The Florida Bar Out-of-State Division

State-to-State

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Fall 2009

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ON THE COVER:

A side view of the old Florida Capitol building, with the newer building behind it.

[Source: Google Images.]

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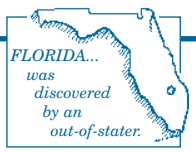
Author! Author!

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

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

Please send documents in MS Word format via email to dworkman@bakerlaw.com.

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



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

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

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State-to-State is devoted to Florida and multi-jurisdictional legal matters. It is editorially reviewed and peer reviewed for matters concerning relevancy, content, accuracy and style. *State-to-State* is mailed to more than 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 **Winter 2009** issue is **November 14, 2009**. Articles should be of interest to legal practitioners with multijurisdictional practices. Please submit articles in a Word format via email to Don Workman, *dworkman@bakerlaw.com*. Please include a brief biography with contact information and a photograph of the author. If a digital photo is not available, please mail a print to The Florida Bar, OOSD, 651 East Jefferson Street, Tallahassee, FL 32399-2300.

President's message:

We can be bigger & better

by Bill Lee, President

B. LEE

In the three years I have been actively involved in the Out-of-State Division, I have been uniformly impressed by the members I have met. We have the common bond of Florida Bar membership, but we also have diverse experiences from practicing in many different jurisdictions. Our geographical separation is a disadvantage—meeting together frequently is not practical or affordable. Developing ways we can share our expertise and network with each other when we reside all over the country is critical to the success and growth of the division. At the annual meeting in Orlando, we voted to create a listserv for members of the OOSD. Members will have a password to log on to the site where they will be able to pose questions to which other members can respond. I have had many instances when a client asked me about the law in another jurisdiction. It would have been a great help if I could have posed a question and received a response from a division member in that state. There is also a good chance the responding member would have received a new client in the process. Once the details of the listserv have been approved by the Executive Council, an explanation of how it will operate will be mailed to division members.

During the annual meeting, there was also a discussion about how to more effectively reach new out-of-state members and how to assist them in their search for out-of-state employment. We had a presentation from the placement office of the law school at Florida State University, and several Executive Council members attended the alumni receptions of different Florida law schools and asked how they could help. Two ideas emerged from these discussions:

1. Law schools would like their out-of-state students to be able to meet with a division representative to discuss employment issues outside of Florida.
2. Law schools would like their out-of-state students to be able to contact division members in their area with employment questions.

I have agreed to meet with out-of-state students from several Florida law schools next spring. Members of the Executive Council have agreed to be contacted by new out-of-state graduates from Florida law schools. For this idea to be successful, we need more people than the Executive Council members to be available as contacts. If you would be willing to speak with a new graduate who is looking for employment in your area, please email your contact information to Division Administrator Arlee Colman at *acolman@flabar.org*.

If you have any ideas about how **we can be bigger & better**, please email me at *walee@olmplaw.com* or call me directly at 207/680-2678.

One strike and you're out:
The impact of *U.S. v. Marion* on third-party rights in federal forfeiture proceedings

by Todd Foster, Esq., Cohen, Foster & Romine PA

T. FOSTER

Just this past spring, the Court of Appeals for the 11th Circuit decided a case that is a "must read" for banks, other lenders, co-owners and third parties holding liens on or otherwise claiming an interest in forfeited property. Like a batter trying to avoid striking out—behind 3-2 in the count—where the umpire is calling a narrow strike zone, such lien- or interest-holders now have one narrow and procedurally challenging chance to preserve their interest or face having it extinguished forever. In *United States v. Marion,* 562 F. 3d 1330 (11th Cir. 2009), decided in late March, the court interpreted key terms in 21 U.S.C. §853(n) and Rule 32.2 of the Federal Rules of Criminal Procedure. This statute and rule combined outline the procedures employed by the United States to forfeit property of those convicted of federal crimes and to handle the interests of third parties in those forfeited properties.

In *Marion*, the court was faced with determining whether a late-filed innocent third-party petition for relief from forfeiture could be considered. The district court had allowed a tardy petition claiming an interest in the forfeited property, liberally construing §853(n) and Rule 32.2 in the interest of an equitable and just result. The 11th Circuit reversed in an opinion

See "One strike," next page

replete with references to legislative intent and decreeing the limited jurisdiction of federal courts if claimants do not precisely follow the forfeiture statutes and rules.

The 11th Circuit first debunked the general belief that third-party rights in forfeited property cannot be affected until a criminal judgment and sentence are entered against a defendant. In support of this position, the court cited the 2000 changes to Rule 32.2 allowing proceedings to determine the rights of third parties in forfeited property to be commenced "as soon as practicable … after a plea of guilty or nolo contendere." Lenders and third-party claimants need to be aware of this new timeline and cannot feel safe in doing nothing simply because there has been no sentencing.

Marion also decreed that there is no relief from the bar created by a third-party's failure to strictly comply with the 30-day time limit and other jurisdictional requirements for filing a petition for relief from a preliminary order of forfeiture entered pursuant to §853(n) and Rule 32.2. The court held that failure to comply deprives the claimant of standing in the district court of jurisdiction. Referring to the Committee Notes on Rule 32.2, the 11th Circuit agreed that if a third party has notice and fails to timely file a claim, his or her interests *"are extinguished." Id*. at 1337 (emphasis added). The Federal Rules of Criminal Procedure permit "notice" to be actual or constructive, i.e., by publication, so it will be difficult for a claimant to assert lack of notice as an excuse for failure to comply with the statute.

Finally, to the extent it could be argued that Rule 32.2 conflicts with §853 and thus should yield to the arguably broader construction of the statute, the *Marion* court defended the strictness and applicability of Rule 32.2 because it was adopted subsequent to the statute's enactment. Relying on the Federal Rules Enabling Act's rulemaking statute, 28 U.S.C. §2072(b), the court flatly stated "the rule must trump" the statute. *Id*. at 1340 n.7. Accordingly, *Marion* "harmonized" Rule 32.2 and §853(n) so that Rule 32.2's arguably earlier deadline trigger falls within the ambit of the statute's language. *Id*. at 1339.

Commencing an ancillary proceeding for relief from federal forfeiture under §853(n) requires a unique mix of federal criminal practice and state property law skills. Few lawyers are conversant with this system or how it applies federal and state law to arrive at a final order of forfeiture. In counseling clients in this area, *Marion* and the applicable federal statutes and rules do tell us some basic mistakes to avoid:

- A petition for relief must be filed within 30 days of actual service of the preliminary order of forfeiture on a client (usually done by certified mail, return receipt requested) or 30 days after the conclusion of publication, *"whichever is earlier."* 21 U.S.C. §853(n)(2) (emphasis added).
- The petition must be signed by the petitioner. 21 U.S.C. §853(n)(3). The petition must be signed by the actual petitioner or its authorized officer. Courts have interpreted this to mean that the signature of an attorney or other agent (such as a mortgage servicer) is insufficient. *Mercado v. U.S. Customs Service*, 873 F.2d 641, 645 (2d Cir. 1989); *U.S. v. Speed Joyeros, S.A.*, 2006 WL 197094, *3 (E.D.N.Y. 2006).
- The petition must be sworn. 21 U.S.C. §853(n). This is not a mere technical requirement. *United States v. Edwards*, 2007 WL 2088608 (W.D. La. 2007); *U.S. v. Commodity Account No. 549 54930*, 219 F.3d 595, 597 (7th Cir 2000).
- The petition must set forth in reasonable detail, including time and circumstances, facts supporting *the petitioner's* claim. §853(n).

Petitioners also need to be certain that the grounds set forth in the ancillary proceeding petition establish a right to a "superior interest" or that they are a "bona fide purchaser for value" under §853(n)(6). In the 11th Circuit alone, there are dozens of cases interpreting the nuances of adjudicating these two limited and exclusive grounds for relief from a federal criminal forfeiture.

Failure to comply with the procedural or substantive requirements for a petition under §853(n) allows the court to dismiss the petition without notice or a hearing under Rule 32.2(c)(1)(A). The result of such dismissal is to extinguish the petitioner's claims.

Lawyers within and outside of the 11th Circuit need to be particularly diligent, cautious and precise in protecting a client's rights in federal criminal forfeiture proceedings. Because the upshot of *Marion* is that a district court has no power to grant any form of equitable relief to a non-compliant claimant in a forfeiture

See "One strike," next page

We can be BIGGER & better!

Share your expertise with your fellow OOSD members. Submit articles of interest to legal practitioners with multijurisdictional practices to Don Workman at *dworkman@bakerlaw.com.* Please include a brief biography with contact information and a photograph of the author.

Past president's message:

Change you can believe in ... A message from a *very* immediate past president

by Allyn D. Kantor, Immediate Past President

A. KANTOR

Any president of any organization comes into office with the objective of building on the work of his predecessors, adding value while in office and leaving the organization better positioned for the next president to go forward with his or her agenda.

I believe this has been a successful year in part because my predecessors left me with a viable organization supported by experienced leaders who maintain a solid commitment to this division. My thanks to Tim Chinaris, last year's president, for his work in positioning this division so well so that we could build on his accomplishments; to Eric Meeks for chairing two successful Presidential Showcase CLEs as well as the Boston CLE last fall; to Don Workman for serving so well as editor of our newsletter; to our Board of Governors' representatives, Richard Tanner, Ian Comisky, Brian Burgoon and Eric Meeks, whose judgment and experience with The Florida Bar have enriched the quality of this division; and finally to our program administrator, Arlee Colman, who has provided logistical support and sound advice to the leadership.

Through their efforts, our membership has experienced a 10 percent growth; we now have 1,270 members. With 13,000 non-resident Florida Bar members, we have plenty of room to grow, but we are headed in the right direction.

I am excited about the agenda of Bill Lee, our new president. He is working with Florida law schools to reach recent graduates and to provide support to those who seek positions outside of Florida. I ask all OOSD members to support Bill's initiative. He has introduced the concept of an OOSD listserv so all members can quickly obtain information on legal issues from other members located in other states, an exciting and innovative concept for the division that adds value to membership and that we hope will attract new members.

I appreciate the honor of having served as your president during this past year, and I wish Bill and the new Executive Council continued success.

One strike, *from preceding page*

proceeding, the court has thrown a fastball, and if we get caught looking, our client will be "out."

Postscript: As in baseball, an "appeal" to the ump—the trial judge—might work: A third party finding itself barred may try moving for relief from a preliminary order of forfeiture, if factually able, under Rule 60(b) of the Federal Rules of Civil Procedure. Although the author could find no reported opinion squarely deciding the issue, Rule 60(b) might arguably apply to ancillary forfeiture proceedings because Rule 32.2(c)(1)(B) adopts by reference the discovery rules and the summary judgment rule in the Federal Rules of Civil Procedure. *Cf. U.S. v. St. Pierre*, 188 F.R.D. 415 (M.D. Fla. 1999). (United States relied on Fed. R. Civ. P. 60(a) in seeking amendment of preliminary order of forfeiture.) As well, in *Marion*, the government sought and received relief under Rule 60's close cousin, Rule 59(e), in obtaining an amendment to the forfeiture judgment, a point of the decision not germane to the lesson of this article.

Ethics Questions?
Call The Florida Bar's
ETHICS HOTLINE
1/800/235-8619

State-to-State hits the Web – A step to be Bigger and Better

D. WORKMAN

The Executive Council recently approved an all-cyber version of *State-to-State*. You will now receive a link to each edition of *State-to-State* that will allow you to view the articles online and in color. Of course, you can also choose to print it and take it with you.

This step forward will allow us to reach all out-of-state members with great articles and information on recent division activities. Our contributing authors will have their articles read by a much broader audience. Important, too, will be the appeal to more advertisers and the savings from print publication costs.

We're pleased with this step forward to help make us **bigger & better.**

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

So please send me your articles, and we'll get you published. And let us know how we can serve you better. If you have any questions, please contact me.

– Don Workman, editor

Contributing authors

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

***Brian D. Burgoon** has served as one of the four out-of-state members of The Florida Bar's Board of Governors since 2000. He practices civil and commercial litigation with The Burgoon Law Firm LLC in Atlanta, Ga. He can be reached at brian.burgoon@burgoonlaw.com.*

***Todd Foster** is a senior partner at Cohen, Foster & Romine PA in Tampa, Fla., and an AV-rated lawyer. He earned his JD, with honors, from Florida State University College of Law in 1981. A former FBI agent and federal and state prosecutor, Mr. Foster represents individuals and corporate clients in complex civil and criminal litigation in federal and state court. He sits on the board of directors of the National Association of Criminal Defense Lawyers and is an adjunct professor of trial advocacy at Stetson University College of Law. He can be reached at 813/225-1655 or tfoster@tampalawfirm.com.*

***Allyn D. Kantor,** OOSD past president, of Miller, Canfield, Paddock and Stone PLC in Ann Arbor, Mich., practices in the areas of business litigation, employment litigation, defense of legal malpractice claims and complex civil litigation. He is an adjunct professor of ADR at the University of Michigan Law School. He can be reached at 734/668-7625 or kantor@millercanfield.com.*

***William A. Lee III,** OOSD president, is the managing partner of O'Donnell, Lee, McCowan & Phillips LLC, a general practice firm in Waterville, Me. He is a graduate of the University of Florida School of Law and a member of the Florida, Maine and Washington state Bars, the Federal District Court in Maine and the First Circuit Court of Appeals. He is a member of the Florida Bar Real Property, Probate and Trust Law Section. His practice is concentrated in municipal law, civil litigation, estate planning and probate. He is also a part-time professor in the Government Department at Colby College. He can be reached at 207/872-0112 or walee@olmplaw.com.*

***E. Duffy Myrtetus,** former OOSD president and current chair of the Council of Sections, is a partner with Kaufman & Canoles PC in Richmond, Va., where he practices in the areas of real estate finance and development, real property transactions and litigation, complex commercial litigation, business litigation, creditor's rights and trust/estate matters. He is member of the Florida and Virginia Bars, and is admitted to state and federal courts in Florida, Virginia and the U.S. Supreme Court. He is a member of the Florida Bar Real Property, Probate and Trust Law Section. He can be reached at 804/7715750 or edmyrtetus@kaufcan.com,*

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

Become a contributor!
See submission information on page 2.

Division meets at June Bar Convention

1. OOSD President Allyn Kantor, right, presents Donald Workman an award in appreciation for his efforts and dedication as editor of the *State-to-State* newsletter.

2. Eric Meeks, right, accepts an award from OOSD President Allyn Kantor for his work on the "Florida Law at the John Adams Courthouse – Boston" seminar held in conjunction with The Florida Bar Board of Governors' out-of-state meeting in October 2008.

3. OOSD Immediate Past President Allyn Kantor, right, passes the gavel and the reigns of the division to OOSD President William A. Lee II.

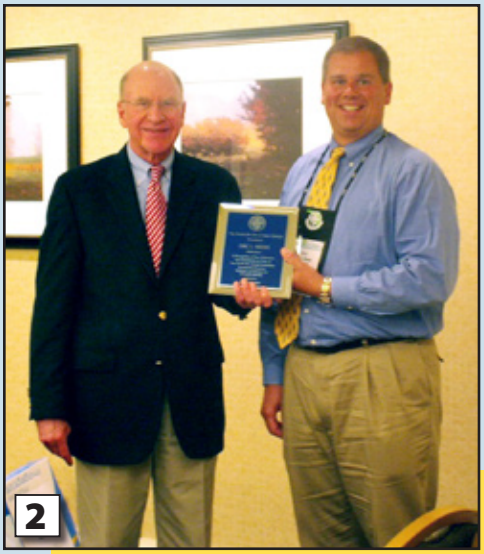
4. OOSD President Bill Lee, left, presents OOSD Immediate Past President Allyn Kantor with a gift from the division for his service as president in 2008-2009.

5. OOSD President Allyn Kantor, left, presents the division's program administrator, Arlee J. Colman, with a thank you gift for her efforts on behalf of the division during Allyn's year as president.

6. TFB President Jay White swears in new officers of the Out-of-State Division's Executive Council. Pictured left to right are Ward Griffin, secretary; Donald Workman, treasurer; William A. Lee III, president; Michael G. Busenkell, president-elect; Allyn Kantor, immediate past president; and Jay White, TFB president.

Annual Convention of The Florida Bar

June 24 - 27, 2009 • Orlando World Center Marriott



First "out-of-stater" elected as chair of the Council of Sections

by Duffy Myrtetus

D. MYRTETUS

In what appears to be a first for our division, I was elected chair of the Council of Sections at the Bar's 2009 annual convention in Orlando. Although I have been active with the council for many years, it occurred to me that our division members (and many of our in-state colleagues at the Bar) may not be familiar with the Council of Sections. My hope in this article is to inform our membership about this adjunct council to the larger activities of the Bar and its collective sections/divisions.

Program description

The purposes of the Council of Sections are 1) to foster communication among the various sections and divisions of the Bar and to promote efficiencies in the delivery of section/division services and information to members of the Bar; 2) to promote efficient and cost effective use of staff to support section/division activities; 3) to improve communication between the Board of Governors and the sections/divisions; 4) to advise and recommend to the Board of Governors matters pertaining to policies and procedures that affect sections/divisions; and 5) to undertake projects at the request of the Bar's president.

Program conditions

The Council of Sections evolved from a special committee appointed by the Bar's president during 1979-80 to review section and CLE financial policies to determine any need for revision or updating. The Council of Sections operated from 1981 to 1985 as an *ad hoc* group. Section leaders believed there was a need for a forum for section officers to share ideas and concerns relative to their operations in the areas of CLE, legislation, membership, financial matters and meeting planning. Section leaders identified a lack of continuity among section hierarchy, which resulted in a lack of communication in acquiring knowledge concerning the Bar's operations and policies. During 1984-85, the council continued to meet, with meetings being chaired by the Bar's president or president-elect. The meetings became informational forums regarding the Board of Governors' activities, legislative action, budget issues, etc. During the Section Leadership Conference in 1989, section leaders discussed the need to reactivate the Council of Sections. This was concurrent with the recent addition of three new sections, the end of the first cycle of mandatory CLE and burgeoning issues in the Supreme Court with regard to Bar/section lobbying positions. In 1989-90, a special committee of the *ad hoc* Council of Sections drafted bylaws in an attempt to formalize the council's activities and to become recognized by the president and Board of Governors as a legitimate group within the Bar's structure. At its January 1992 meeting, the Board of Governors approved the creation of the Council of Sections, subject to review and approval of the council's bylaws by the Rule and Bylaws Committee.

Program needs

Rule 2-7.2 states: "It is the duty of each Section and Division, as an integral part of The Florida Bar, to work in cooperation with the Board of Governors and under its supervision toward accomplishment of the aims and purposes of The Florida Bar and of that Section or Division." As the number of sections/divisions has grown, the need to foster communication among those groups has also accelerated in order to continue promoting delivery of section/division services to members of the Bar. The Board of Governors has come to rely upon the sections and divisions to assist with the accomplishment of its goals. There is no significant fiscal impact for providing staff support to the Council of Sections, and that responsibility is currently assigned to the director of the Professional Development Department. The council is responsible for funding all other aspects of its operations from annual "dues" ($300) assessments among the sections and divisions.

Conclusion

Over the course of the last seven years, I have been astounded at the ongoing commitment and dedication of the volunteers serving on the Council of Sections. Their administrative role with the council is a direct reflection upon the important service they provide Bar members through their respective and collective sections and divisions. The wide variety of issues discussed at council meetings range from section/division finances and CLE initiatives to Bar governance matters, trends within the profession, legislative developments and public service to our communities and the general public, etc. This clearinghouse of ideas and information helps each of the sections/divisions to enhance its substantive operations, and it is a conduit for communication with the Bar's president, the Board of Governors and the Bar's staff. If you have any questions, issues, concerns or ideas you would like presented to the Council of Sections, please don't hesitate to contact me at *edmyrtetus@kaufcan.com* or 804/771-5750.

We can be BIGGER & better!

If you would be willing to speak with a new law school graduate who is looking for employment in your area, please email your contact information to Division Administrator Arlee Colman at *acolman@flabar.org.*

Burgoon presented UF Outstanding Young Alumni Award

B. BURGOON

The University of Florida Alumni Association recognized OOSD member Brian D. Burgoon as one of its 2009 Outstanding Young Alumni during an award ceremony held April 18 at Emerson Alumni Hall.

The Outstanding Young Alumni Award honors alumni age 40 and younger who have excelled in their professions and communities. The award recognition ceremony was established in 2006 by the UF Alumni Association (UFAA).

Recipients are selected by their respective colleges, usually by the dean or development officer. Colleges are asked to select up to two recipients. The College of Law also selected Tampa Circuit Judge Ashley B. Moody to receive this honor.

Stay current on ethics:
Free publication now available

In the past, out-of-state Florida Bar members have found that it can be difficult to stay abreast of ethics developments in Florida. Now, **two free resources** are available to help you stay current in this important area.

The **"2007 Florida Ethics Review"** by Tim Chinaris is available free of charge. This comprehensive compendium concisely summarizes developments in Florida legal ethics during 2007, including rule changes, cases and ethics opinions of interest. Arranged topically, the subjects covered are: Rule Changes (including Proposed Rule Changes); Advertising; Attorney-Client Relationship; Candor Toward the Tribunal; Confidentiality and Privileges; Conflicts of Interest (Including Disqualification); Disciplinary Proceedings; Fees (Including Attorney's Liens); Ineffective Assistance and Right to Counsel; Law Firms; Legal Malpractice; Professionalism; Public Official Ethics and Public Records; Rules and Ethics Opinions; Trial Conduct; Trust Funds; Unauthorized Practice of Law; and Withdrawal From Representation.

To get your free copy, just send an email request to *tchinaris@gmail.com.* A copy will be emailed to you in PDF format.

And stay up-to-date with legal and judicial ethics on a daily or weekly basis by visiting the comprehensive ethics website "sunEthics" ***(www.sunethics.com).*** This site offers summaries of cases and ethics opinions as they are released; links to everything related to Florida legal ethics, judicial ethics, bar admissions and professionalism; and links to ethics resources throughout the nation.

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

Clarifying amendment proposed to *pro hac vice* rule

by Brian D. Burgoon, Florida Bar Board of Governors, Out-of-State, Seat 4

A proposed amendment to the rule governing *pro hac vice* appearances, Rule 1-3.10 of the Rules Regulating The Florida Bar, is pending before The Florida Bar Board of Governors. The proposed amendment does not change the text of the rule itself, but instead adds a comment to the rule to help provide guidance to applicants seeking to appear *pro hac vice,* their sponsoring local counsel and the courts.

The proposed amendment was drafted by Board of Governors member Brian D. Burgoon, who represents the out-of-state members. Under the current version of the *pro hac vice* rule, an out-of-state attorney who is not a member of The Florida Bar is permitted to make only three new appearances in Florida state courts in a constantly rotating 365-day period. In addition, attorneys seeking to appear *pro hac vice* must file a verified motion to appear *pro hac vice* with the court and send a copy of the motion together with a $250 fee to The Florida Bar. R. Reg. Fla. Bar. 1-3.10; Fla. R. Jud. Admin. 2.510.

After the implementation of the most recent version of Rule 1-3.10, Burgoon received multiple inquiries from his out-of-state constituents, as well as from in-state attorneys who were asked to serve as local counsel, seeking clarification on what constitutes a court "appearance" and how to calculate the number of appearances under the rule. As a result of the confusion that existed among the Bar's membership, Burgoon drafted a proposed comment to Rule 1-3.10 to provide clarification that was consistent with the board's intent when it approved the changes to the *pro hac vice* rule as part of its omnibus changes to the multijurisdictional practice (MJP) rules. Those rule changes took effect on Jan. 1, 2006. *In Re: Amendments to the Rules Regulating The Florida Bar and The Florida Rules of Judicial Administration*, 907 So. 2d 1138 (2005).

This proposed comment provides the following guidance:

- An "appearance" means the initial or first appearance in a case pending in a Florida court and includes appearing in person or by telephone in court or filing a pleading, motion or other document with the court.
- Rule 1-3.10 does not prohibit a non-Florida lawyer from participating in more than three cases during any 365-day period. Instead, it only prohibits a non-Florida lawyer from making an initial or first appearance in more than three cases during any 365-day period. The comment explains that once 365 days elapse from a non-Florida lawyer's initial appearance, that appearance does not count against future appearances by that attorney.
- Rule 1-3.10 is not applicable to appearances in federal courts sitting in Florida; it only applies to appearances in state court. Thus, an out-of-state attorney seeking to appear in federal court is not required to comply with the filing requirements of Rule 1-3.10, and an appearance in a federal court does not constitute an "appearance" as contemplated by the rule.
- The comment includes several examples to provide guidance to attorneys and courts on calculating appearances.

The proposed comment was approved by unanimous vote of The Florida Bar's Standing Committee on the Unlicensed Practice of Law at its meeting during the annual convention in June. The proposed comment will be voted on by The Florida Bar Board of Governors at its meeting on Dec. 11, 2009. If approved by the Board of Governors, it will be submitted to the Florida Supreme Court, which will make the final determination on whether it will be implemented. The Florida Supreme Court can approve the language passed by the Board of Governors, amend the comment or reject it.

For those attorneys with additional questions about the *pro hac vice* rule, The Florida Bar's UPL staff prepared a helpful question and answer list in 2005, which can be found on The Florida Bar's website at *http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa90024829/8c52e7c1d0aad6ce852570e50057f26b?OpenDocument*.

Proposed amendment on next pages.

PROPOSED AMENDMENT TO RULE 1-3.10 OF THE RULES REGULATING THE FLORIDA BAR

(NOT FINAL UNTIL APPROVED BY THE FLORIDA SUPREME COURT)

Rule 1-3.10. Appearance By Non-Florida Lawyer in a Florida Court

(a) Non-Florida Lawyer Appearing in a Florida Court. A practicing lawyer of another state, in good standing and currently eligible to practice, may, upon association of a member of The Florida Bar and verified motion, be permitted to practice upon such conditions as the court deems appropriate under the circumstances of the case. Such lawyer shall comply with the applicable portions of this rule and the Florida Rules of Judicial Administration.

(1) *Application of Rules Regulating The Florida Bar.* Lawyers permitted to appear by this rule shall be subject to these Rules Regulating The Florida Bar while engaged in the permitted representation.

(2) *General Practice Prohibited.* Non-Florida lawyers shall not be permitted to engage in a general practice before Florida courts. For purposes of this rule more than 3 appearances within a 365-day period in separate representations shall be presumed to be a "general practice."

(3) *Effect of Professional Discipline or Contempt.* Non-Florida lawyers who have been disciplined or held in contempt by reason of misconduct committed while engaged in representation that is permitted by this rule shall thereafter be denied admission under this rule and the applicable provisions of the Florida Rules of Judicial Administration.

(b) Lawyer Prohibited From Appearing. No lawyer is authorized to appear pursuant to this rule or the applicable portions of the Florida Rules of Judicial Administration if the lawyer:

(1) is disbarred or suspended from practice in any jurisdiction;

(2) is a Florida resident;

(3) is a member of The Florida Bar but ineligible to practice law;

(4) has previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation permitted pursuant to this rule;

(5) has failed to provide notice to The Florida Bar or pay the filing fee as required by this rule; or

(6) is engaged in a "general practice" as defined elsewhere in this rule.

(c) Content of Verified Motion for Leave to Appear. Any verified motion filed under this rule or the applicable provisions of the Florida Rules of Judicial Administration shall include:

(1) a statement identifying all jurisdictions in which the lawyer is currently eligible to practice law;

(2) a statement identifying by date, case name, and case number all other matters in Florida state courts in which *pro hac vice* admission has been sought in the preceding 5 years, and whether such admission was granted or denied;

(3) a statement identifying all jurisdictions in which the lawyer has been disciplined in any manner in the preceding 5 years and the sanction imposed, or all jurisdictions in which the lawyer has pending any disciplinary proceeding, including the date of the disciplinary action and the nature of the violation, as appropriate;

(4) a statement identifying the date on which the legal representation at issue commenced and the party or parties represented;

(5) a statement that all applicable provisions of this rule and the applicable provisions of the Florida Rules of Judicial Administration have been read and that the verified motion complies with those rules;

continued, next page...

(6) the name, record bar address, and membership status of the Florida Bar member or members associated for purposes of the representation;

(7) a certificate indicating service of the verified motion upon all counsel of record in the matter in which leave to appear pro hac vice is sought and upon The Florida Bar at its Tallahassee office accompanied by a nonrefundable $250.00 filing fee made payable to The Florida Bar or notice of the waiver of the fee; and
(8) a verification by the lawyer seeking to appear pursuant to this rule or the applicable provisions of the Florida Rules of Judicial Administration and the signature of the Florida Bar member or members associated for purposes of the representation.

Comment

Subdivision (a)(2) defines and prohibits the general practice before Florida courts by non-Florida lawyers. For purposes of this rule, an "appearance" means the initial or first appearance by that non-Florida lawyer in a case pending in a Florida court, and includes appearing in person or by telephone in court or filing a pleading, motion or other document with the court. A non-Florida lawyer making an appearance in a Florida court is required to comply with Rule 2.510 of the Florida Rules of Judicial Administration.

This rule does not prohibit a non-Florida lawyer from participating in more than 3 cases during any 365-day period; instead, it prohibits a non-Florida lawyer from making an initial or first appearance in more than 3 cases during any 365-day period.

Example: The following example illustrates the application of this rule to a non-Florida lawyer's appearances. Assume for this example that a lawyer licensed to practice in Georgia only has been admitted pro hac vice pursuant to Fla. R. Jud. Admin. 2.510 in three separate Florida cases on the following dates: January 10, 2008; February 3, 2008; and February 20, 2008.

(1) In this example, the lawyer would be prohibited from seeking to appear pro hac vice under Fla. R. Jud. Admin. 2.510 in another separate representation until the expiration of the 365-day period from his or her oldest of the three appearances (i.e., until January 10, 2009).

(2) In this example, the lawyer would be permitted under this rule to seek to appear pro hac vice in a new case on January 10, 2009 even if the three cases in which he or she made an appearance are still active.

(3) In this example, the lawyer could seek to appear pro hac vice in yet another new case on February 3, 2009. The fact that the lawyer's cases in which he or she appeared on January 10, 2008, February 3, 2008, February 20, 2008, and January 1, 2009 are still active would not prohibit that lawyer from seeking to appear in the new case on February 3, 2009, because, as of that date, the lawyer would have only made an initial appearance in two prior cases within that preceding 365-day period (i.e., on February 20, 2008 and January 1, 2009). Thus, under this rule, a non-Florida lawyer could have pending more than three cases for which he or she has appeared at any given time, as the restriction on general practice relates to the making of an initial appearance within a 365-day period and not to whether any such case is still active following the expiration of 365 days.

(4) Similarly, in the above example, if the non-Florida lawyer's three cases are all resolved by April 1, 2008, that lawyer would still be prohibited from seeking to make a new appearance until the expiration of the oldest of the three prior appearances (i.e., until January 10, 2009).

The purpose of this comment is to explain what constitutes an "appearance" under this rule and how to calculate the number of appearances in any 365-day period. This comment and the rule itself do not require a Florida court to grant any specific request to appear under Fla. R. Jud. Admin. 2.510 if the non-Florida lawyer meets the requirements of subdivision (a)(2). In all such cases, the decision of whether a non-Florida lawyer may appear in a case under Fla. R. Jud. Admin. 2.510 is within the discretion of the court.

This rule is not applicable to appearances in federal courts sitting in Florida, as appearances before each of those courts are regulated by the rules applicable to those courts. Further, an appearance in a federal court sitting in Florida does not constitute an "appearance" as contemplated by subdivision (a)(2), because subdivision (a)(2) applies only to appearances before Florida state courts.

The Florida Bar and LegalSpan: Bringing online CLE to attorneys

Since August 2000, The Florida Bar has been offering quality CLE programs as online, on-demand seminars through a partnership with LegalSpan. The popularity of this type of delivery method has been growing exponentially ever since.

With increasingly hectic schedules and the rising cost of travel, attorneys are turning to the Internet to meet their educational needs. Online CLE programs offer the flexibility of viewing programs at your own pace, anytime, anywhere.

Whether a first-time or net-savvy user, Florida attorneys are finding that online CLE programs are time saving and easy to use:

"I am very pleased to be able to have these seminars made available to members of The Florida Bar. With the format you have provided, I feel that I am at the seminar, and I have the materials which I can download and save for future reference. Thanks for a great product well presented and technically friendly!

—Andrew, Live Oak

"I found this online seminar to be convenient, understandable and user-friendly. I will use this method more in the future. Thank you for this informational and convenient seminar."

—Gerald, West Palm Beach

"Excellent resource. A very convenient way to engage in continuing education that has high-quality speakers and content."

—Bruce, Miami Beach

"This is the greatest thing ever invented. I can now complete my CLE requirements at home. Everything was so easy. Thank you."

—Sheila, Largo

"Terrific site and material. It makes it much easier to get CLE credit, and makes the materials much more useful since they can be viewed multiple times."

—Thomas, Brandon

With the explosion of MP3 players and iPods in the market, LegalSpan developed the technology to enable The Florida Bar to introduce downloadable audio versions of its CLE programs. Since its inception in March 2006, the downloadable versions of The Florida Bar's CLE programs have become as popular a method of obtaining education as online CLE. "We want to foster greater collaboration among members and a more vibrant educational dialogue. Attorneys learn best at their own pace, in their own way, in a comfortable environment. Our online options give members educational content when and where they want it," says Programs Division Director Terry Hill.

The Florida Bar's catalog of online and downloadable programs is robust, offering more than 200 programs, covering all practice areas. Attorneys are able to enjoy time and money savings, without sacrificing content, by participating in these types of programs. The complete catalog of Florida Bar CLE courses can be viewed at **www.floridabar.org/cle** by accessing the **LegalSpan** link under Online Courses.

Board of Governors' update

May 2009

At its May 29, 2009, meeting in Key West, The Florida Bar Board of Governors:

- Rejected a proposed redrafting of Ethics Opinion 90-6 from the Board Review Committee on Professional Ethics and adopted the draft proposed by board member David Rothman. The committee's proposal required the attorney to inform the court if the client was using a false name, if the lawyer learned of that after he or she had formally appeared in the case and the client refused to correct the record. The alternative opinion provided that, "The lawyer may not inform the court of the false name except when the client affirmatively lies to the court concerning his or her true name." Both opinions require a lawyer to decline representation if learning the client is proceeding under a false name, or to withdraw if learning of the deception before formally appearing in the case.
- Approved new rules for the Clients' Security Fund program. That includes raising the maximum amount for reimbursement when a lawyer misappropriates from a client from $50,000 to $250,000, and making all payments at the end of the fiscal year. If not enough money is available to pay the full amount of the approved claims, then payments will be made pro rata based on available funds. Reimbursements in cases where fees were paid but no useful services were provided will remain at $2,500. The special committee that made the recommendations will be continued so it can study possible further refinements to the problem.
- Made one final change to the Bar's 2009-2010 budget, approving the budget for the Family Law Section, which had not been completed when the board approved the budget in March. The budget has a slight deficit for next year, but keeps annual membership fees at $265 for active members and $175 for inactive members. The budget now goes to the Supreme Court.
- Approved as recommended by the Program Evaluation Committee a revamping of the Bar's Henry Latimer Center for Professionalism, which will focus on preventing unprofessional conduct and will include a program of voluntary mentoring for new lawyers.
- Approved as recommended by the PEC changes for the Bar's Fee Arbitration program, including having the ACAP program screen requests and finding ways to recruit more arbitrators for the program.
- Heard a favorable report from the Investment Committee, where Chair Ian Comisky reported the Bar's long-term investment fund had risen almost $2 million as of the end of May. The committee recommended and the board approved allowing the Bar's investment portfolio to slightly exceed its maximum target for cash holdings, which was caused by fluctuations in the stock market.
- Approved a recommendation from the Disciplinary Procedure Committee to change Bar rules to allow a disciplinary revocation in cases where the lawyer wishes to give up his or her license without admitting to underlying grievance charges. The proposed disciplinary revocations would be for a minimum of five years and must be approved by the Board of Governors. The rule changes now go to the Supreme Court. The board also reviewed on first reading from the DPC a rule amendment requiring lawyers who wait more than three years before seeking reinstatement from a suspension to show fitness and competence to resume the practice of law. That includes a requirement that the lawyer must have taken 10 CLE credits for each year that the lawyer has been ineligible to practice, and those who have been suspended for more than five years must retake portions of the Bar exam.
- Made several nominations and appointments. The board nominated Gerald Kogan of Coral Gables, Lawrence P. Kuvin of Wilton Manors, Daryl Manning of Tampa, Richard A. Moore of Miami, T. Rankin Terry, Jr., of Ft. Myers and Gary Winston of Miami for two vacancies on the Florida Board of Bar Examiners. The Supreme Court will make the final appointments. The board appointed Henry M. Coxe III of Jacksonville and Edith Osman of Miami to two-year terms in the ABA House of Delegates. Jay White and Mayanne Downs also assume positions in the ABA House of Delegates. The board appointed William J. Banks of Clearwater, Matthew Gissen of Miami, William F. Sansone of Tampa, Allen von Spiegelfeld of Tampa and Barbara J. Williams of Orlando for three-year terms on the Florida Lawyers Assistance Inc. board of directors. The board appointed Christie Anne Darias Daniels of Miami, Dolly V. Davis of Jupiter, William Manikas of Boynton Beach, Theodore W. Small, Jr., of Deland, Eric M. Sodhi of Miami and Daniel H. Thompson of Tallahassee to two-year terms on the Florida Legal Services Inc. board of directors.

July 2009

At its July 17 meeting in Naples, The Florida Bar Board of Governors:

- Approved the "judicial candidate voluntary self-disclosure statement" as proposed by the Judicial

Board of Governors, *from preceding page*

Administration and Evaluation Committee and slightly modified by the Program Evaluation Committee. The statement will be given to all trial court candidates in future elections, and their answers will be posted on the Bar's website. The approval included providing copies of the self-disclosure statement to candidates in Creole and Spanish, but it will be up to candidates to provide translations of their answers.

- Approved, on the recommendation of the Member Benefits Committee, an agreement with Affiniscape Merchant Solutions, which provides credit card services for law firms. Affiniscape, when attorneys accept credit card payments for retainers, will automatically deposit the retainer into the attorney's trust account but take the expenses related to the transaction from the law office's operating account, as required by Bar rules. Under the agreement, Affiniscape, which has similar arrangements with 40 other state and local Bars, will offer discounted rates for Florida Bar members.
- Endorsed, on the recommendation of the Legislation Committee, the ABA's position opposing the Federal Trade Commission's efforts to include lawyers and law firms in its Red Flag regulations requiring extra efforts by creditors to protect debtors from identity theft. The ABA argues that existing ethical rules protect client information and that providing legal services to clients does not make lawyers creditors.
- Heard a report from Florida Bar Foundation President Adele Stone that Foundation IOTA revenues have been declining, from $44 million three years ago, $24 million two years ago and $11 million last year to an anticipated $5.7 million in the coming year. The Foundation is pushing to increase lawyer pro bono efforts and also to get more private donations, she said.
- Received on first reading proposed rule amendments that would impose additional requirements on lawyers who are suspended and have not been reinstated for a period of three years or longer. The proposed rule amendments will come back to the board for final reading at its September meeting. Among the proposed new requirements, lawyers would have to show that they have taken 10 hours of CLE for each year or part of a year during which they were ineligible to practice, show familiarity with the law and if they waited more than five years to seek reinstatement, retake the MPRE and Florida portions of the Bar exam.
- Heard President Jesse Diner announce what he sees as the major issues confronting the Bar this year. Those include working to implement electronic filing for the courts; continuing to advocate for adequate funding for the courts; defending SB 2108, which passed this year and put the funding of court-related functions of elected clerks of the court under legislative overview; pushing to address the legal needs of children, especially carrying out recommendations from the Commission on the Legal Needs of Children; and helping lawyers address the current difficult economic conditions.

We can be BIGGER & *better!*

If you have ideas about how we can be bigger & better, please email OOSD President Bill Lee at *walee@olmplaw.com* or call him direct at 207/680-2678.

Welcome, new members!

Jane L. Weatherly
10210 Purchase Xing, Unit 110
Raleigh, NC 27617-6301
919/294-9367
jlwxly@aol.com

Sandra Greenberg Krawitz
1001 Tullo Farm Road
Bridgewater, NJ 08807-2331
954/345-6131
skrawitzpa@aol.com

Stanley M. Fisher
22 Waterford Lane
Beachwood, OH 44122-7591
216/765-0123
sfisher757@aol.com

CERTIFIED
The Florida Bar

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

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

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

Continuing Legal Education
Application for Course Attendance Credit
(for courses not previously approved by The Florida Bar)

The Florida Bar
Legal Specialization & Education
651 E. Jefferson Street
Tallahassee, FL 32399-2300
(850) 561-5842

PLEASE TYPE OR PRINT LEGIBLY

Florida Bar # _____ **NOTE: IF A FLORIDA BAR COURSE NUMBER HAS BEEN ASSIGNED, PLEASE DO NOT USE THIS FORM**

1. NAME, ADDRESS AND PHONE NUMBER OF ATTORNEY SEEKING CREDIT:

2. SPONSOR NAME:

3. ACTIVITY TITLE:

4. PROPOSED LEVEL OF ACTIVITY:
   - ☐ BASIC — This course is designed for the practitioner with no experience or limited experience in the area of law with which the course deals. A survey course will be considered basic unless there are recent, significant changes in the law.
   - ☐ INTERMEDIATE — This course is designed for the practitioner experienced in the area but not necessarily an expert. A survey course in which there have been recent, substantial changes will be deemed intermediate. In an intermediate course, some segment may be low, intermediate or basic, and others high intermediate or advanced. In these instances, the course taken as a whole will be considered intermediate.
   - ☐ ADVANCED — This course is designed for the practitioner with extensive experience in the subject matter of the course.

5. DATE:

6. LOCATION:

7. PLEASE ATTACH A COURSE BROCHURE AND/OR OUTLINE WHICH:
   (A) FULLY DESCRIBES THE COURSE CONTENT AND LEVEL OF PRESENTATION
   (B) INDICATES THE TIME DEVOTED TO EACH TOPIC COVERED WITHIN THE PROGRAM
   (C) IDENTIFIES THE INSTRUCTORS

8. INDICATE IF CREDIT IS TO BE ASSESSED FOR BOARD CERTIFICATION, IN ADDITION TO CLER CREDIT.
   CERTIFICATION AREAS: _____ _____

9. TOTAL MINUTES OF INSTRUCTION: (EXCLUDING BREAKS, MEALS AND INTRODUCTIONS AND BASED ON A 50 MINUTE HOUR)
   _____ GENERAL (NON-ETHICS/PROFESSIONALISM/SUBSTANCE ABUSE/MENTAL ILLNESS AWARENESS)
   _____ ETHICS
   _____ PROFESSIONALISM
   _____ SUBSTANCE ABUSE
   _____ MENTAL ILLNESS AWARENESS
   _____ TOTAL CREDIT (TOTAL MIN. ÷ 50 = _____ CREDIT HOURS)
   50

NOTE: IF YOU HAVE COMPLETED THE MINIMUM NUMBER OF REQUIRED CLER HOURS, AND ARE NOT SEEKING CERTIFICATION CREDIT, PLEASE DO NOT SUBMIT FURTHER COURSES FOR EVALUATION. THERE IS NO CARRY OVER OF HOURS IN FLORIDA FROM ONE REPORTING PERIOD TO THE NEXT.

Materials submitted for CLE credit review will be discarded once the credit has been determined. Should you wish to have your materials returned, please enclose a self-addressed stamped envelope.

Out-of-State Division Statement of Operations

REVENUE	2007-2008 Approved Budget	Year End June 2008 Actuals	2008-2009 Approved Budget
Admin. Fee Adj.	0	3,613	0
Dues	36,000	33,120	36,000
Affiliate Dues	0	0	0
Less Retained by TFB	(21,000)	(19,322)	(21,000)
Total Dues	**15,000**	**17,411**	**15,000**
CLE Courses	1,500	(750)	1,500
Section Differential	0	550	0
Investment Allocation	5,764	2,280	5,352
Total Revenues	**22,264**	**19,491**	**21,852**
EXPENSES			
Employee Travel	1,267	1,024	1,758
Telephone Direct	0	659	660
Postage	1,500	1,961	1,500
Printing	300	1,401	300
Newsletter	2,850	2,522	2,850
Membership	2,000	0	2,000
Supplies	50	48	50
Photocopying	100	36	100
President's SpecialProjects	1,500	689	1,500
Officers' Travel Expenses	6,000	8,179	6,000
CLE Speaker	0	0	1,500
Committee Expenses	1,000	857	1,000
Public Info. & Website	250	491	250
Board/Council Meetings	1,500	0	1,500
Annual Meeting	3,000	1,515	3,000
Midyear Meeting	500	0	500
Retreat	2,000	3,176	2,000
Awards	1,500	1,235	1,500
Website	1,500	790	1,500
Council of Sections	300	300	300
Operating Reserve	3,073	0	3,210
Miscellaneous	100	50	100
Ethics Tape	2,500	150	2,500
Total TFB Support	1,013	1,047	1,234
Total Expenses	**33,803**	**25,930**	**36,812**
Beginning Fund Balance	**82,341**	**85,009**	**76,456**
Net Operations (Revenue less Expenses)	**(11,539)**	**(6,439)**	**(14,960)**
Ending Fund Balance	**70,802**	**78,570**	**61,496**

Article 8 - 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 meeting, for reasonable travel expenses incurred in attending the three required meetings of the executive council. Reimbursement is subject to the availability of funds from the division's budget.

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Just another way the Out-of-State Division assists attorneys who are out-of-state members of The Florida Bar.

Join today!

The Florida Bar Out-of-State Division Membership Request (BN 08)

Name: _____ Florida Bar Number: _____

Address: _____ Phone: (____) _____

City/State/ZIP: _____

Signature: _____ Date _____

Mail with check to: The Florida Bar, 651 E. Jefferson St., Tallahassee, FL 32399
Contact: Arlee J. Colman, program administrator, acolman@flabar.org, for information.
Membership will expire on June 30, 2010.

The Florida Bar CLE
Audio CD / DVD List & Order Form

TO ORDER

ONLINE www.floridabar.org/CLE Using the Audio/Video List, search 'By Course Number', 'By Sponsor' or 'By Title'.	**FAX** 850-561-5816 order form with credit card information for **MasterCard, Visa**, **Disover** or **American Express**	**MAIL** *completed form with check to*: The Florida Bar CLE Programs 651 East Jefferson Street Tallahassee, Florida 32399-2300

TURNAROUND TIME

- PLEASE ALLOW 4 WEEKS FOR DELIVERY.
- FLORIDA BAR COURSES ARE AVAILABLE FOR CREDIT ON-LINE 24/7 AT: www.floridabar.org/CLE
  Go to 'Online Courses'
- Attorneys with deadlines need to plan accordingly.

TO QUALIFY FOR THE SECTION MEMBER PRICE

- The attorney must be a member of the section sponsoring the course being purchased.
  Include the attorney's name and Florida bar number on the order form.
- Entities (government agencies, law firms, libraries, etc.) are **not** Section members and must pay the Non-Section member price. S = Section member, N = Non-Section member.

PLEASE INCLUDE SALES TAX WITH YOUR ORDER

- There is an automatic 6% sales tax in Florida + any surtax that your county may require.
  Example: Hillsborough = 7%, Lee Co. = 6%, Leon Co. = 7.5%, Miami-Dade = 7%, Orange Co. = 6.5%
- Out of state residents do not pay tax.

TO QUALIFY FOR TAX EXEMPT STATUS

- Include the tax exempt ID number on the order form or a copy of the tax exempt certificate.
- Include the entities complete name, street address, phone number, and indicate to whom the package should be shipped (Attn: John Doe).
- Pay the Non-Section member price.
- Do not use the attorney Florida Bar number – attorneys are not tax exempt.
- A tax exempt customer number has been or will be assigned to each entity. Please include this customer number when placing orders or for inquiries.

SHIPPING

- The Florida Bar uses UPS to ship. Please include a shipping address on this order form.
- If UPS is not a viable option, orders may be sent to a P.O. Box via U.S. Postal Service.
- Please indicate your preference on the order form.

CD's and Tapes come with a Course Book unless otherwise indicated on the AV Tapes List

Audio CD / DVD Order Form

Attorney's Name: _____ Florida Bar Number: _____

Firm Name:_____Phone Number: _____

Street Address: _____ Suite/Apt. #: _____

City: _____ State: _____ Zip Code: _____

CLER Deadline: _____ Certification Deadline: _____

OR:

Customer Number: _____ Tax Exempt ID#: _____

Entity Name: _____Attn: _____

Street Address: _____ Suite/Apt. #: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Purchase Order Number: _____

PLEASE ALLOW FOUR WEEKS FOR DELIVERY.
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www.floridabar.org/CLE ➔ Go to 'Online Courses'

Course Title	Course #	Format CD = Audio CD DVD = Video on DVD	Cost *(Include 6% sales tax + your County surtax)
1.			$
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
	Subtotal ➔		$
	***Sales Tax (FL Resident)** Include sales tax unless ordering party is tax-exempt		$
	TOTAL ➔		$

PAYMENT TYPE:

☐ **Check #** _____ **Check Amount $**_____

☐ **MasterCard** ☐ **Visa** ☐ **Discover** ☐ **American Express** ➔ **Fax #: 850-561-5816**

Signature: _____

Name of Cardholder: _____ Billing Zip Code: _____

Card #: _____ Expiration Date: ____ – 20____
Month Year

The Florida Bar CLE Audio CD / DVD List

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KEY TO ABBREVIATIONS - CERTIFICATION CREDIT HOURS

AD = Admiralty and Maritime
AG = State & Federal Gov't. & Admin. Practice
AP = Appellate Practice
AT = Antitrust & Trust Regulation
AV = Aviation
BL = Business Litigation
CA = Criminal Appellate
CC = City, County, Local Government
CL = Construction Law
CR = Criminal Trial
CT = Civil Trial
ED = Elder Law
EP = Wills, Trusts, & Estates
FL = Marital & Family Law
HL = Health Law
IL = International Law
IM = Immigration & Nationality
IP = Intellectual Property
LE = Labor & Employment
RE = Real Estate
TX = Tax
WC = Workers' Compensation

PLEASE ALLOW FOUR WEEKS FOR DELIVERY
Revised 9/3/2009

Course No.	COURSE TITLE FORMAT AVAILABLE CD = AUDIO CD DVD = VIDEO ON DVD	CREDITS HOURS General	 E = Ethics P = Professionalism S = Substance Abuse MIA = Mental Illness Awareness	 Certification	Approval Period	COSTS S = Section Member N = Non-Section Member CD	 DVD
OUT OF STATE PRACTITIONER DIVISION							
0805	Florida Law at the John Adams Courthouse–Boston **CD & DVD**	**5.0**	**1.0 E**	CR = 1.0	10/01/2008-04/01/2010	**S = $150.00 N = $175.00**	**S = $250.00 N = $275.00**
0741	Practice Updates and Prospectives for Tough Economic Times **CD & DVD**	**6.0**	**1.0 E**	ED = 1.0 EP = 1.5 RE = 6.0	05/02/2009-11/02/2010	**S = $190.00 N = $215.00**	**S = $250.00 N = $275.00**
MISCELLANEOUS							
0661	Masters Seminar on Ethics 2008 **CD Only**	**3.5**	**3.5**	0	06/20/2008-12/20/2009	**$50.00**	Not Available In DVD
0803	Protecting Consumers from Housing Havoc **CD Only**	**4.0**	**0**	RE = 3.0	06/20/2008-12/20/2009	**$115.00**	Not Available In DVD
0865	Survey of Florida Law 2009 (No Course Book Available) **CD Only**	**11.5**	**4.0 E**	BL = 1.0 CT = 1.0 ED = 1.0 EP = 1.0 FL = 1.5 RE = 11.5 TX = 1.0	01/09/2009-07/09/2010	**$50.00**	Not Available In DVD
0866	Masters Seminar on Ethics 2009 **CD Only**	**3.5**	**3.5 E**	CA = 1.0	06/26/2009-12/26/2010	**$50.00**	Not Available In DVD
1056	Representing Main Street: A Consumer Law Primer **CD Only**	**7.0**	**0**	BL = 5.5 CT = 5.5	06/26/2009-12/26/2010	**$135.00**	Not Available In DVD
1038	Veterans' Law Accreditation Training 2009 **CD Only**	**3.0**	**0**	ED = 2.5	09/12/2009-03/12/2011	**$115.00**	Not Available in DVD

The maximum amount of credit hours for each course is indicated under the Credits/General column. To be in compliance, you must have completed the Total Minimum Requirement of thirty (30) General hours, including five (5) hours of Ethics, Professionalism, Substance Abuse or Mental Illness Awareness (any combination) during each CLER cycle. Hours can be reported/viewed on The Florida Bar web site: *www.floridabar.org.* Every member's Florida Bar News label reflects a CLER reporting date. To avoid suspension, return your completed CLER affidavit prior to that date (Rules Regulating The Florida Bar 6-10.5).