

State-to-State

flabaroutofstaters.org

Spring 2009

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Coming up!

The 2009 Annual Florida Bar Convention

June 24 - 27, 2009

Orlando World Center Marriott
 Orlando, FL

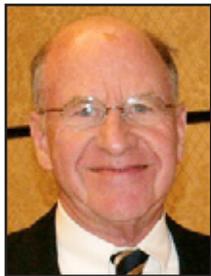
See page 2 for division activities.

For details and registration, visit www.floridabar.org

President's message:

Is anybody listening?

by Allyn D. Kantor, President



A. KANTOR

In my ADR (alternative dispute resolution) class at the University of Michigan Law School, I ask my students to read *A Civil Action* by Jonathan Haar, a compelling and much heralded account of trial lawyer Jan Schlichtmann's representation of eight Woburn, Mass., families in a nine-year legal battle against W.R. Grace and Beatrice Foods for allegedly releasing toxins into the groundwater that migrated to families' wells and

caused a number of cases of childhood leukemia. Haar describes the tortuous course of this litigation and the emotional and economic impact the litigation had upon both the plaintiffs and their lawyers. The end result after years of effort was a relatively small settlement that barely covered the lawyers' litigation costs and provided a disappointingly small amount for each of the eight families, far less than the nine-figure settlement that Schlichtmann and his team demanded before jury selection.

I ask my students what they would do if a client with a similar claim walked into their offices looking for representation. Most

See "President's message," page 2

The virtual practice

by Jeff Childers



J. CHILDERS

We are amidst a quiet revolution in how law is practiced. The old model in which a lawyer must increasingly be physically in the office for a certain number of hours is obsolete. Technology replaces the old "desk time" model with a profoundly different approach that offers enormous benefits to lawyers and their clients: the ability to easily and inexpensively practice from anywhere. This is great news for the out-of-state lawyer who faces inherent geographic limitations.

practices mainly in the area of construction law, relies on an online practice management solution that has created much buzz in legal technology circles lately. The product, called Clio, provides contact management, calendaring, document management, time and billing, and trust accounting—all completely on the Internet. There is no software to download or install, and there are no "minimum hardware requirements." Molder can get a client's phone number, update a document, enter time or invoice a client from any computer that can attach to the Internet, from any Internet café or from any web-enabled smart phone. Furthermore, the website allows Molder's clients to log on to their own accounts and upload documents as well as check notes and status about their cases.

See "Virtual practice," page 2

New solutions to old challenges

Jason Molder, a Florida attorney who

President's message, from page 1

students said they would decline to accept the case, for the obvious reasons: lack of experience, financial resources, high risk of losing, etc. Finally, one student came through with the correct answer. He said, "I would ask the client what she wanted me to do for her." In other words, the student did not immediately assume that the *only* reason the plaintiff was in his office was to sue the allegedly polluting companies. This student recognized that the first task of a lawyer is to take the time to clearly define the problem, to determine the client's long-term concerns and interests and to look for solutions.

Indeed, as Haar points out, the plaintiffs primarily wanted to know why their children had died, who was responsible and how they could prevent this from ever happening again. Recovering monetary damages for their losses was important, for sure, but none of the plaintiffs were seeking

the colossal fortune that Schlichtmann sought. No one asked the plaintiffs what they were really concerned about, other than money, because no one was particularly interested in listening. To the Schlichtmann team, this was about its own economic opportunity, not addressing the clients' primary interests and concerns.

A local Midwestern bank uses the advertising slogan "We listen. We understand. We make it happen." I have not noticed any similar message in all of the lawyers' advertising I have seen lately. Those ads more frequently trumpet the multimillion-dollar verdicts the firms have won for their clients. (Funny thing, these ads never tell us about the cases lost or the settlements that don't exceed the costs of litigation.)

We seem to forget that clients come to us primarily because they have problems they want us to solve. They want us to listen to their stories, to understand their problems and to

recommend economically sound solutions to these problems. We need to a better job of listening to our clients and communicating with lawyers representing the parties with whom our clients are in conflict. We must resist the urge to regard these lawyers as "enemy combatants," and we must recognize (at least until evidence points to the contrary) that they are professionals just like us, and they are working to solve their clients' problems as well.

We can best solve clients' problems by exercising good communication skills and improving our ability to negotiate. We must treat negotiation and mediation not as alternatives but as options of choice for problem-solving and resolving disputes. Litigation is the alternative—but only after we have explored all others. Remember, there are very few winners in the race to the courthouse. Ask Jan Schlichtmann.

Virtual practice, from page 1

"One of the key features of our practice is accessibility," Molder says, explaining that his firm offers access to estate planning counsel for parents with minor children in emergencies. "Having our practice information online allows our attorneys to take a call on the weekend or at night and instantly pull up client or matter information regardless of where the

attorney happens to be."

Because the major carriers now offer wireless Internet access at broadband speed, the out-of-state lawyer who travels to attend a hearing in Florida no longer needs to be "out of pocket" for the entire day. Instead, the lawyer can accomplish just as much on a laptop as he or she traditionally could have done while at the office.

For serious road warriors, services like LegalTypist.com allow lawyers to dictate documents from any cell phone, using the cell phone itself as a recorder. The numbers on the phone's keypad are used for the traditional functions like play, record, rewind and pause. All the lawyer needs to do is call an 800 number, dictate a document and then check email for the transcribed result. The service even provides a certain amount of administrative support so that the dictating lawyer can give some instructions to the "virtual secretary," who can handle tasks like scheduling a deposition.

Very recently, the number of applications that can be used from a lawyer's smart phone has exploded. For example, some lawyers on SoloSez (The Florida Bar's mailing list for small/solo practitioners) report early success using iPhone applications linking to BaseCamp, an online project management website. Others keep up with their to-do's using Remember The Milk, a task management tool

See "Virtual practice," page 9

Mark Your Calendar!

June 24 - 27, 2009

THE FLORIDA BAR ANNUAL CONVENTION

*Orlando World Center Marriott
Orlando, Florida*

June 25, 2009

OOSD EVENTS DURING FLORIDA BAR ANNUAL CONVENTION

- CLE: Techniques and Strategies for Successful Advocacy
 - Presidential Showcase • 8:00 a.m. - 12:30 p.m.
- Out-of-State Executive Council Meeting • 1:00 - 3:30 p.m.



Out-of-State Division Executive Council

Officers

President – Allyn Kantor,
Ann Arbor, MI

President-elect – Bill Lee,
Waterville, ME

Secretary – Mike Busenkell,
Wilmington, DE

Treasurer – Ward Griffin,
Washington, DC

Executive Council

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E. Duffy Myrtetus, Richmond, VA

Bard Brockman, Atlanta, GA

John Voorn, Palos Heights, IL

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Eric Meeks, Cincinnati, OH

Richard Tanner, Upper Montclair,
NJ

State-to-State Newsletter Editor

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Young Lawyers Division Liaison

Mindi Wells, Ada, OH

Board of Governors Liaison

Eric Meeks, Cincinnati, OH

Out-of-State Division Bar Year 2008-2009 Annual Report

The Out-of-State Division represents the nearly 13,500 Florida Bar members who reside outside of Florida (about 17% of The Florida Bar's total membership). Recognizing the diverse interests and practice areas of out-of-state members, the division's multifaceted purposes include assisting out-of-state lawyers in administrative, educational and practice development issues; facilitating networking among out-of-state Bar members; encouraging pro bono activities by out-of-state members; aiding in the development of laws that eliminate disparate treatment of out-of-state members; providing a forum for the discussion of issues of common interest; and seeking to improve the administration and application of laws, rules, regulations and our legal system. During the past year, the division carried out this mission through a variety of activities.

The division continues to sponsor outstanding educational programs. This year, we held a well attended program entitled "Florida Law at the John Adams Courthouse" in Boston, Mass., on Oct. 1, 2008. Featured in the day's events were a panel discussion concerning the investigation and trial of a white collar criminal case and presentations regarding legal developments in attorney advertising, disciplinary issues and trust accounting recordkeeping. On May 2, 2009, we will hold our annual New York City seminar entitled "Practice Updates and Perspectives for Tough Economic Times." For the second consecutive year, the division has been selected to sponsor the Bar's Presidential Showcase seminar at the 2009 Annual Convention. The theme will be "Techniques and Strategies for Successful Advocacy," featuring presentations on ethics in trial advocacy

and strategies from the perspective of successful women advocates.

Each year, the division helps its members maintain their awareness of professional responsibility issues by providing them with the opportunity to earn free CLE ethics credits. Once again, the credits were offered via an audio link on the division's website. The switch from mailing out tapes to providing streaming audio has been well received.

This year, the division has focused on increasing the size of its membership. During the past year, our membership has grown from 1,083 to 1,253, approximately a 17 percent increase. We have discovered that by sending newsletters electronically to all 13,500 out-of-state lawyers, we can reach potential members relatively inexpensively and attract new members as a result. We are also finding that by hosting networking events in population centers throughout the eastern United States, we can attract even more out-of-state Florida lawyers. We plan to continue our efforts to grow our division.

Finally, warm thanks are extended to Arlee Colman, our program administrator, the members of the division's Executive Council, the out-of-state representatives on the Bar's Board of Governors and all others who have helped through their tireless efforts to make this year another successful one for the division and its members. We especially thank Eric Meeks for chairing the CLE programs in Boston and the two Presidential Showcase presentations and Richard Tanner for hosting the New York seminar.

Contact Arlee J. Colman at acolman@flabar.org for more information about joining the Out-of-State Division.



Welcome, new members!

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(* as of December 2008)

Author! Author!

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

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

Please send documents in MS Word format via email to 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.



State-to-State

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

Allyn D. Kantor, Ann Arbor, MI	President
Bill Lee, Waterville, ME	President-elect
Ward Griffin, Washington, DC	Treasurer
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Timothy P. Chinaris, Montgomery, AL	Immediate Past President
Arlee Colman, Tallahassee, FL	Program Administrator
Donald A. Workman, Washington, DC	Editor
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 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 Fall 2009 issue is July 15, 2009. Articles should be of interest to legal practitioners with multi-jurisdictional practices. **Please submit articles in a Word format to Don Workman at dworkman@bakerlaw.com.** 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.



Connie Price appointed county court judge



Connie Price, a past president of the OOSD, has been appointed to the Montgomery County (Ohio) Court of Common Pleas. This seat became vacant when Judge Jeffrey Froelich was elected to

the 2nd District Court of Appeals.

Price, 50, of Brookville, has served as a county court judge in Montgomery County since her election in 1998. She also serves in private practice at Moore and Associates.

“Connie has proven herself to be a knowledgeable attorney, experienced judge and a community leader,” Ohio Governor Ted Strickland says. “She will serve Montgomery County with professionalism and a deep respect for the law.”

Price is involved in the Volunteer Lawyers Project, the League of Women Voters of Greater Dayton and Wills for Heroes. She is a member of the Ohio State Bar Association’s Special Committee to Review Gender Fairness Report as well as a life member of the VFW Ladies’ Auxiliary and the NAACP.

“I am humbled by Governor Strickland’s appointment, and I am committed to serving the court and community with honesty and integrity,” Price says.

Price received a bachelor’s degree from Columbia Union College in 1986 and a law degree from the University of Dayton in 1990.

Help us spread the word about the benefits of joining the Out-of-State Division. Clip this form and share it with your non-OOSD colleagues today!

2 Hours of Free Ethics Audio

Just \$30

Join The Florida Bar Out-of-State Division and receive access to the

Annual Free Ethics Audio

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.



2009 Annual Florida Bar Convention

June 24 - 27, 2009 • Orlando World Center Marriott

Details: www.floridabar.org



Editor's note

In our last edition, we featured an article entitled "Going bicoastal: A primer on practicing coast to coast" by Steve Berman. The response has been thrilling. For example, we heard from two out-of-state Florida lawyers who wanted to explore the opportunities to continue their Florida practices while remaining in their new locations in other states. Steve's article reinvigorated the notion of a "bicoastal" practice for them.

The Out-of-State Division values your comments such as those above so that we may continue to improve this publication and our service to you. Please also remember, your articles do make a difference. We encourage you to submit articles—and you can send them to me—on topics of interest to Florida lawyers who practice out of state.

Please feel free to contact me at dworkman@baker-law.com with questions, comments and articles.

— Don Workman

THE PUBLICATION OF THE FLORIDA BAR OUT-OF-STATE DIVISION
State-to-State
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Coming up!
New York CLE!
 February 21, 2009
 St. John's University School of Law Manhattan Campus New York, NY
 Attorney Stuart Morris will present on "Estate Planning in a Turbulent Economy."

President's message:
It is about change!
 by Allyn D. Kantor, President

Going bicoastal: A primer on practicing from coast to coast
 by Steven M. Berman

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

For the past 24 months, politicians and pundits have overwhelmed us with political slogans and sound bites that oversimplify issues and "dumb down" the complex economic and foreign-policy issues facing our country. Thankfully, these media blitzes are over and we can begin to build anew. We now have a hope, that will be good for our country and for the world. While change may be new, or at least periodic in politics, it always has been a constant factor in a lawyer's life. Every day, we help our clients deal with changes that challenge their lives, their businesses and their environments. Change is the one constant in our profession. Unless we keep abreast of changing laws, changing interpretations and strategies and changing technologies, we become less effective in serving our clients. So, how can lawyers better address change and the challenges it presents? We read journals, we check the Internet, but most importantly, we interact with and learn from other lawyers who share our interests and professional objectives. (O.K., See "President's message," page 2)

Just two short years ago, my wife and I decided to visit our favorite aunt and uncle in San Diego, where I could run in the Rock-N-Roll Marathon. The visit was wonderful, the race a blast and the location, in a word, spectacular. California boasts great weather, rich culture and diversity, beautiful beaches and reportedly one of the toughest Bar exams in the country. My wife and I returned to our perfectly safe and seemingly 16-year practice and our friends. We looked at each other and, not having ever really seriously considered moving away from Florida, opened our minds to the possibility of such a move. First there was the Bar. I consider myself a reasonably bright guy. But do you know how many really bright law students and lawyers either want to move to or stay in California? I was a commodity.

See "Going bicoastal," page 2

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.



Financial Statement

Out-of-State Division Statement of Operations

REVENUE	2007-2008 Approved Budget	Year end June 2008 Actuals	2008 - 2009 Approved Budget
Administrative Fee Adjusted	0	3,613	
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			
Employees' 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 Special Projects	1,500	689	1,500
Officers' Travel Expenses	6,000	8,179	6,000
CLE Speaker	0	0	1,500
Committee Expense	1,000	857	1,000
Public Information & 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.

Out-of-State Division Proposed Slate of Officers for 2009-2010

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

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

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

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: <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> 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.

Virtual practice

from page 2

that can be accessed on the Web and now from a linked iPhone application. These solutions are also much less expensive than traditional software. By way of comparison, the iPhone applications mentioned here sell in the \$10 range, compared with hundreds of dollars for traditional desktop software.

Finally, other technologies that have been around for a while have been enhanced and upgraded, and now offer features suitable for professional use. For example, the Internet-based phone system Skype now offers business services at rates far below traditional phone systems, with service potentially as reliable as land lines. Wireless handsets are now available, so lawyers can make Internet calls to traditional phones from any location offering wireless connectivity. Other services like RingCentral actually offer “virtual PBX” services in which a law firm’s entire phone system is hosted remotely. Clients calling in experience the same level of service as they would using an in-house PBX system. Voicemails left for the lawyer or faxes received are sent immediately to the lawyer’s email inbox, wherever he or she may be at that moment. Some new services offer “virtual receptionists,” which—unlike traditional answering services—can transfer a caller directly to the attorney’s cell phone without disconnecting the caller.

These new technologies do raise potential new pitfalls for lawyers. “We have to read terms of service and privacy policies very carefully to make sure we comply with Florida Bar rules,” attorney Molder warns. “Services with privacy policies permitting the provider to review our data pose confidentiality issues, and we steer clear of them.” Fortunately, The Florida Bar and the ABA are responding to the new challenges and are beginning to publish ethics advisories regarding the use of remote services and data.

Links virtual lawyers may find useful

- Jason Molder’s practice can be found online at www.molderlegal.com.
- More information about Clio can be found at the firm’s website at www.goclio.com.
- RocketMatters is another online practice management application, www.rocketmatters.com.
- Attorneys using Google’s calendar or email should look into Google Gears, a new technology permitting users to access the calendar or email even when not connected to the Internet. Also, Google provides Google Sync, a small download that synchronizes the Google calendar with Microsoft Outlook.
- BaseCamp information is available at www.basecampHQ.com. Information about its integrated iPhone applications can be found at www.basecampHQ.com/extras.
- The free online to-do list system Remember The Milk can be found at www.rememberthemilk.com. A companion iPhone application can be downloaded from the Apple Store in iTunes. (A paid Remember The Milk account is needed to link the iPhone application to the website.)
- Freshbooks (www.freshbooks.com) and Invoicera (www.invoicera.com) allow attorneys to enter bills directly into the website, which bills are then transmitted to clients, who can go on the website and pay the invoices immediately using credit cards, PayPal, etc.
- Another interesting new technology is EchoSign (www.echosign.com), which allows attorneys to upload documents, and an email is sent to parties with a link permitting the parties to sign the documents electronically. EchoSign will even handle getting wet signatures, allowing parties to fax signature pages to a special 800 number. The service assembles the final document for the attorney.
- A number of new innovative services offer “virtual” voicemail, fax receipt and “virtual receptionist” services. Attorneys should consider Innoport (www.innoport.com), RingCentral (www.ringcentral.com) and Skype (www.skype.com/business). The Intermedia service provides a “hosted exchange” service so a small practice can link Outlook and Blackberry devices to an exchange server that they don’t need to host themselves (www.intermedia.net/exchange-hosting/exchange-hosting.asp).
- Attorneys can find free web-based teleconferencing at www.freeconferencence.com and www.thebasementventures.com. Free video chat and video conferencing services are offered by www.oovoo.com. Finally, Glance provides for screen-sharing and collaboration in which a remote attorney can work on a document together with a client (www.glance.net/site/Home.asp).
- Out-of-state attorneys who wish to “rent” a conference room for a single meeting in the city where a client is located may do so online, either at www.intelligentoffice.com or at www.regus.com.
- Virtual secretarial or receptionist support for the out-of-state attorney “on the go” can be obtained at www.legaltypist.com and www.callruby.com.

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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.

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— 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 the 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.



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Visit www.FloridaBar.org/cle then "Search Calendar" to view scheduled courses.

Board of Governors' update

December 12, 2008

At its Dec. 12, 2008, meeting in Orlando, The Florida Bar Board of Governors:

- Approved 13 legislative positions for the 2008-2010 biennium. Legislation Committee Chair Greg Coleman said all were renewals of positions the board had approved for the 2006-2008 legislative sessions. The positions include maintaining the Supreme Court's authority over the court system and the legal profession, supporting adequate funding for the court system including public defenders and state attorneys, supporting the Supreme Court's certification of the need for new judges, supporting a substantial pay raise for federal judges, getting adequate funding for the Civil Legal Assistance Act and opposing the indiscriminate shackling of juveniles in court proceedings.
- Heard a report from Coleman and legislative consultant Steve Metz on the Bar coordinating its efforts with the Supreme Court to get better funding for the court system in the state's current economic crisis. Metz noted that the court and others are looking at the more than \$300 million in fees and fines currently collected by court clerks and returned to the state's general revenue fund, of which less than \$14 million is earmarked for the courts. More of the effort will be detailed and worked out at the summit on state court funding on Jan. 16 at the Midyear Meeting in Miami.
- Heard a report from Investment Committee Chair Ian Comisky that while the stock market is down 35 to 45 percent, the Bar's investment portfolio is down only about 15 percent. He said the Investment Committee is continuing to monitor the funds. President-elect Jesse Diner added that the difficult economy and investments mean the Bar will be facing a tough time with its 2009-2010 budget, but that he does not foresee an increase in the Bar's annual membership fees.
- Heard a report from President-elect

Jesse Diner on the recent planning retreat. He said the Strategic Planning Committee reaffirmed the Bar's existing priorities, but that economic considerations were giving them a special urgency. The four top goals remain protecting the courts including getting adequate funding, protecting the legal profession, protecting access to the courts and improving communications with the Bar's members and the public. On the latter, Diner said the Bar will be exploring using technology to improve communications and efficiency.

- Passed on final reading several rules, including one that allows for the emergency placing on the inactive list an attorney who has an incapacity not related to misconduct that affects that member's ability to competently practice law. The board also gave final approval to a new Standing Board Policy that provides guidelines for exempting some recipients of public reprimands from having to appear before the board under certain circumstances with the approval of the designated reviewer after discussion with staff counsel.
- Heard a report from Board Review Committee on Professional Ethics Chair David Prather that the committee postponed action on a revision to Ethics Opinion 90-6, which addresses an attorney's duties when he or she discovers a criminal defense client is proceeding under a false name. Prather said the committee heard extensive debate on the matter at its Dec. 11 meeting and requested that staff draft alternatives for the BRC to consider on the revised opinion. He said the issue will come to the board at its Jan. 30 meeting.
- Approved revisions of Supreme Court-approved residential eviction forms. The revisions reflect statutory changes, and the revised forms will be filed with the Supreme Court.

January 30, 2009

At its Jan. 30, 2009, meeting in

Tallahassee, The Florida Bar Board of Governors:

- Heard a report from Budget Committee Chair Gwynne Young that the Bar's 2008-2009 budget, originally projected to be balanced, will be in deficit because of the downturn in the national and state economies. The primary impact has been from returns on the Bar's investments, although other parts of the budget have also been affected. She also noted that the Bar's expenditures are running below projections for the year. Incoming Budget Committee Chair Jake Schickel reported that the 2009-2010 budget, which will be presented to the board in April, is also expected to have a deficit, although less than the current year. He said an increase in annual membership fees is not expected because the Bar has adequate reserves.
 - Approved a request from the Family Law Section to file an amicus brief with the Third District Court of Appeal supporting a ruling of an 11th Circuit judge striking down the state's law banning homosexual couples from adopting. Board members said this was a different matter than the section's 2004 request to lobby for a change in the state law, which was rejected, in that it seeks to uphold a judicial ruling. The amicus brief will be filed in the name of the Family Law Section, not The Florida Bar. No Bar or section funds are being used to write the brief, which is being prepared by a volunteer.
 - Heard Chief Justice Peggy Quince outline a program for getting better funding for the state court system. That includes a review of the around \$1 billion in court fees and fines collected annually, little of which reaches the courts. She said, however, that judicial salaries should come from state general revenues, not court fees or fines.
 - Conceptually approved, upon recommendation of the Program Evaluation Committee, a public
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Board of Governors

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survey on attitudes about lawyers' advertising as part of a new study of the Bar's advertising regulations ordered by the Supreme Court. The poll will be conducted by the University of Florida Research Center, and the Bar will have final review of the questionnaire before it is used.

- Approved the Bar's 2009-2012 Strategic Plan. The plan keeps the same top four priorities from the 2008-2011 plan: ensuring that

the judicial system is fair, impartial, independent and adequately funded; promoting the legal profession and improving the public perception of the judicial system; ensuring access to the courts and legal services; and improving the value of Bar membership for its members and improving the Bar's relationship with its members. However, President-elect Jesse Diner said the ways those goals are accomplished is changing because of the economy and other factors, and there will be an increasing emphasis on technology.

- Heard that the Board Review Committee on Professional Ethics is

continuing to consider a rewrite of Ethics Opinion 90-6, which advises lawyers who have clients in criminal cases who are proceeding under false names. Committee Chair David Prather said the committee is trying to resolve potential conflicts between the Bar's rules and constitutional protections before bringing the issue to the board.

- Were invited by Rachelle Munson of the Virgil Hawkins Florida Chapter of the National Bar Association to the Legacy Gala on June 27 at the Bar's Annual Convention to honor the publication of *Florida's First Black Lawyers (1869-1979)*.

Contributing authors

The Out-of-State Division appreciates the articles submitted 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.

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