus tax, covers valet parking, maids and bell staff. Please select choice of hotel room from these categories (plus state & local taxes). Deposit required at time of reservation.

For reservations or cancellations, call 800/327-0101 or 888/503-2622.



AVIS CONVENTION SPECIAL:
Special Rates for our meeting are available by calling Avis at 800/331-1600. Assigned Avis Worldwide Discount Number is A421645.

Mark Your Calendar!

April 19, 2006

OOSPD/Government Lawyer/ Environmental Section Membership Reception

4:00 p.m. – 6:00 p.m.
The Florida House
Washington, D.C.

June 21, 2006 – Wednesday

“Taking Care of Yourself, Your Practice and

Ethics in 2006” Seminar [at The Florida Bar’s Annual Meeting]

1:00 p.m. – 5:00 p.m.
Grand Ballroom G
Boca Raton Resort,
Boca Raton, FL

June 23, 2006 – Friday

OOSPD Executive Council Meeting

[at The Florida Bar’s Annual Meeting]

4:00 p.m. to 6:00 p.m.
Capri I
Boca Raton Resort,
Boca Raton, FL

June 23, 2006 – Friday

OOSPD/Government Lawyer Joint Membership Reception

[at The Florida Bar’s Annual Meeting]

6:30 p.m. – 8:00 p.m.
Capri II
Boca Raton Resort,
Boca Raton, FL

Board of Governors meeting summary

February 17, 2006

report submitted by Gary Blankenship, Editor, *The Florida Bar News*

At its Feb. 17, 2006, meeting in Tallahassee, The Florida Bar Board of Governors:

- Approved a proposed amendment to the Bar’s contingency fees rules as suggested by a special committee in response to an order from the Supreme Court. The court is considering a rule amendment petition from 54 Bar members asking that contingency fee limits in medical malpractice cases as approved by voters on a constitutional amendment last fall be put in Bar rules. The suggested rules change would allow clients to waive the fee limits in the constitutional amendment in writing after they are informed of the limits and their right to seek other counsel. The rule amendment, which now goes to the Supreme Court, provides that a court review is not needed unless the proposed fee exceeds the limit in the current contingency fee rule.
- Heard democratic gubernatorial candidate Sen. Rod Smith speak and promise strong support for an independent judiciary and a return to the former system of appointing members to judicial nominating commissions. That system had three appointed by the governor, three by the Bar and those six picking three public members. Currently all nine are appointed by the governor, although four come from slates nominated by the Bar. All four major gubernatorial candidates were invited to address the board, but only Smith was able to attend.
- Approved a rule change that allows lawyers called up to active military duty to waive their annual Bar dues. The rule must go to the Supreme Court for final approval.
- Heard Justice Peggy Quince urge the board to continue its support for improved civics education in the state’s schools, work to increase pro bono work and donations, support adequate funding for the judicial branch and support the independence of the court system.
- Approved a new legislative position supporting the creation of 66 new judgeships as certified by the Supreme Court last December.
- Appointed attorneys Michael Faehner and George Knox to three-year terms on The Florida Bar Foundation Board of Directors beginning July 1.

Ethics Questions?



ETHICS HOTLINE

800/235-8619

Multi-jurisdictional use of powers of attorney and healthcare directives

by William A. Lee III



An elderly woman and her husband are residents of your state, but spend five months each year in Florida in a home they purchased some years ago. Unfortunately, her husband is suffering from dementia, and it has progressed to the point where she can no longer care for him alone. She wants to sell the Florida property and remain in your state to be close to her children, so she can receive assistance in caring for her husband. She sees your ad in the yellow pages stating you are a member of The Florida Bar and goes to see you for legal assistance in selling the Florida property.

Her husband is no longer competent to execute a deed to the property, but he did execute a durable power of attorney (DPOA) in your state several years ago, making his wife his attorney-in-fact. Will this DPOA be legally sufficient to allow her to convey his interest in the real estate? Unfortunately, it is not likely. To be able to convey an interest in Florida real estate, F.S. 709.08(1) requires the DPOA to be executed with the same formalities as a deed. F.S. 689.01 requires deeds and other recordable instruments to be executed in the presence of two subscribing witnesses, and F.S. 695.26 imposes additional requirements. Also, F.S. 709.08 requires the DPOA to state that it is exercisable despite the disability of the principal, and to convey an interest in real estate, the power must be expressly stated. Unless the DPOA meets these requirements, your client is facing an expensive and time-consuming guardianship to be able to convey her husband's interest in the Florida property.

The solution to this common problem is quite simple. If you have clients who own, or are likely to own, Florida real estate, have them ex-

ecute DPOAs meeting Florida's requirements and separate DPOAs meeting the requirements of your home state. That way, your clients' attorneys-in-fact can act on your clients' behalf in legal matters arising in either state.

When drafting a DPOA for such clients, do not assume the clients will remain residents of your home state. It is possible your clients will decide to become Florida residents to take advantage of the \$25,000 homestead exemption from real property tax and the other tax advantages that Florida has to offer. To cover this contingency, you should consider having a provision in the DPOA expressly allowing the attorney-in-fact to convey homestead real estate. Note that despite the express provisions of F.S. 689.111, some authorities still question the ability to convey homestead real estate with a DPOA. Including a legal description of the real estate in the DPOA will increase the likelihood the conveyance will be accepted by a title company.

Even if your clients only rent property in Florida, a DPOA may be useful. If your clients spend several months in Florida, there can be a variety of occasions where a DPOA would be needed if the principal suffers a disability. Dealing with banks, landlords, creditors or other third parties may require the use of a DPOA. Under F.S. 709.08(7), an attorney-in-fact only has those powers "... specifically enumerated" If the foreign DPOA does not list a specific power, it will not be effective. Even if the foreign DPOA does specifically enumerate the necessary powers, if the document does not look familiar, it may not be honored, or there may be a delay for legal counsel to review it before it will be honored. A Florida format DPOA can avoid these problems.

Do not rely on existing forms in drafting a DPOA. Significant changes to the statute have been proposed to remedy perceived ambigu-

ities, and these changes may affect drafting requirements.

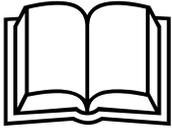
In related estate planning matters, if you have clients who spend a significant amount of time in Florida, consider having them execute Florida healthcare surrogates and living wills as well as the corresponding documents for your home state. There are statutory forms in F.S. 765.203 and F.S. 765.302, which can be adapted to meet the particular needs of your clients. These forms will be easily recognized by healthcare providers and more quickly accepted than the unfamiliar form of a foreign state.

Also, Florida specifically allows an end-stage condition (late stages of Alzheimer's, for example) to be part of a living will, which may not be allowed as part of a living will in your home state. Such a provision will be important to some clients.

Finally, your clients may be interested in organ donation upon death. A statutory form is provided as part of F.S. 765.514. Consent to organ donation may also be established when obtaining or renewing a Florida driver license (F.S. 765.521).

In summary, if your practice involves estate planning, and you have clients who spend a significant part of each year in Florida, your estate planning should consider the legal requirements of each state in meeting their needs. While initially this approach may be a little more expensive, ultimately it can save your clients and their families a great deal of money, time and inconvenience.

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.



Book review

What You Need To Know About Social Security

by John Attarian

American Institute for Economic Research (AIER), 2003, 85 Pages, \$10

Reviewed by John Voorn



J. VOORN

Since a significant part of my practice is in the area of elder law, several years ago I concluded that I needed to educate myself about how our Social Security system really works. And I admit that I had a personal interest in that I was approaching the eligibility age for Social Security benefits. I have long valued the publications of the American Institute for Economic Research (AIER) in Great Barrington, Mass. It has many useful publications that, in my opinion, should be given wider dissemination. The AIER is an independent scientific and educational organization that does research to help individuals protect their personal interests and those of the nation.

The AIER's subsidiary's November 2004 letter stated the following:

The outlook for Social Security is bleak. Consider:

- Politicians point to the Social Security Trust Fund as evidence of the program's long-term viability. *Don't be fooled*; the trust fund is an accounting contrivance. Current surpluses are in fact being credited to non-marketable debt obligations of the U.S. Treasury. In other words, the cash surplus generated by the payroll taxes you pay are not being invested in marketable assets but lent to the U.S. government, which simply allows politicians to *spend them now and tax posterity later*.
- As this program is structured, there will be an insufficient number of workers to provide for the eventual distributions due to be paid out to retiring baby boomers. *In 1950 there were 16.1 workers for every Social Security beneficiary;*

today there are only 3.4, and by 2040 that number is projected to fall to 2.1.

What You Need To Know About Social Security is a short publication, but contains a wealth of valuable information on our Social Security system. The chapter headings are as follows:

1. A Brief History of Social Security
2. Social Security Myths and Realities
3. The Social Security Crisis
4. Options for Reform
5. Options for You
6. Appendix - Social Security: What it is, how it works.

This publication provides a good introduction to the history of the Social Security program, the changes that have occurred since its inception in 1935 and proposals about making it viable for future generations. Of particular interest to me was the chapter on Social Security Myths and Realities. I believe the public discussion about Social Security would be more meaningful if Americans were aware of the myths and realities. Consider the following taken from that chapter:

1. Myth - Social Security is insurance.

Reality - No it is not. It does not have the attributes of true insurance such as having a contract. The rights of recipients of Social Security are set forth in the federal statute, and Congress has reserved the right to revise them. True insurance revolves around concepts such as risk pooling and risk transfer. That is not the case with Social Security. It is an income redistribution program just like any welfare program. The Social Security taxes a worker pays are immediately paid to another person, or spent by

the government on other government programs.

2. Myth - Benefits are an earned right, guaranteed by law.

Reality - Social Security benefits were promoted "as a matter of right," an "earned right" and "guaranteed by law." This is not the case. The Social Security Act, Section 1104, reserved to Congress the right to alter, amend or repeal any provision in the Social Security Act. Congress has made numerous changes to the law since its inception, and some of those have had the effect of reducing benefits. The U.S. Supreme Court case of *Fleming v. Nestor* (1960) confirmed that there is no vested right to Social Security benefits.

3. Myth - Social Security is financed with a trust fund.

Reality - A trust fund suggests there is a fund out there accumulating assets to pay future Social Security benefits. This is not the case. There is a treasury account referred to as a "trust fund." The amounts taken out of our taxes for Social Security go to the trust fund and are borrowed by the U.S. Treasury Department to pay benefits, with any excess used for government spending. The Treasury gives Social Security an IOU, i.e., "special issue government securities," which are claims by the government against itself. These are non-marketable promissory notes. They have no price and no value. When Social Security needs money to pay benefits it tenders these IOUs to the Treasury, which then has to come up with the money either by taxing the economy or borrowing from the public or both. It all depends on the government's power to tax and the public's willingness to be taxed. The Social Security Treasury Trust Fund Account is unfunded.

4. Myth - Social Security's trouble is that Congress is robbing the trust fund.

Reality - This is not correct. There is no true trust fund, so Congress cannot rob it. The Social Security Act mandates that revenues paid into Social Security in a year over and above what is necessary to pay Social Security benefits are to be used to buy these special unmarketable IOUs that the U.S. Treasury issues, with the funds going to pay for other government expenses. Congress is complying with the law.

5. Myth - Social Security is a defined benefit pension plan.

Reality - It is not. A defined benefit pension plan is a plan that specifies the size of the pension benefit that will be received at retirement. Social Security does have a formula to determine what the expected benefits should be. Take a look at your annual "Social Security Statement." Pension plans have to forward fund their obligations to pay benefits by investing same to build up reserves that have a market value. Social Security law does not permit forward funding or investing payroll taxes in marketable securities. Social Security is a pay as you go system. It amounts to a transfer of wealth from current workers to current retirees.

6. Myth - Social Security is a savings system.

Reality - It is not. Social Security does have an account for each taxpayer, but it contains no funds. It is a record of the tax payments received on behalf of the worker. The payroll taxes paid by the "account holder" are spent right away by transfers to Social Security recipients or on other federal programs.

As the book says on page 25, "In short, Social Security is *not* an insurance, annuity, savings or defined-benefit pension plan. It is an income redistribution program, plain and simple."

The book elsewhere analyzes the Social Security system as operating exactly like a Ponzi scheme. What else would you call a pay as you go system of transferring payments from the young to the old?

For those who want to do more reading about the myths of Social

Security, the following are recommended sources:

- *Top Ten Myths of Social Security*, Richard Kaplan
- *The Elder Law Journal, Volume 3, #2, 1995*, "Top Ten Myths of Social Security Reform," Jeffrey R. Brown, Kevin A. Hassett, Kent Smetters
- *The Elder Law Journal, Volume 13, #2, 2005*

The Elder Law Journal is a great resource for those who want to be kept apprised of elder law topics. Produced by students of the University of Illinois, it is published twice a year and costs \$25 per volume year. For more information, contact:

The Elder Law Journal
University of Illinois College of Law
Room 244

504 East Pennsylvania Avenue
Champaign, IL 61820-6996

The American Institute for Economic Research can be contacted at:

AIER
250 Division Street
P.O. Box 1000
Great Barrington, MA 01230-1000
www.aier.org
www.americaninvestment.com

John Voorn, who by the time you read this will have become eligible to take early retirement Social Security benefits, practices in Orland Park, Ill., in the area of elder law, real estate and condominium and community association representation. He is on the Executive Council of the Out-of-State Practitioners Division and can be reached at 708/403-5050 or generaljcv@aol.com.

50-Year Senior Counselor Award

Applications due May 1

The Florida Bar is expanding its recognition of veteran lawyers by creating a new honor for Bar members who have spent part of their careers in other states. The honors will be bestowed during a special luncheon at the annual meeting on Friday, June 23, when 50-year members of The Florida Bar will also be recognized.

The new program was recommended by Eric Meeks, president of the Out-of-State Practitioners Division, and was presented to The Florida Bar Board of Governors by Richard Tanner and Gary Leppla. This award will recognize active and inactive Bar members who have practiced law for 50 years. Par-

ticipants 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 50 years in legal practice must have been completed by January 1, 2006, for this year's honors.

Letters should be addressed to 50-Year Senior Counselor Award, attention Gail Grimes, The Florida Bar, 651 East Jefferson St., Tallahassee, FL 32309, and must be received by Monday, May 1, 2006. For more information, call Ms. Grimes at 1-800-342-8060, ext. 5767, or email ggrimes@flabar.org.

Creating marketing direction

by Richard A. Tanner



It is not news, but it bears repetition—comments to a prospective client from a previously satisfied client are as good as it gets for marketing purposes. While on that point, you might want to set up and conduct a client survey. It need be nothing fancy or commercialized, just a few questions to a client concluding a professional relationship with you to get some insight into what you did right, and perhaps more importantly, what you could improve. True marketing, of course, goes beyond that and must in every instance be strategy based.

Start by deciding what you are going to market within your firm. What practice areas are you seeking to expand and are there new areas into which you wish to move? Sound familiar? Yes, as usual, it is all about planning.

Let's talk about how and what to market first. Initially, I suggest that you determine who your client contacts will be. You should profile the prospects and coordinate those names with the legal skills you are going to deliver. The legal skills to be delivered will define the benefit to the clients and allow you to define for them, at the opportune time, what value you can bring to their legal needs.

The clients' legal needs are the reason they are searching for a lawyer in the first place and are not difficult to ascertain. Ultimately, you are going to want to "brand" your legal skills with the clients. You are going to urge them to think of your firm when that legal need arises. Branding by definition means the end of the generalist, the do everything scenario. It is dead in today's world, and it cannot assist your marketing objectives to try to be the ubiquitous presence for all legal needs of all clients.

We'll get back to how to instill branding and monitor the success later; let's talk more about the keys

to planned marketing. While we are still in the planning stages, we have important evaluations to make and decisions to make based upon those evaluations.

Who needs to know about your firm?

Answering that question gives you the answer to the initial client contacts question. When you categorically identify who needs to know about your firm, you have created the target marketing audience.

Identify the firm's core practice competence

Here we are addressing the practice skills set that makes yours the legal product to buy to fulfill a client's need. This can be a single skills set or limited multiples. But watch out for overstatement and assure yourself that the skills set is present and genuine before pitching it in a marketing scenario. Much marketing progress can be undone with a single overstatement that is not fully backed up with the appropriate skills set to bring about a valued result to the client. On-the-job learning is not for professionals who want to look like professionals.

Select your firm's client objectives for marketing

In this regard, you are creating an awareness of your firm and its legal products. The legal skills your firm offers and the legal tasks that interest you and your firm are going to be your legal product for sale. Come to terms with what that is. In doing so, be extremely honest with yourself about the interests aspects. You will not successfully market something you think will bring you income if it is not really an interest area for you. In essence, you have to love it to do it well; the income will follow the enthusiastic effort.

You want to assess who the firm is going to serve in this market planning. The question is "who needs your legal product?"

Finally, the next question to be answered is "what is to be offered in

the course of providing the legal product?"

The answers to these questions will provide you insight into your firm's client market.

Demonstrate how your firm fills the client's needs

The firm gets just two opportunities to do this, from a marketing perspective. The first is at the initial client interview, and the second at the submission of the final bill. Understanding the need to impress the client at the initial interview is patent, but you ask ... how so at the final billing?

At the final billing, you are delineating the benefits and value your firm has brought to the client's cause. While effective billing formats are a topic for another occasion, it is important to reflect here on the concept that your final bill is the pronounced, detailed description of the value given to the client. Notice I use "value" and not result. That is because academic-based research with client surveys has indicated that clients are more concerned with the value of the service (and a few other things we will explore in a few minutes) than with results! (See, J. Harris Morgan, *How to Draft Bills Clients Rush to Pay*, ABA Section of Law Practice Management (1995)) Yes, that is what I said ... results are of lesser importance to the client than an understanding of the benefits received from the legal services.

Think about it this way, which is what clients do: "I probably could not win; I understood that from the first interview, but the legal services provided put me in a place to settle or negotiate a best deal result." The second thought there is in the "good idea" category. When the client calls and you come up with a good idea solution to the client's legal need, you have brought that client value. It may have been a spontaneous answer from you to his problem, requiring very limited mental effort, but you achieved the goal ... you fulfilled the need ... and the client is willing to pay for that, not simply in proportion to the time you consumed to achieve

a result, but for the effective resolution.

Create a brand

What is being done by your firm in branding that is differentiating your legal product from the others in the marketplace, so clients will hone in on it when that legal need arises? As I indicated above, client surveys have suggested that results are not the most important feature of a client's evaluation of the law firm's success on their behalf. Interestingly, it is also notable that price is not the deal-maker or deal-breaker, according to these client surveys.

Well then, you are rightly asking ... what is? The answer is maximization of client service and timing of the production of the legal product. Your firm should want to do as much as possible for the client, so the client has to do less.

In the context of service, "The Ritz Factor" is what I like to direct you to. Recall your last visit to a Ritz hotel. You do not get directions when you ask; you get a personal escort to the destination by an enthusiastic employee, whether management or hourly. If you stand in line for something, you get a "Sorry for the delay," even if it was only a one-person delay. That hotel chain has distinguished (say branded) itself as a special place. It is not a lobby with adjoining bedrooms. It is a convenient residence where you are important enough to get special attention, whatever your immediate needs are.

Your firm can brand itself like the "Ritz" by producing legal products cost efficiently, effectively and on time. These service-oriented benefits are not all that common in the contemporary legal community.

Monitor the marketing program

What do you do to monitor a marketing program? You have set up a budget, so you can examine compliance with that. You have formulated your contacts, so you keep track of that progress with a list.

You will want to know if you are reaching your target market. An assessment of client response (forwarding of business) to your marketing plan will provide insight into that

question.

Profitability, i.e., return of client revenue in response to dollars spent on marketing, will be the acid test. But, please note, patience here is paramount. Any experienced marketing agent will tell you it takes more time than most of us can appreciate to see the results of the rain-making effort.

Obviously, all of that planning still needs implementation, and we need to talk about how to do that. We need to discuss how to carry out the marketing activities involved. That "how to" involves answering several additional questions to tailor the effort to your practice.

When commencing marketing activities, recognize that everyone at the firm needs to be involved. Your marketing plan requires direction from inside and out. You must generate competent technicians to carry out the marketing plans. It is too large a burden for any one individual while maintaining a law practice.

While we are all generally familiar with the brochures, seminars, website and newsletter items, other smaller and less expensive items should not go unnoticed. For instance, think about the marketing role your receptionist should and can play. Talk about significant first impressions! That employee gets the first client contact, both on the phone and during the initial appearance in your office. What an opportunity to create a lasting professional impression!

Associates need some training in the niceties of this marketing experience. Smiles, outright gracious courtesy to visitors and a display of human concern for the problems brought to your office by the clients are the keystones. Not all associates understand that the business effort to be deployed does not simply mean providing a high-quality legal product, but also means the packaging of that legal product as well.

Don't let anybody get by the receptionist without a by-name greeting. The receptionist knows the client is coming, knows the client's name and should be strongly encouraged to use it when the client arrives. Everyone knows the favorite words people like to hear are their own names. If you can use it three times in one office

visit (arrival, when you take custody and on departure), you have marketed the client.

Create a client data base

The firm should create a client personal data base. This includes the usual, that is, name, title, address, phone number, fax number and email address. It ought to include, in the case of individuals, their personal outside interests, hobbies, favorite sports and the like. In the case of corporate and commercial clients, it should also include the industry and the nature of the work you do and wish to do for them. You can use this data to devise a plan for recreational marketing activities that appeal specifically to each client.

What kind of effort goes into all of this? Do as much as you can muster. A business marketing guru would tell you that 15 percent of a 50-hour week should be spent marketing. That is about 7.5 hours per week.

You are going to have occasion to attend meetings and conferences on behalf of the firm. This is the grand marketing opportunity. To approach these meetings as a marketing opportunity, do your homework. Find out who the attendees are going to be. The host agency usually has a guest list it will share, and if not, on arrival you still have the nametag table to peruse.

Having gotten a sense of who is in attendance, you then have some decision-making to do. First, select some "goal contacts," some people you are determined to meet during the meeting. This is a good time to skip the food table and to skip old friends. There is no marketing gain to be made at either, and they tend to impair your effort at marketing for new business.

In preparing to meet your "goal contacts," prepare a verbal, conference communication statement, an opener you will use in each case. This opener is a brief, succinct and pointed sentence or two describing your core legal competence. It should be designed to be a taste of you and not a career dissertation.

Always use business etiquette at these meetings. That means do not monopolize anyone's time ... it is not good for your purposes or the contact's. This is really "first round"

continued, next page...

Marketing direction

from preceding page

marketing and is intended to set up a future opportunity when more information can be put before the prospective client.

Always have an exit strategy after you have made your contact and delivered your first round. Some

helpful exit strategies include offering and collecting a business card, indicating a need to speak to someone else across the room and/or introduction of a third person into the conversation.

Do not go far without making some notes on the contact's business card for the follow-up you are going to make. Such things as a nickname, a staff assistant's name, a legal need

and the like will start the conversation off in the right direction at the time of a future re-contact.

Richard A. Tanner practices law in Upper Montclair, New Jersey, where he specializes in business and civil litigation. He is a past president of the Out-of-State Practitioners Division and is serving as a member of The Florida Bar Board of Governors.

Out of State Practitioners Division Budget for Fiscal Year 2004-2005 Approved Budget for Fiscal Year 2005-2006

REVENUES	2004-2005 Approved Budget	Year End June 2005 Actuals	2005-2006 Approved Budget
Dues	25,480	12,099	22,750
Section Share Online	0	0	0
CLE Courses	4,000	2,188	4,000
Audio Tape-Section S	2,500	2,751	2,500
Videotapes	400	50	0
Material Sale	0	19	0
Investment Allocations	4,661	4,239	6,707
Total Revenues	37,041	21,346	35,957
EXPENSES			
Employee Travel	894	325	830
Postage	1,500	1,407	1,500
Printing	300	194	300
Newsletter	3,000	1,589	3,000
Membership	2,000	1,000	2,000
Supplies	50	64	50
Photocopying	100	0	100
Chair's Special Projects	1,500	3,700	1,500
Officers' Travel Expenses	6,000	6,569	6,000
Committee Expenses	1,000	118	1,000
Public Info & Website	0	135	0
Board or Council Meeting	1,500	1,248	1,500
Bar Annual Meeting	2,500	4,609	2,500
Midyear Meeting	500	0	500
Retreat	2,000	2,000	2,000
Awards	1,500	1,656	1,500
Website	3,000	85	3,000
Council of Sections	300	300	300
Operation Reserve	3,025	0	3,018
Miscellaneous	100	0	100
Admiralty	2,500	142	2,500
Total Expenses	33,269	25,141	33,198
Total Revenue	37,041	21,346	35,957
Net Operations (revenue less expenses)	-3,772	3,795	-2,759
Beginning Fund Balance (rolled over)	95,969	99,636	95,817
Ending Fund Balance	99,741	95,841	98,576
(beginning fund balance + net operations)			

SECTION REIMBURSEMENT POLICY

Article 8 Miscellaneous Section 8.3 - Compensation and Expenses. No salary or other compensation may be paid to any member of the division for performance of services to the division, but members of the division may be reimbursed for such reasonable and necessary telephone expenses, reproduction expenses and other similar out-of-pocket expenses that such member incurs in the performance of services for the division and that are specifically authorized by the president and the treasurer of the division or by the executive council. Further, the members of the executive council shall each be allowed reimbursement by the division up to, but not exceeding, the amount of \$400.00 per trip, for reasonable travel expenses incurred in attending the 3 required meetings of the executive council. Reimbursement is subject to the availability of funds from the division's budget.

Raising the stakes in lawyer professionalism: The rising influence of board certification

by Ralph Artigliere

“Technical proficiency without professional integrity still adds up to a bad lawyer.”

—Florida Supreme Court, 1981



How does one measure a lawyer's character and reputation for professionalism amongst peers, rivals and competitors? At the beginning of my legal career, I grappled with Martindale Hubbell's inquiries about whether certain of my fellow lawyers deserved a "v" rating or not. Martindale's other "A-B-C" scale for lawyer competence seemed easier to apply for certain lawyers than whether they also merited a "v" for ethics and professionalism.

As I approach my fourth decade as a lawyer, including a few years on the bench, I clearly see the importance of distinguishing between a lawyer who is technically good and one who is both competent and trustworthy. While the task of identifying and applying standards for character and professionalism is not easy, it is essential that our profession make lawyers adhere to this important component of our profession; without it we are no longer a *profession*, but just another business. The Florida Supreme Court and The Florida Bar recognize this need. Both found a useful vehicle for focusing on professionalism in the certification program, which identifies lawyers qualified to achieve the special distinction of board certification. The Supreme Court requires the Bar's certification committees to confirm a lawyer's professionalism and ethics during review of applications for initial certification and recertification. Mandated professionalism for certification is an important step that is creating a positive impact on the behavior of Florida lawyers and our legal system.

From the infancy of the Bar's efforts to certify specialists in discrete

areas of law, the Florida Supreme Court recognized that every lawyer meriting certification by the Bar should be evaluated as to character, ethics and reputation for professionalism. In a 1981 decision rejecting an early version of the certification plan submitted by the Bar, the court opined that technical proficiency is not the only mark of a true professional.

The significant qualities distinguishing good from bad lawyers—and, thus the areas for truly major concern about 'competence'—are matters of character, judgment, wisdom, morals, and attitude, not the business of technical proficiency... Technical proficiency without professional integrity still adds up to a bad lawyer.¹

Notwithstanding this strong language, the very next year the court approved the Bar's proposed plan for the two initial certification areas of *tax* and *civil trial* without expressly requiring a professionalism peer review component. Over the next 16 years, lawyers seeking certification by The Florida Bar in those two specialties and the various new areas of certification were required to show substantial involvement and experience in their specialty areas, specialized continuing legal education, mastery of the law needed for the specialty demonstrated through examination and peer review on *competence*.² These requirements apparently did not fully satisfy the Supreme Court's preference for a certification plan that ensured that only lawyers of true character and trustworthiness would become certified. In 1998, when the certification plan had been in existence for almost 16 years, the Florida Supreme Court reinforced its commitment to professional integrity by adding peer reviewed professionalism as a specified component of the *Minimum Require-*

ments for Qualifying for Certification.³ This changed everything. Now all lawyers seeking certification and recertification are subject to peer review from judges and lawyers on professionalism as well as proficiency. Even lawyers who have achieved certification and recertification over the years are now encountering peer review denials of recertification. As a result, lawyer behavior is changing for the better to accommodate the professionalism requirement.⁴

To understand the scope and impact of the change in requirements, simply refer to the "new" rule language in the Supreme Court's 1998 opinion, which pervades and imbues the rules, policies and actions of the certification program and its committees: "The applicant shall also be evaluated as to character, ethics, and reputation for professionalism. An applicant otherwise qualified may be denied certification on the basis of peer review."⁵ The court's opinion details how and from whom peer review is to be solicited.⁶ By entrusting the assessment of professionalism to the applicant's peers,⁷ the court obviously assumes that professionalism is not too subjective to be fairly evaluated and that this is an appropriate charge for members of a profession sworn to honesty and trustworthiness. Nonetheless, the peer review process includes multiple levels of committee and board involvement to ensure that applicants facing denial of certification receive a fair and complete assessment. Judicial peer review is particularly important in many areas of practice. Area committees give applicants the opportunity to supplement the record by listing additional potential peer reviewers. Having been involved in the program while on the BLSE⁸ for many years, I can attest that the process works. Only a few denials on peer review have been appealed. While the peer

continued, next page...

Board certification

from preceding page

review assessment process in certain cases can be extremely challenging, in my experience peer review is an effective and fair way to review and assess the character, trustworthiness and reputation for professionalism of certification applicants. Peer reviewers take their job seriously, and most provide specific examples and reasons for negative ratings on professionalism. Members of the area committees are familiar with the details of practice in their particular specialties, and peer review comments are weighed and reviewed for consistency with the totality of the evidence. There are also significant safeguards against malicious, biased and arbitrary decisions through the various levels of review. Members of the BLSE and Board of Governors ensure diversity of opinion and interests and are committed to fairness for all applicants and for the good of the program. An applicant with appealable issues can ultimately seek recourse in the Supreme Court.

Mandating professional conduct is not without criticism. Some contend that professionalism is not defined⁹ and therefore cannot be effectively measured or assessed; others contend that such subjectivity means that the peer review process can be unfair. These criticisms are outweighed by the importance of the Supreme Court's objectives for this process. Board certification is a voluntary program, and applicants agree to all the rigorous requirements of the program, including confidential peer review. Board certification was conceived and is operated under the mandate of the Supreme Court as a program for the benefit of the public, not the lawyers who seek certification. The consuming public, not to mention the reputation of all certified lawyers, can be negatively impacted by the certified lawyer who behaves unprofessionally. Certifying a lawyer with a bad reputation for professionalism hurts the program. Furthermore, a certification program with high standards for professionalism and lawyer conduct positively influences other lawyers by example and by virtue of the fact that certifi-

cation is becoming an increasingly important component of a lawyer's career as the program grows in size, influence and importance to those who use and refer to lawyers. Lawyers who want to be certified will behave like certified lawyers: beyond reproach. This creates a snowball effect, which benefits the system of justice and all who participate in it, including lawyers themselves.¹⁰

Another potential criticism of the professionalism component of certification bears mention here. At least one lawyer has taken the position that requiring peer review on professionalism will cause lawyers to care more about what their opponents and the judges think of them than what is in their clients' best interests. In other words, it is postulated that lawyers desiring certification will make concessions in their cases just to keep peers happy, which cuts against zealous advocacy. While I have to admire the ingenuity of this argument, as I would never have thought to make it myself, the argument misses a very important point of professionalism. It is not valid to equate behaving professionally with weakness. The truly professional lawyer is *always* a zealous advocate, and advancing every *appropriate* argument and position for the client garners respect, not rebuke, from peers. It is the untoward manner in which some lawyers advance their positions, or the advancement of unmeritorious positions due to lack of preparation or for reasons of delay or harassment, that is deemed unprofessional. In virtually every case, true professional behavior enhances rather than detracts from effective advocacy and is therefore in the client's best interest. Some of the best and most professional lawyers are bulldogs; they just know who, when and how to bite—when to hold on—and when to let go.

Every Florida lawyer should exhibit levels of behavior and trustworthiness that bring credit, respect and honor to our profession while performing the important role of advocate for clients. It is my personal opinion that this obligation is inviolate for all lawyers as officers of the court and as licensed and sworn members of the Bar. While others may disagree and contend that professionalism is only aspirational for

Florida lawyers pending definition and codification,¹¹ that leeway no longer exists for those seeking certification. The board certification program is charged by the Supreme Court to enforce professionalism as a mandate for those who wish to become or remain certified. The results of this change are encouraging. Mandatory professionalism is for the good of not only the certification program and the public it serves, but for the profession of law itself; and it is working to all our benefit.

Ralph Artigliere became a circuit judge after 24 years as a trial lawyer. He is a fellow of the American College of Trial Lawyers and board certified in civil trial. Judge Artigliere is immediate past chair of The Florida Bar's Board of Legal Specialization and Education and teaches trial issues, ethics and professionalism to lawyers and judges. He is on the faculty of the Florida College of Advanced Judicial Studies. The opinions contained herein are those of the author and not the BLSE or The Florida Bar.

Endnotes:

¹ *The Florida Bar Re Amendment to the Integration Rule* (Certification Plan), 399 So. 2d 1385, 1386 (Fla. 1981).

² It is not clear whether the court intended the initial approved plan's peer review component to impliedly encompass character, ethics and reputation for professionalism.

³ *In re Amendments to the Rules Regulating the Florida Bar*, 718 So. 2d 1179, 1223 (Fla. 1998).

⁴ Lawyers appearing before the BLSE have described changes they have personally made to avoid behavior that would cause negative peer review. Failure to acknowledge and adjust to the new requirement creates the risk of peer review denial of certification.

⁵ *Id.*

⁶ Of course, there are also specific ethical and disciplinary standards in addition to the professionalism requirements. *Id.*

⁷ The procedure may include written references from lawyers and judges, solicitation of public input and independent inquiry. *Id.*

⁸ BLSE is the Board of Legal Specialization and Education, which oversees the certification programs.

⁹ See Rizzardi, "Defining Professionalism — I know It when I See It?," 79 *Fla. Bar J.* at 38 (Jul/Aug 2005) (calling for a definition of professionalism and specific, enforceable Bar rules of professionalism).

¹⁰ I have found it is far easier to have a bad day when a colleague, opponent or judge behaves unprofessionally than when a hearing is lost. It sticks with you far longer, too.

¹¹ 79 *Fla. Bar J.* at 39.



Minutes of the OOSPD Executive Council meeting

December 16, 2006 • Ritz Carlton, Amelia Island

The OOSPD Executive Council meeting took place at the Ritz Carlton, Amelia Island, FL, on Dec. 16, 2005.

Council members present:

Scott Atwood (via conference call)
Brian Burgoon
Tim Chinaris (via conference call)
Ian Comisky
Gary Leppla
Eric Meeks
Duffy Myrtetus (via conference call)
Richard Tanner
John Voorn (via conference call)

Also present:

Arlee Colman, division administrator

1. Call to order

President Eric Meeks called the meeting to order at 7:35 a.m.

2. Secretary's report/minutes

Tim Chinaris delivered the secretary's report. The minutes of the meeting of Aug. 26, 2005, previously were approved by an email vote.

3. Administrator's report

Arlee Colman gave the section administrator's report. She provided copies of the final budget from fiscal year 2004-05 and the current budget for the 2005-06 fiscal year. Generally the division is in good shape, coming in under budget overall and in most individual accounts. Ms. Colman mentioned that the Bar budget process was underway and that by mid-January the division would need to put together a proposed budget for next fiscal year (2006-07). Ms. Colman noted that the New York CLE seminar should break even. Ian Comisky suggested that the division sponsor a seminar with the theme "Attorneys Under Attack" to address the assaults on the attorney-client privilege and related issues. This may be offered as the division's nomination for the "President's Showcase" seminar slot at the 2006

annual meeting. Duffy Myrtetus commented that the proposed budget for next year should reflect the new Bar-Section/Division split on division dues revenue.

4. President's report

Eric Meeks provided the president's report. The "Ethical Marketing" web seminar had 33 participants and grossed revenue of approximately \$2,300, which should be enough to break even. The division picked up four new members as a result of the seminar. The upgrade to the division's website has been well received. The division should begin to advertise its availability and features by the end of the year. Ian Comisky suggested that the division develop web information or a publication to advise members how to ethically construct their firms' websites. Mr. Meeks noted that the idea of a golf outing at the annual meeting has been dropped, and suggested that a spelling bee be offered. No action was taken on this idea. The possibility of a dessert reception or a division luncheon at the annual meeting was discussed. Gary Leppla reported that the Board of Governors' Program Evaluation Committee has given approval to the division to offer its own 50-year award. An out-of-state member of The Florida Bar would be eligible if he or she belonged to The Florida Bar on that person's fiftieth anniversary of practicing law.

5. Division update

Duffy Myrtetus provided the division update. The division's efforts at the Council of Sections to promote our members as a resource for in-state Florida lawyers who need out-of-state legal assistance has not gone as well as hoped, but our revised website may make these efforts more successful. Mr. Myrtetus thanked Brian Burgoon for writing a summary of the rules changes related to

multi-jurisdictional practice. This summary has been published on the *sunEthics.com* legal ethics website, and Mr. Myrtetus will work with Mr. Burgoon to prepare an article for the division's newsletter. Mr. Myrtetus mentioned that he has been receiving email messages on legislative updates, and he will share these with Executive Council members.

6. BOG update

The division's Board of Governors members provided a board update. Richard Tanner stated that the Bar is working on a diversity/disability questionnaire with the goal of assisting disabled members. Frank Angones has become president-elect designate of The Florida Bar. Mr. Angones has indicated sensitivity to out-of-state issues. During Mr. Angones' term as president, there will be an out-of-state Board of Governors meeting. There will not be an out-of-state board meeting during Hank Coxe's presidential year. Brian Burgoon reported that the Bar is promoting its new FastCase research services, which is free to members. Indications are that about 10 percent of Bar members are using the service.

7. Pro bono award

Brian Burgoon reported that the Division's Pro Bono Award winner is Brian Richardson of Washington, D.C. He was selected from among five excellent nominees by an outstanding committee that included both lawyers and non-lawyers. The award will be presented at the Florida Supreme Court in February 2006.

8. Division name change

Eric Meeks reported on the status of the division's name change to the "Out of State Division." Appropriate approvals have been received with the exception of the Florida Supreme Court, which must approve changes

continued, next page...



Minutes

from preceding page

to several Rules Regulating The Florida Bar in which the division is mentioned.

9. CLE/events

Richard Tanner reported on the New York CLE seminar. It went smoothly at the Fordham venue, which worked well. The double-track concept was well received, and the speakers did a fine job. The seminar was attended by about 60 persons, including Florida Bar President Alan Bookman and President-elect designate Frank Angones.

Scott Atwood reported that the Washington, D.C., Happy Hour sponsored by the division was a success. He thanked Victoria Wu and Ward Griffin for their work on it.

Gary Leppa reported on the Amelia Island reception. He heard many comments thanking the division for putting on the seminar. It was held at a local museum and had a good turnout. The cost to the division was about \$2,000.

Eric Meeks noted that the division would like to present CLE seminars in Washington, D.C., in April 2006 and at the Bar's annual meeting in Boca Raton in June 2006.

10. Miscellaneous

A discussion of the division's travel reimbursement policy was postponed.

Eric Meeks stated that the division has been asked to endorse a position expressed by a Wisconsin resident who is a member of The Florida

Bar and would like to advertise his Florida Bar certification in Wisconsin. Council members requested further information before deciding whether the division should become involved.

The next meeting will be held by conference call in January 2006 to discuss the budget. The meeting was adjourned at 8:40 a.m.

—Timothy P. Chinaris, secretary

Minutes of the OOSPD Executive Council meeting Conference Call • January 25, 2006

Members participating in the conference call were Scott Atwood, Tim Chinaris, Gary Leppa, Eric Meeks and Scott Patterson

1. Call to order

President Eric Meeks called the meeting to order at 10:10 a.m.

2. Budget

Eric Meeks had circulated the proposed division budget to the members of the Executive Council via

email the day before the meeting. Several items had been revised as a result of activity at the Bar's midyear meeting. Eric Meeks advised that the deadline for division approval of a budget was Jan. 25, 2006. After a brief discussion, it was moved and seconded that the budget be approved. The motion passed unanimously.

The meeting was adjourned at 10:25 a.m.

Nominations slate

The following slate of nominated officers will be voted on during The Florida Bar's annual meeting in Boca Raton. The Division meeting will be held on June 23, 2006.

President:	Wm. Scott Patterson (Baltimore, Md.)
President-elect:	Timothy P. Chinaris (Grundy, Va.)
Secretary:	Allyn D. Kantor (Ann Arbor, Mich.)
Treasurer:	Michael G. Busenkell (Wilmington, Del.)

Organize a CLE in your town!

Want to get some CLE credits and get a bit of Florida law (including ethics credits) at the same time? We can help. We have the division's Chicago CLE program on video, and it's divided into two three-hour sessions. If you want to sponsor the CLE at your office in your town, you can get the CLE credits with basically no effort on your part (other than showing up). Just call Arlee Colman, the division's administrator at 850/561-5625 or email her at acolman@flabar.org to get more information.



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

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.

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.

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

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. the next update will be MAY 19, 2006.**

Richardson

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500 hours of pro bono work, particularly in areas addressing the needs of children and the underprivileged. Some of his contributions include the following:

- Richardson contributed over 200 hours to a project with the Children's Law Center in providing legal services to reduce the sizable backlog in adoption cases in D.C. Superior Court. Bryant was involved in a complicated two-year case that resulted in his client obtaining guardianship of her three abused nieces.
- Richardson contributed 65 hours to the Special Education Project in partnership with the D.C. Appleseed Foundation, which aims to reduce the number and cost of disputes between parents of special education students and the D.C. Public Schools.
- Richardson donated 75 hours of real estate assistance to Greater D.C. Cares, an organization that

pairs volunteerism with corporate philanthropy.

- In 2004, Richardson devoted a considerable amount of time negotiating and documenting an operating expense loan from Unitarian Universalist Affordable Housing Corporation to Bethany Inc., which facilitated the opening of Good Hope House, a transitional rental development that provides support services to homeless people reintegrating into the community.
- Richardson is also active in the community, helping tutor public elementary school children, providing legal and other assistance to the Capital Area Food Bank and mentoring high school students.
- In 2004, as a second year associate, Richardson was recognized by his firm as the 2003 Pro Bono Associate of the Year.

Richardson was born and raised in Miami. He received his undergradu-

ate degree, *cum laude*, in special education from Florida International University in 1998 and worked as a special education teacher prior to attending law school. In 2002, Richardson received his law degree, *magna cum laude*, from the University of Miami School of Law, and he was a member of the Order of the Coif.

Five outstanding Bar members from across the country were nominated for the out-of-state award. The selection committee for the award included Judge Debra Bernes of the Georgia Court of Appeals; Senior Judge James C. Hill of the Eleventh U.S. Circuit Court of Appeals; Rev. E. Claiborne Jones, an Episcopalian priest and director and vicar of Emmaus House, a ministry of the Episcopal Diocese of Atlanta; D. Jack Sawyer, Jr., regional president for Mellon's Private Wealth Management group in the Atlanta region; and was chaired by Board of Governors member Brian D. Burgoon.

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 email (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.

The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

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