



The Florida Bar Out-of-State Division

State-to-State

flabaroutofstaters.org

Winter 2026



- Florida is not a set it and forget it state: What out-of-state attorneys miss when franchising touches Florida
- Navigating proceedings supplementary while *Saadi* is pending: *Bear v. Underhill*
- The relationship between professionalism and ethics
- Paige Greenlee, Jeff Rynor seek Bar presidency

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The Supreme Court of Florida

Tallahassee, Florida



The Supreme Court of Florida occupies one of the three buildings of the Capitol Center in Tallahassee, Florida. It was built in 1947–48 in the Classical Revival style. The building is two stories and has a Doric portico and dome. The east entrance leads into the rotunda under the low wide dome. The Supreme Court Chamber is located in the center of the building. The building also houses the Supreme Court Library and clerks offices.

Source: www.courthouses.co

Welcome to a new year!

by Tim Brown, Tysons, Va.



BROWN

Welcome to *State-to-State*, our principal means to communicate with you. We feature articles from members in Florida and elsewhere who share ideas and articles of interest to out-of-state members. Our contributing authors appear prominently, and we include the information you'd like others to read about your practice.

Our featured articles begin on page 7. The first is an article by Michelle K. Notte of Fort Lauderdale that explains why out-of-state practitioners advising clients on operating franchises in Florida should coordinate with Florida-based counsel who practice in the franchise space.

Our second feature, by Julia Traina of Tampa, outlines the ways *Bear v. Underhill* can provide a way to preserve judgment creditors' rights until the Florida Supreme Court issues a ruling in *Saadi v. Maroun*.

We also include a feature by Timothy P. Chinaris of Rockledge, Fla., who delves into the relationship between professionalism and ethics. Chinaris explains how each is rooted in respect for the law and how our legal system works better for everyone when we focus on the common bonds that tie ethics and professionalism together.

Marquel Ramirez of Glen Allen, Va. provides insights from three attorneys, who share their personal legal pathways with multi-state licensure and how their involvement with The Florida Bar helped lay the foundation for a bright future in their respective practices.

We are also pleased to include a reprinted article by Ryan Trail of

Williams Mullen in Columbia, S.C. Trail provides an update on recently issued proposed rulemaking from the Environmental Protection Agency, which would significantly modify 2023 PFAS reporting regulations under TSCA Section 8(a)(7).

President Mindi Wells' message announces that the next OOSD executive council meeting, held in conjunction with The Florida Bar Board of Governors' out-of-state meeting, will be held in Nassau, Bahamas, on March 12, 2026, from 1–3 p.m. EDT at the Grand Hyatt Baha Mar, as well as virtually. All OOSD members are invited to join what will be an excellent opportunity to network, share insights, and collaborate on ways to enhance support for our out-of-state members.

We are pleased to include information and platform statements from both candidates for The Florida Bar president-elect. Please see pages 14–15 for Paige Greenlee's and Jeff Rynor's visions for leading The Florida Bar.

G. C. Murray doesn't mince words about the importance of time management in the latest installment of *Evolving Esquire*. See page 17 for his recommendations for a better New Year's resolution: to manage time like the asset it is.

Manuel Farach provides a summary of recent case law involving real property and business litigation on page 18. We appreciate his ongoing contributions to *State-to-State*.

Please visit the updated Out-of-State Division website at flabaroutofstaters.org. It contains a number of new features in an easier-to-use format. You also can search for and view articles on the website. You should receive a link via email to each edition of the newsletter that allows you to view the edition online in color at your desk or on your mobile device. Check it out!

You can also find us on X (formerly Twitter) @TFBOutofState, Facebook @TheFloridaBarOutofStateDivision, and now on LinkedIn at <https://www.linkedin.com/company/floods/>.

Help us to help you: participate in the Out-of-State Division. By doing so, you'll help other out-of-state lawyers wherever they are around the world. We've mentioned in the past the reach of the OOSD. We're here to help you wherever you practice. And we'd love to meet you. The result should be a win-win for everyone. We challenge you to think of new ideas on how the OOSD can continue to improve services to Florida lawyers practicing out of state. The Bar provides great support and opportunities for its members.

Our OOSD president, the other officers, and executive council members are here to support the needs of out-of-state Florida Bar members. Please feel free to contact the OOSD leadership. The Out-of-State Division is here to help you turn our shared interests into a strong professional practice. We're not shy—we want to help your practice. Most important—please join and get involved!

Author! Author!

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

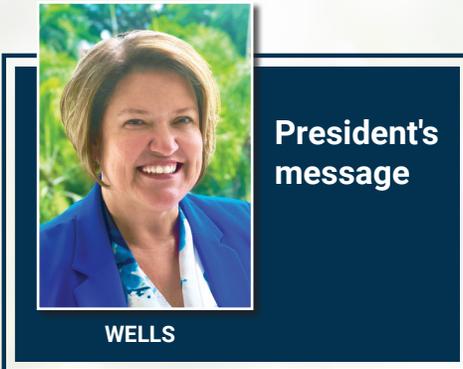
For those of you who would like to see your work in print, the rules for publication are simple: The article should be related to a subject of general interest to legal practitioners with multijurisdictional practices. Articles focused on your home state are less appealing than issues impacting a number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

Please send documents in MS Word format via email to Don Workman, dworkman2024@gmail.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. Your photo and bio will be kept on file and need only be submitted once.

Happy New Year, fellow Out-of-State Division members!

by Mindi Wells, Columbus, Ohio

As we begin 2026, I want to thank each of our 1,046 members from across the globe for being part of this vibrant community of Florida lawyers practicing beyond the state's borders. Whether you're in another state or abroad, your engagement strengthens our division's mission—to keep our members connected, informed, and involved in The Florida Bar.



I'm pleased to invite you to join us virtually for our next executive council meeting, held in conjunction with The Florida Bar Board of Governors' meeting on March 12, 2026, from 1–3 p.m. This will be an excellent opportunity to network, share insights, and collaborate on ways to enhance support for our out-of-state members. To request an invitation for the virtual meeting, please contact Tim Brown at timothybrown.esq@gmail.com.

Plans are also underway for additional networking events and continuing legal education (CLE) programs throughout the year. If you're

interested in hosting a networking event in your city or presenting a CLE webinar from your own desk, please reach out to the committee chairs listed on the following pages—we'd love to hear from you!

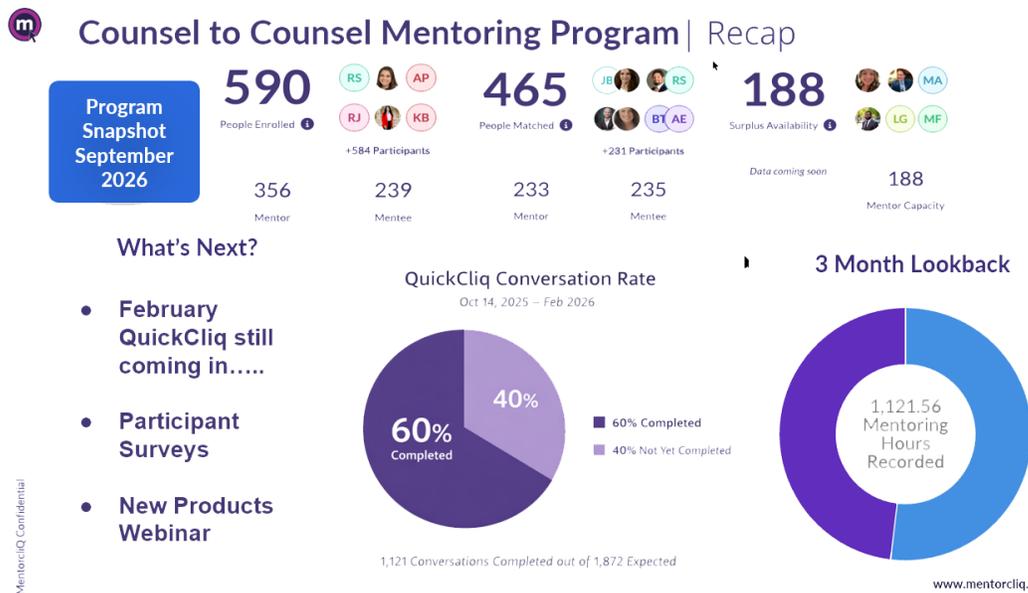
The Florida Bar Mentoring Committee has released a snapshot of the Counsel to Counsel Mentoring Program. We're encouraging all mentors and mentees to complete the mid-cycle survey on March 10. Program participants will receive a link from

MentorcliQ to complete the survey. Additionally, we'd love to hear from anyone who has had a successful mentoring relationship. Send your comments to cjones@floridabar.org. The Mentoring Program graduation will be held June 18, 2026, during the Annual Florida Bar Convention.

To stay up-to-date with the latest division news, events, and resources, I encourage you to follow us on social media and bookmark our website at flabaroutofstaters.org. It's your hub for information relevant to Florida Bar members practicing across state lines.

It's an exciting time for the division, and I'm honored to serve as your president. Together, let's make 2026 a year of connection, growth, and professional opportunity. As always, feel free to reach out to me at any time (mwells.esq@gmail.com).

Mindi Wells
President, Out-of-State Division
The Florida Bar



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(Glen Allen, Va.)



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Tim Chinaris
(alternate)

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Donald A. Workman

Nominating – TBD

Continued, next page

Contact information can be found in The Florida Bar Directory at floridabar.org/directories/find-mbr/.

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Tax
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Health Law
Joy Heath

Contact information can be found in The Florida Bar Directory at floridabar.org/directories/find-mbr/.

Florida is not a set it and forget it state: What out-of-state attorneys miss when franchising touches Florida

by Michelle K. Notte, Fort Lauderdale, Fla.



NOTTE

Many attorneys who hold a Florida license but do not actively practice here assume that franchise work is largely governed by federal law and that compliance with the FTC

Franchise Rule is the beginning and the end of the analysis. At a high level, that assumption is understandable. The FTC Franchise Rule does establish the federal baseline for franchise sales nationwide, requiring presale disclosure through a Franchise Disclosure Document and imposing strict timing and content requirements. There is no federal registration process, no approval regime, and no ongoing federal regulation of the franchise relationship. But Florida is not a state where federal compliance alone is sufficient to manage risk. And this is where out-of-state practitioners, even those licensed in Florida, often underestimate exposure.

The FTC Franchise Rule is a disclosure regime, not a shield. It does not preempt state law, and it does not protect franchisors or advisors from state-level claims that arise when franchise offerings intersect with Florida consumers, Florida-based franchisees, or Florida operations. Florida courts routinely treat failures in franchise compliance as potential deceptive trade practices, regardless of whether the franchisor technically complied with federal disclosure timing.

Florida also takes a particularly expansive view of what constitutes a franchise or franchise-like relationship.

Business models that are structured as licensing arrangements, dealer networks, or distribution systems can easily cross into franchise territory when trademark use, required payments, and operational control or assistance converge. Attorneys who are not regularly advising Florida-based businesses often miss how quickly an accidental franchise can be created under Florida law, even where that was never the client's intent.

Another frequent blind spot is earnings and performance discussions. The FTC Franchise Rule strictly regulates financial performance representations, but Florida law provides additional exposure when sales conversations drift beyond the four corners of the Franchise Disclosure Document. Informal emails, pitch decks, and conversations with prospects can become evidence in Florida litigation, even when no formal Item 19 representation was intended. Florida courts are not sympathetic to the argument that these statements were merely illustrative or aspirational.

Florida is also a litigation-heavy jurisdiction for franchise disputes. Claims are often framed under the Florida Deceptive and Unfair Trade Practices Act, common law fraud, negligent misrepresentation, and rescission theories. Importantly, these claims are frequently asserted not only against franchisors, but against individuals involved in the sales process and advisors who are perceived as having facilitated the transaction. Out-of-state attorneys who assume their role was purely advisory are often surprised by how quickly they are pulled into Florida-based disputes.

There is also a practical reality that Florida-based franchisees are increasingly sophisticated and

increasingly litigious. They consult counsel early, they preserve communications, and they challenge compliance aggressively. The fact that the FTC Franchise Rule does not require federal registration or approval often creates a false sense of security for franchisors and their advisors. Florida does not share that leniency in enforcement or in private litigation.

For attorneys who are licensed in Florida but practice elsewhere, the takeaway is not that franchise work should be avoided. The takeaway is that Florida requires active, current familiarity with how federal franchise law and Florida state law interact in practice. This includes understanding how Florida courts interpret franchise relationships, how Florida consumer protection statutes are applied in franchise disputes, and how small missteps in disclosure or sales conduct can cascade into significant liability.

This is why Florida franchise work is not an area that lends itself well to passive licensure. Even seasoned attorneys with strong federal franchise experience can unintentionally expose clients, and themselves, when Florida-specific issues are not identified early. Coordinating with Florida-based counsel who actively practices in this space is not redundant. It is risk management.

Franchising remains a powerful growth strategy, but in Florida it is one that requires precision, restraint, and a clear understanding of how state law fills the gaps left open by federal regulation. Attorneys who recognize that reality serve their clients better and protect themselves in the process.

Navigating proceedings supplementary while *Saadi* is pending: *Bear v. Underhill*

by Julia G. Traina, Tampa, Fla.



TRAINA

Florida's proceedings supplementary statute has long been a critical tool for judgment creditors, but the current legal landscape is more unsettled than it has been in decades.

The Florida Supreme Court¹ now has questions certified by the United States Court of Appeals for the Eleventh Circuit² in *Saadi v. Maroun* concerning the interpretation and application of Florida's "proceedings supplementary" statute, section 56.29, Florida Statutes.

While that process plays out, the Northern District of Florida's 2024 decision in *Bear v. Underhill*, 754 F. Supp. 3d 1185 (N.D. Fla. 2024), provides meaningful provisional guidance. The decision outlines a way for creditors to avoid losing their cause of action for actual fraud under section 56.29(3) for the life of the judgment while still pursuing constructive fraud claims under section 56.29(9).

At the heart of the uncertainty is a familiar concern for practitioners: Pursuing fraudulent transfer claims under section 56.29(9) risks tethering the action to Florida's Uniform Fraudulent Transfer Act's (FUFTA) limitations periods. By contrast, fraudulent-transfer remedies under section 56.29(3) may continue for the full life of the judgment, so long as that right is not inadvertently waived. *Bear* identifies a possible plan to keep both avenues open until the Florida Supreme Court provides definitive answers.

Bear: Keeping tracks separate

The primary holding in *Bear* is straightforward. A creditor may not pursue claims under section 56.29(3) for actual fraud through notices to appear while simultaneously pursuing the same actual fraud theory through a supplemental complaint under section 56.29(9) and Chapter 726. In short, a creditor cannot litigate actual fraud in both tracks at once.

What makes *Bear* notable is that the Northern District did not treat this rule as forcing a strict election between the two statutory mechanisms. Instead, the court recognized that the two subsections allow multiple procedural paths, so long as there is no overlap in pursuing actual fraud claims. *Bear* identified two primary options, with the first containing two sub-options.

1. Proceed with actual fraud under section 56.29(3) and constructive fraud only under section 56.29(9)

Under the first option, a creditor may: (1) proceed with actual fraud claims under section 56.29(3) and/or (2) the creditor may also choose to add constructive fraud claims by filing a supplemental complaint under section 56.29(9). If the creditor chooses to do so, the complaint must omit reference to section 56.29(3) actual fraud claims in the complaint. This allows creditors to pursue actual fraud under section 56.29(3) and also pursue constructive fraud under Chapter 726.

2. Proceed entirely under section 56.29(9)

The second option is to forgo section 56.29(3) entirely and litigate all Chapter 726 claims, including both actual and constructive fraud,

through a supplemental complaint under section 56.29(9). In that scenario, there is more risk. Section 56.29(9) incorporates the time limits in Chapter 726, and as a result, a creditor may unintentionally forfeit the section 56.29(3) actual fraud cause of action—which otherwise may have continued for the life of the judgment—by bringing it solely through the supplemental complaint mechanism.

Bear versus Saadi certified questions

The Florida Supreme Court is now considering five certified questions from the Eleventh Circuit in *Saadi*. These questions address how section 56.29 operates, what remedies creditors may pursue, how long those remedies last, and how section 56.29(3) interacts with section 56.29(9) and Chapter 726.

1. Can a judgment creditor obtain a money judgment against a transferee under Fla. Stat. section 56.29(3)(b)?

McGregor: No. The Fourth DCA³ held that section 56.29(3) is limited to voiding transfers of personal property that can be levied upon and that money damages belong only under section 56.29(9). The court reasoned that allowing money judgments under both subsections would create an absurd result because only section 56.29(9) claims are subject to FUFTA's limitation periods.

Rosenberg: Yes. The Third DCA⁴ held that section 56.29(6) authorizes money judgments for the entire section, which includes subsection (3). The court concluded that fraudulent transfer money judgments have long been part of section 56.29 and that

the Legislature did not remove that remedy.

2. Can a creditor seek fraudulently transferred funds under section 56.29(3)(b), and must those funds be identifiable?

McGregor: No. The Fourth DCA held that funds are not “property, debt, or other obligation” under section 56.29(2) and that section 56.29(3)(b) applies only to “identifiable” personal property. The disputed funds in that case were not identifiable, so the creditor could not pursue them under subsection 56.29(3)(b).

Rosenberg: Yes. The Third DCA held that personal property includes intangible personal property and that intangible personal property includes money. *Rosenberg* explained that section 56.29(3) may therefore be used to set aside fraudulent transfers of funds.

3. Can a creditor seek a judgment under section 56.29(3)(b) for the life of the judgment, or

is the remedy limited to section 56.29(9) and FUFTA’s extinguishment periods?

McGregor: FUFTA periods apply. The Fourth DCA concluded that claims for money judgments brought under section 56.29 are subject to the limitation periods in section 726.110. *McGregor* read the amendments as reserving a money judgment remedy only for claims under section 56.29(9) and reasoned that it would be absurd to interpret the statute as allowing identical causes of action under section 56.29(3) and section 56.29(9) with each being subject to a different limitation period.

Rosenberg: Remedies continue for the life of the judgment. The Third DCA held that the remedy under section 56.29(3) continues to “extend for the life of the judgment.” The Third DCA concluded the limitation period in section 726.110 did not apply to subsection 56.29(3) because the Legislature inserted FUFTA-related language only into subsection 56.29(9), not subsection 56.29(3).

Rosenberg observed that it was not absurd to have different limitation periods for different remedies.

Bear provides interim guidance

These questions capture the core dispute between the Fourth DCA and the Third DCA. *McGregor* treats subsection (3) as a narrow tool, and *Rosenberg* treats subsection (3) as a fully independent fraudulent transfer remedy that continues for the life of the judgment and includes money judgments. This is where *Bear* becomes useful.

Until the Florida Supreme Court resolves these questions, *Bear* functions as a procedural roadmap. It identifies how a creditor can preserve every viable remedy without inadvertently forfeiting one. It allows creditors to continue pursuing actual fraud under section 56.29(3) and, at the same time, proceed under section 56.29(9) for constructive fraud without creating inconsistent claims. When viewed against the competing interpretations that form the basis of the certified questions, this becomes significant.

<i>Rosenberg</i> affirmed	<i>McGregor</i> affirmed
If the Florida Supreme Court ultimately affirms <i>Rosenberg</i> , then a creditor who preserved the section 56.29(3) path remains protected for the life of the judgment because <i>Rosenberg</i> held that the money judgment remedy under section 56.29(3) continues for the life of the judgment.	If the Florida Supreme Court instead affirms <i>McGregor</i> , then it does not matter whether the creditor proceeded under section 56.29(3) or section 56.29(9) because <i>McGregor</i> limited money judgments to section 56.29(9) and applied the FUFTA limitations periods regardless.

In either outcome, following *Bear* avoids the risk that an attorney’s procedural choice during the certification period might unknowingly eliminate a longer-lived remedy. Because the certified questions directly involve whether fraudulent transfer remedies under section 56.29(3) survive for the life of the judgment or are confined to the extinguishment periods in section 726.110, *Bear* offers a functional procedural bridge during the *Saadi* certification.

By outlining options for proceeding under section 56.29(3), section 56.29(9), or both in carefully separated roles, *Bear* provides a way to preserve creditor rights while the Florida Supreme Court determines the broader framework. Until that decision is issued, *Bear* functions as a procedural compass that keeps the two paths open, clean, and reversible while the larger structural questions remain unresolved.

Endnotes

- 1 *Initial Brief of Appellant, Saadi v. Maroun*, No. SC2025-1675 (Fla. filed Jan. 16, 2026).
- 2 *Saadi v. Maroun*, 157 F.4th 1353, 1355 (11th Cir. 2025).
- 3 *McGregor v. Fowler White Burnett, P.A.*, 332 So. 3d 481 (Fla. 4th DCA 2021).
- 4 *Rosenberg v. U.S. Bank, N.A.*, 360 So. 3d 795 (Fla. 3d DCA 2023).

The relationship between professionalism and ethics

by Timothy P. Chinaris, Rockledge, Fla.



CHINARIS

In the mid-1990s, it was my pleasure to have lunch with Florida Supreme Court Justice Harry Lee Anstead and Florida Bar Professional Ethics Committee Chair Don Beverly.

The topic of discussion was the Supreme Court's interest in establishing an entity devoted exclusively to professionalism.

Don tactfully commented that The Florida Bar already had a "Professional Ethics Committee" and asked Justice Anstead why he thought a new entity was needed to focus on "professionalism." Justice Anstead responded by talking about the differences between "ethics" and "professionalism." He noted that a professionalism body would not be limited by the minimum mandatory standards of conduct in the ethics rules, which would allow it to set a higher bar for how lawyers behave with each other and with the public.

In July 1996 the Supreme Court issued its order creating the Commission on Professionalism and The Florida Bar Center for Professionalism. The Florida Bar Center for Professionalism was later renamed "The Henry Latimer Center for Professionalism" to honor Judge Henry Latimer.

In the years since then, the Center and the Bar's Standing Committee on Professionalism often have been asked what distinguishes professional ethics from professionalism. The answer usually emphasizes the *difference* between the two. For example, on the home page of the Henry Latimer Center for Professionalism is this explanation:

Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession. *It embraces far more than simply complying with the minimal standards of professional conduct . . .* [emphasis added].

Many lawyers also define "professionalism" by contrasting it with ethics. We may say that the ethics rules set the "floor" for minimally acceptable conduct while professionalism aspires to a "higher level" of conduct. We emphasize the difference between the two sets of standards.

But it was not always this way. And it does not have to be that way today.

This article shows that the required rules of ethics continue to draw on principles of professionalism. It focuses on the close relationship between professionalism and ethics—what ties them together, rather than how they may differ.

We begin 90 years ago in 1936, when the first written and codified standards of ethical conduct for Florida lawyers were adopted by the Florida Supreme Court. The Court announced its decision to give the ABA Canons of Professional Ethics "official recognition . . . as a guide to be followed for investigation and determination of cases and controversies wherein a consideration of the subject of professional . . . ethics may become material."¹ The Court approved the Canons of Ethics "for observance and application in the State of Florida."² The Court also ordered that law students study and be tested on the Canons.

By adopting the Canons of Ethics, the Court necessarily acknowledged that principles of ethics and professionalism are closely connected. The Canons explicitly identified certain conduct as "unprofessional" behavior that was not to be engaged in by

lawyers. The term "unprofessional" conduct appeared throughout the Canons, including in provisions concerning core legal profession concepts such as conflicts of interest, candor, interactions with jurors, advertising, and dealings with other lawyers. The Canons blended ethics with professionalism.

The Canons of Ethics governed Florida lawyers' conduct from 1936 until 1970. But as the legal profession entered the 1960s, the Canons were criticized as outdated and too vague to effectively enforce. It was thought that an easier-to-enforce code of conduct was needed. The calls for change grew louder when the United States Supreme Court decided *In re Ruffalo* in 1968.³ *Ruffalo* held that lawyers facing serious disciplinary proceedings have a constitutional right to due process, which requires that they be given fair notice of the conduct expected of them and the charges against them. This helped speed the shift away from the broadly worded language in the Canons toward a more explicitly regulatory set of standards.

Those standards were the Code of Professional Responsibility, promulgated by the ABA in 1969 and adopted by the Florida Supreme Court in 1970.⁴ The Code had a complicated three-tiered structure, combining aspirational provisions ("Canons" and "Ethical Considerations") with mandatory provisions ("Disciplinary Rules"). In contrast to the explicit inclusion of professionalism as part of the governing standards in the Canons of Ethics, the Code of Professional Responsibility contained no references to "unprofessional" conduct.

The Code's three-tiered approach proved to be confusing and subject to inconsistent application by regulatory authorities. The aspirational provisions were sometimes treated by courts as mandatory while the mandatory provisions were sometimes

seen as guidelines rather than requirements. As a result, the Code of Professional Responsibility was short-lived.

The ABA created the Rules of Professional Conduct to replace the Code in 1983. Designed to clear up confusion generated by the Code, the bright-line Rules of Professional Conduct had only mandatory provisions. The Florida Supreme Court adopted the Rules of Professional Conduct for Florida lawyers in 1986.⁵ The Rules have been amended from time to time, but remain in effect today. The Rules, like the Code they replaced, do not mention or purport to regulate conduct that is “unprofessional.”

So, at first glance it might appear that the governing standards of ethics are moving away from principles of professionalism. But a closer look at the Rules of Professional Conduct suggests that ideals of professionalism remain tied to our mandatory ethics rules.

On what is this conclusion based? The Rules themselves. The Preamble states that the Rules of Professional Conduct “are rules of reason” that “should be interpreted *with reference to the purposes of legal representation and of the law itself*” (emphasis added). This invites the infusion of professionalism principles when the Rules are interpreted and applied.

In addition, the text of the Rules and their accompanying Comments provide many opportunities that regulators can—and often do, either explicitly or implicitly—use to overlay principles of professionalism when applying the mandatory ethics rules.

No fewer than 40 of the Rules, including some that are most important to the proper functioning of the legal profession, expressly incorporate an element of “reasonableness.” What does “reasonableness” mean in this context? The “Terminology” section of the Rules indicates that it means a prudent and competent lawyer. Most of us would agree that a lawyer cannot accurately be called “prudent” or “competent” unless that lawyer acts in a manner consistent with the basic tenets of professionalism—displaying qualities like honesty, respect, civility, and courtesy. When these particular Rules are compared

with the aspirational “Professionalism Expectations” adopted by The Florida Bar Board of Governors, the close connection between ethics and professionalism becomes even more clear. Rules of Professional Conduct with direct counterparts in the Professionalism Expectations address core principles such as: competence; diligence;⁷ communication;⁸ confidentiality;⁹ conflicts of interest;¹⁰ candor to the tribunal;¹¹ honoring client objectives;¹² treating opponents fairly;¹³ and respecting clients who have diminished capacity.¹⁴

Many other Rules of Professional Conduct also explicitly require the exercise of “reasonableness”—which allows room to apply principles of professionalism.¹⁵

In closing, ethics and professionalism have more in common than it might appear if we look only at their differences rather than at how they complement each other. Both are crucial to the legal profession, its clients, and the public. Each is rooted in respect for the law and concern for those who are affected by the law. Our legal system works better for everyone when we focus on the common bonds that tie ethics and professionalism together.

Endnotes

1 *In re Canons of Professional Ethics*, 1936 WL 332463, at *1 (Fla. Nov. 4, 1936).

2 *Id.*

3 390 U.S. 544 (1968).

4 *In re Integration Rule of the Florida Bar*, 235 So. 2d 723 (Fla. 1970).

5 *Florida Bar re Rules Regulating The Florida Bar*, 494 So. 2d 977 (Fla. 1986), *opinion corrected by Florida Bar re Rules Regulating The Florida Bar*, 507 So. 2d 1366 (Fla. 1987).

6 *Compare* Rule 4-1.1 (Competence) with Professionalism Expectations 1.4, 4.1, 4.13.

7 *Compare* Rule 4-1.3 (Diligence) with Professionalism Expectations 1.4, 2.4, 2.12, 3.1, 4.2, 4.6, 7.5.

8 *Compare* Rule 4-1.4 (Communication) with Professionalism Expectations 1.11, 2.1, 2.6, 2.9, 6.10, 7.2, 7.3, 7.5.

9 *Compare* Rule 4-1.6 (Confidentiality) with Professionalism Expectations 1.8, 2.17.

10 *Compare* Rule 4-1.7 (Conflict of Interest; Current Clients) with Professionalism Expectations 1.7, 7.1.

11 *Compare* Rule 4-3.3 (Candor Toward the Tribunal) with Professionalism Expectations 1.3, 2.2, 2.10, 3.7, 3.17, 4.1, 4.10, 4.12, 7.1, 7.5.

12 *Compare* Rule 4-1.2 (Objectives and Scope of Representation) with Professionalism Expectations 1.3, 1.7, 2.9, 4.2, 4.12, 7.2.

13 *Compare* Rule 4-3.4 (Fairness to Opposing Party and Counsel) with Professionalism Expectations 1.3, 2.4, 2.10, 3.6, 3.11, 3.15, 3.16, 4.16, 6.1.

14 *Compare* Rule 4-1.14 (Client with Diminished Capacity) with Professionalism Expectations 1.3, 2.1, 5.1.

15 *See* Rule 4-1.5 (Fees and Costs for Legal Services) and Professionalism Expectation 1.5; Rule 4-1.8 (Conflict of Interest; Prohibited and Other Transactions) and Professionalism Expectation 1.7; Rule 4-1.10 (Imputation of Conflicts of Interest; General Rule) and Professionalism Expectations 1.1, 1.3; Rule 4-1.13 (Organization as Client and Professionalism Expectation 1.4; Rule 4-1.16 (Declining or Terminating Representation) and Professionalism Expectation 1.11; Rule 4-1.17 (Sale of Law Practice) and Professionalism Expectations 2.6, 2.9; Rule 4-1.18 (Duties to Prospective Client) and Professionalism Expectations 1.1, 1.3, 1.4, 2.1; Rule 4-1.19 (Collaborative Law Practice in Family Law) and Professionalism Expectations 1.2, 1.3; Rule 4-2.3 (Evaluation for Use by Third Persons) and Professionalism Expectations 1.7, 2.1, 2.12; Rule 4-2.4 (Lawyer Serving as Third-Party Neutral) and Professionalism Expectation 2.1; Rule 4-3.2 (Expediting Litigation) and Professionalism Expectations 2.4, 3.1, 3.10, 3.13, 4.2, 4.6, 4.19, 6.7; Rule 4-3.6 (Trial Publicity) and Professionalism Expectation 2.16; Rule 4-3.8 (Special Responsibilities of Prosecutor) and Professionalism Expectations 1.1, 1.3; Rule 4-4.3 (Dealing With Unrepresented Persons) and Professionalism Expectation 2.2; Rule 4-4.4 (Respect for Rights of Third Person) and Professionalism Expectations 3.9, 4.7; Rules 4-5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers) and 4-5.3 (Responsibilities Regarding Nonlawyer Assistants) and Professionalism Expectation 1.2; Rule 4-5.2 (Responsibilities of a Subordinate Lawyer) and Professionalism Expectations 1.2, 1.3, 3.4; Rule 4-5.5 (Unlicensed Practice of Law; Multijurisdictional Practice of Law) and Professionalism Expectations 1.3, 4.1; Rule 4-5.6 (Restrictions on Right to Practice) and Professionalism Expectation 1.2; Rule 4-5.7 (Responsibilities Regarding Nonlegal Services) and Professionalism Expectations 1.4, 1.7., 2.1; Rule 4-5.8 (Procedures for Lawyers Leaving Law Firms and Dissolution of Law Firms) and Professionalism Expectations 1.2, 1.11, 2.2, 5.1; Rule 4-6.2 (Accepting Appointments) and Professionalism Expectations 1.3, 1.13; Rule 4-6.6 (Short-Term Limited Legal Services Programs) and Professionalism Expectations 1.1, 1.3, 1.4; Rule 4-7.12 (Required Content) and Professionalism Expectation 1.5; Rule 4-7.13 (Deceptive and Inherently Misleading Advertisements) and Professionalism Expectation 1.5; Rule 4-7.14 (Potentially Misleading Advertisements) and Professionalism Expectation 1.5; Rule 4-7.17 (Payment for Advertising and Promotion) and Professionalism Expectation 1.5; Rule 4-7.18 (Direct Contact with Prospective Clients) and Professionalism Expectation 1.5; Rule 4-7.21 (Firm Names and Letterhead) and Professionalism Expectations 1.5, 1.11, 2.1; and Rule 4-7.22 (Referrals, Directories, and Pooled Advertising) and Professionalism Expectation 1.5.

Out-of-state journeys: Finding their own path

by Marquel S. M. Ramirez, Glen Allen, Va.



RAMIREZ

With an adventurous spirit, three featured Florida attorneys are dedicated to legal matters in Florida and beyond. Adriana Collado,¹ a University of Florida Levin College of Law graduate, manages a Colorado-based federal criminal defense firm representing clients throughout the U.S. California maritime attorney Carlos Felipe Llinás Negret,² a St. Thomas University School of Law graduate, represents plaintiffs in maritime disputes. Yann

Salomon,³ a Nova Southeastern University School of Law and Master of Business Administration graduate, owns a Florida law firm focused on regulatory compliance and enforcement, particularly import/export matters, anti-money laundering, and cross-border trade compliance, as well as civil asset forfeiture at both Florida state and federal levels, and hopes to represent out-of-state and international clients. Any attorney or law school graduate who seeks to work out-of-state or have out-of-state clients will find these attorneys' knowledge insightful.

The multi-state licensure plan

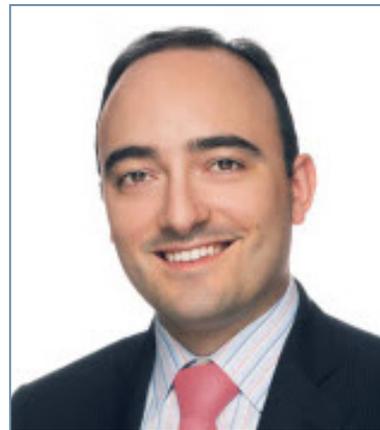
Both Ms. Collado and Mr. Llinás Negret are licensed to practice law in Florida and knew they wanted to relocate out of Florida. Ms. Collado worked for five years as a public defender in Miami, and then she moved on to a multi-state litigation firm in Florida. Although she was content in Florida, she explored the idea of living out of state. She made a plan to be licensed outside of Florida. She became a member of the District of Columbia bar, and then after some years, she became licensed in Colorado. She relocated to the litigation firm's Colorado office and



COLLADO

then opened her own law firm.

As for Mr. Llinás Negret, while working for an admiralty law firm in Florida, he waived into the D.C. bar. He wanted to assist the Florida law firm's practice in expanding to the Pacific coast. So, after working a compressed 10-hour-per-day schedule (Mondays through Thursdays) and studying on his off days, he passed the California bar exam. He then moved to southern California to help develop a California law firm's maritime practice. Mr. Llinás Negret is now a partner and head of the firm's maritime practice at Nelson & Fraenkel LLP in Los Angeles, California. He is also licensed in Washington State.



LLINÁS NEGRET

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OUT-OF-STATE JOURNEYS, *from preceding page*

Hanging a shingle

Ms. Collado and Mr. Salomon, although located in different parts of the country and with different career paths, both started their own law firm and are enjoying every minute of it. They took the leap, knowing they were going to have to wear multiple hats in their business. They prefer to maintain their boutique practice in order to control their work hours and number of clients. From their perspective, the experience is both exciting and challenging.

At first, Ms. Collado was hesitant to start her own business. She developed more experience in her practice, and it was important for her to feel personally ready. When the time was right, she made it happen.



SALOMON

Mr. Salomon is four years into his practice and hopes to build his expertise. He began working at a securities law firm, and then went in-house at a cash advance company. From there, he spent two years in international arbitration, practicing investment, trade, and forfeiture law. As a businessman, Mr. Salomon looks forward to expanding his practice out of state.

Marketing

Certification – In Florida, attorneys are able to become board certified in 27 areas of specialty. Mr. Llinás Negret has been certified since 2015 and believes Florida is the gold standard in specializing attorneys in their fields. Mr. Llinás Negret served for two years as chair of The Florida Bar Admiralty Board Certification Committee. Presently, he sits on The Florida Bar Board of Legal Specialization, the body responsible for the oversight of the entire board certification program.

For admiralty and maritime law, attorneys must: (1) be at least five years into the practice of law, 35% of which is spent practicing admiralty and maritime law; (2) take at least 50 hours of continuing legal education credits in admiralty and maritime law; (3) be reviewed by their peers; and (4) pass a written exam. Each of the specialties has their own requirements for certification. Information can be found at floridabar.org/about/cert/cert-applications-and-requirements/.

Legal and business association networking – Connecting via legal or business organizations greatly helps with networking. Mr. Salomon is a member of both The Florida Bar Business Law Section and Trust and Estate Planning Section. He plans to be active in the Miami-Dade Chamber of Commerce to grow his business. He also hopes to be part of the Haitian Lawyers Association like his family members.

In addition to the National Association of Criminal Defense Lawyers, Ms. Collado is part of the Women's White Collar Defense Association and Faculty of Federal Advocates.

Advertisements in various mediums – The internet is also a wonderful place to spread the word about one's practice. Both Ms. Collado and Mr. Salomon hope to be more active online. Mr. Salomon has a professional Instagram account that contains slides and videos, and he is active on LinkedIn. Mr. Salomon would like to have advertisements in airports to gain travelers and international clients.

Ms. Collado's primary way of marketing is by referral and word of mouth. She is the author of *Keep Calm and Lawyer Up: Understanding (and Surviving) the Federal Justice System*, published in August 2025. She has also spoken on media outlets such as ABC's *20/20*, NBC 6 (Miami-Dade, Fla.), Telemundo, and Univision. In 2026, she will be launching a podcast about old-Hollywood criminal cases and their impact today.

Mentors

Coming from a family that includes attorneys, Mr. Salomon was able to seek guidance from his aunts and uncle. He is able to see their involvement in legal organizations and understands the importance of networking.

Conclusion

Every attorney has their own path to their ultimate goal. For Ms. Collado, Mr. Llinás Negret, and Mr. Salomon, they have laid the foundation for a bright future in their practice. They are dedicated to their practice of Florida law and are persistent in making their dreams a reality.

Endnotes

- 1 <https://www.collado-law.com/>
- 2 <https://nflawfirm.com/carlos-felipe-llinas-negret/>
- 3 <https://www.imperialshieldpllc.com/>



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PAIGE GREENLEE, JEFF RYNOR SEEK BAR PRESIDENCY

Out-of-state members matter: Listening, leadership, and equal footing



PAIGE GREENLEE

As a Florida Bar member who has spent more than two decades in Bar service, I deeply appreciate the role of the Out-of-State Division and the more than 15,000 Florida Bar members who live and practice outside Florida, including those living abroad. You are a vital part of our profession, and your perspectives strengthen The Florida Bar in meaningful ways.

Out-of-state members experience the impact of Bar rules, legislative proposals, and court policies in ways that are sometimes distinct from in-state practitioners. Whether it involves multijurisdictional practice concerns, CLE access, disciplinary rules, or the practical realities of maintaining a Florida license while practicing elsewhere, it is essential that Bar leadership understands how decisions play out beyond Florida's borders. Equitable treatment does not happen by accident. It requires leaders who are paying attention, asking questions, and listening carefully.

Throughout my years of service to The Florida Bar, including as an elected member of the Board of Governors for the 13th Judicial Circuit, a member of the Executive Committee, and as chair or co-chair of multiple Bar committees, I have worked to approach leadership with curiosity, humility, and respect for how policies affect lawyers in real practice. That perspective has been shaped by listening to lawyers across practice settings and across geography, including those who do not live in Florida but remain deeply connected to its legal system.

One of the most consistent lessons I have learned through Bar service is that well-intentioned policies can have unintended consequences if we fail to consider how they affect all members. That is especially true for out-of-state practitioners, who may experience compliance, cost, or logistical burdens differently. Ensuring fairness means asking not only whether a proposal works, but for whom it works and how.

During this campaign, I have made it a priority to travel extensively and engage directly with Florida Bar members wherever they are. Those conversations have reinforced my belief that effective leadership begins

with listening, and that the Bar is strongest when its leaders are informed by a wide range of voices and experiences. That includes lawyers practicing across the country and around the world.

I am committed to preserving the independence of our profession, promoting professionalism and ethical practice, and ensuring that Bar resources are accessible and meaningful to all members. I also believe strongly in responsible stewardship of Bar resources and in making sure members are aware of the tools, support, and opportunities that already exist.

The election for Florida Bar president-elect is a contested election, and voting will take place February 27 through March 15 through your [Florida Bar member portal](#). I encourage you to learn more about my experience, priorities, and the many lawyers who support my candidacy by visiting www.VoteForPaige.com.

No matter where you live or practice, your voice matters. I would be honored to earn your support and to serve The Florida Bar with integrity, experience, and a commitment to listening.



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JEFF RYNOR

The Florida Bar should make it easier for out-of-state Florida Bar members to practice law in Florida. The Bar should recognize the unique challenges these members face

and develop rules that support—rather than burden—they, especially when comparable requirements already exist in their primary state.

- 1. Evaluate mandatory bar dues & fees.** Out-of-state lawyers want to pay for services and benefits that are relevant to their practice. The structure and amount of dues should be reviewed to ensure they fairly reflect the value provided to these members.
- 2. Improve access to resources for out-of-state lawyers.** Educational opportunities should be easy to locate. Many excellent seminars exist through local bar associations but are difficult to find. All educational materials should be organized and accessible by subject area so every lawyer—including out-of-state members—benefits from the full range of statewide resources.

- 3. Review out-of-state CLE requirements.** Out-of-state lawyers already meet CLE obligations where they primarily practice. Florida should avoid imposing unnecessary or duplicative CLE requirements that add time and financial strain. A dedicated committee should review this issue to ensure these members receive only the CLE that is truly needed.

- 4. Increase out-of-state representation on the Board of Governors.** As president, I would appoint an additional out-of-state member to the Board of Governors to strengthen representation and ensure that the concerns of out-of-state members are fully reflected in Bar leadership.

- 5. Provide targeted legislative updates.** Out-of-state members should have streamlined access to legislative updates across key practice areas, including real property. This allows them to stay informed about Florida developments that affect their clients and professional responsibilities.

- 6. Reduce the cost of practice.** The Bar should use its collective buying power to reduce costs for technology, legal research tools, websites, travel, and accommodations. Lowering these expenses directly benefits all

members—especially those practicing from outside Florida.

- 7. Expand ethics hotline hours.** Extending ethics hotline availability increases accessibility, strengthens attorney protection, and improves usage. Longer service hours are especially helpful for out-of-state lawyers working across different time zones.

Personal background

I have been primarily a trial practitioner in Miami, handling civil litigation and family law. I received my B.A. and law degree from the University of Florida and my LL.M. in taxation from George Washington University. I have tried cases in state and federal court and argued before the Third District Court of Appeal and the Eleventh Circuit Court of Appeals. I am a past president of the Miami-Dade County Bar Association and have served on the Board of Governors for eight years. I currently chair the Investment Committee and previously chaired the Budget Committee. I am a past president of Big Brothers Big Sisters and have volunteered as a pro bono attorney for more than 30 years. I am happily married to Kayla (attorney), and we have four children: Helen (resident in radiology), Morgan (CBS reporter in Miami), Sam (St. Thomas Law School), and Jack (Florida International University).



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Out-of-State, All-In: *Join the Action!*

by Mindi Wells, Columbus, Ohio

OOSD President

A new Bar year is here—and with it, an open invitation to get involved with the Out-of-State Division of The Florida Bar!

With more than 1,400 members across the country and abroad, the OOSD thrives thanks to the energy, ideas, and leadership of out-of-state Florida lawyers just like you. Whether you're a seasoned practitioner or newly licensed, there's a place for you in our work.

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Contact: G. C. Murray II – gc@association.law



Continuing Legal Education – Planning CLE topics and speakers

Contact: Tim Chinaris – tchinaris@chinarislaw.com or Larry Kunin – lkunin@jamsadr.org



Member Experience – Member retention, engagement, and events

Contact: Brandon Wolff – bl@brandonlee.law



Information & Technology – Newsletter + social media

Contact: Don Workman – dworkman2024@gmail.com or Tim Brown – timothybrown.esq@gmail.com



Sponsorship – Supporting events and publications

Contact: Evan Azriliant – eazriliant@aol.com



Website – Content, design, and updates

Contact: Natasha Dorsey – natashadorsey11@gmail.com

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Or reach out directly to me at mwells.esq@gmail.com—I'd love to connect!

Let's make 2025–26 the most engaging year yet. Whether it's your first year in the division or your 15th, there's a role for you—and we're better with you involved.

See you soon at a CLE, event, or Zoom call!Tem

It's about time

by G. C. Murray II, Dulles, Va.



MURRAY II

Every January, lawyers do the same thing. We buy a new planner. Download a new app. Promise ourselves this is the year we finally get ahead. More control. Fewer late nights. Better balance. Less chaos. And by mid-February, we are right back where we started. Busy. Behind. Slightly irritated that time keeps winning.

Here is the uncomfortable truth. Most lawyers do not have a time problem. They have a management problem. So this year, I want to offer a different New Year's resolution. Make time management the resolution itself. Not revenue. Not growth. Not even wellness. Time. Because when time is managed well, everything else gets easier to manage.

Lawyers are excellent reactors. Deadlines. Clients. Judges. Opposing counsel. Emergencies. Everything feels urgent, and much of it is. What law school does not teach is how to design a life around those demands. As a result, most lawyers inherit a reactive calendar. Emails drive the day. Meetings fill open space. Client urgency becomes your urgency. The calendar becomes a record of obligations to others, not priorities for yourself.

I see this pattern everywhere. Solo lawyers. Firm partners. Bar leaders. In-house counsel. Smart people who work hard and still feel like they are chasing time instead of using it. That is not a discipline issue. That is an infrastructure issue.

Time is the only asset you cannot replenish. Lawyers sell time for a

living, yet manage it like it is unlimited. Money can be earned again. Cases come and go. Titles change. Time moves in only one direction. The Florida Bar's 2024 Membership Opinion Survey confirmed what most of us already feel. Workload and lack of time remain top contributors to stress and dissatisfaction. Exhaustion has quietly become a badge of honor. It should not be.

Traditional New Year's resolutions fail because they rely on motivation. Motivation fades. Systems do not. Saying "I'm going to be better with my time" sounds good, but it is meaningless without structure. Time

Here is the uncomfortable truth. Most lawyers do not have a time problem. They have a management problem.

management only works when it is built into how decisions are made, not added on top of an already full schedule.

Time management is not about squeezing more into your day. It is about deciding what no longer belongs there. Three principles matter more than any app or planner.

First, treat your calendar like a legal document. If it is not scheduled, it does not exist. Strategy time. Administrative work. Thinking time. Rest. Buffer space. If it matters, it belongs on the calendar.

Second, urgency is not the same as importance. Clients feel urgency. Courts impose urgency. That does not mean every task deserves the same level of focus or energy. Effective lawyers triage constantly. Struggling

lawyers respond to everything equally and burn out faster.

Third, review is non-negotiable. Weekly reviews are where improvement happens. What worked. What did not. What took longer than expected. What needs to change next week. Without review, every week becomes a louder version of the last one.

This is not just personal productivity. Time management is a leadership issue. Leaders set the tone. If leadership models chaos and constant urgency, that becomes the expectation. If leadership models planning, focus, and respect for time, that becomes permission. Young lawyers notice. Volunteers notice. Staff adapts.

I once worked with a bar organization struggling with engagement. The issue was not mission or talent. It was meetings with no agenda, no end time, and no respect for competing priorities. Once time was managed intentionally, participation improved almost immediately.

The legal profession is accelerating. Technology is changing expectations. Clients want responsiveness and value. Lawyers want sustainability. The gap between those pressures is filled by time. Or the lack of it.

So if you are setting New Year's resolutions, try this one instead. This year, I will manage time like the asset it is. Not perfectly. Not rigidly. Intentionally. Because clarity beats chaos. Systems beat stress. And no matter how talented you are, you cannot outwork a broken calendar.

It's about time

Leaders set the tone.

Florida real property and business litigation report

by Manuel Farach, West Palm Beach, Fla.



FARACH

The Bank of New York Mellon v. Avigliano, Case No. 4D2024-1471 (Fla. 4th DCA 2025).

A foreclosure plaintiff that presents some evidence of the amount of damages under the loan has provided sufficient prima facie evidence of damages to preclude an involuntary dismissal, even if the evidence of damages was based on inadmissible hearsay that was erroneously admitted at trial.

Seaborn v. Seaborn, Case No. 2D2024-1323 (Fla. 2d DCA 2025).

The exclusive occupancy of real estate by a co-tenant in a partition action is not, by itself, sufficient to award rent to the non-occupying co-tenant as the co-tenant out of possession must show that the occupying co-tenant has claimed exclusive ownership before the co-tenant out of possession can make a claim for entitlement to rent.

U.S. Alliance Management Corp. v. Apeiron Miami, LLC, Case No. 3D24-74 (Fla. 3d DCA 2025).

Pursuant to Florida Statute section 68.065(6), tendering “an amount of money equal to the sum of the payment instrument, the service charge, court costs, and incurred bank fees” is sufficient to discharge liability under the statute other than for attorney’s fees.

Aquastar Holdings LLC v. Peckar & Abramson P.C., Case No. 3D24-0335 (Fla. 3d DCA 2025).

A purchaser at a sheriff’s sale takes subject only to encumbrances existing at the time the judgment being sold was recorded; junior lienors need not be joined in the same manner as defendants in a mortgage foreclosure action.

Cam Bradford Homes, LLC v. Arrants, Case No. 5D2024-0849 (Fla. 5th DCA 2025).

It matters not that a licensed contractor was “acting” as the qualifying agent for the business; whether a business organization can enforce a construction contract depends on whether it was a “licensed contractor”

within the meaning of section 489.128, i.e., whether it had registered its qualifying agent to act for the business at the time of entering into the contract.

City of Parker v. Wilson, Case No. 1D2024-0199 (Fla. 1st DCA 2025).

Dedication of a park to the public, which dedication has been accepted by local government, cannot be reversed through a “clarifying declaration” that is signed by only four of the original seven declarants.

Mickler v. Iizuka, Case No. 5D2024-1243 (Fla. 5th DCA 2025).

Filing of a complaint asserting claims that are clearly subject to a release has been held to be sanctionable conduct.

Fulton v. Fulton County Board of Commissioners, Case No. 22-12041 (11th Cir. 2025).

Where no adequate statutory or state-law remedy exists, the Takings Clause of the Fifth and Fourteenth Amendments provides a direct cause of action independent of 42 U.S.C. § 1983 against local governments for “just compensation.”

Continued, next page

Mission of the Out-of-State Division

The purpose of the Out-of-State Division of The Florida Bar is to provide an organization for all Florida Bar members who reside outside of the state of Florida. The division focuses not on any specific practice area, but rather on the common interests and needs of out-of-state Florida Bar members as a whole. The division works toward the goal of ensuring equitable treatment for in-state and out-of-state Florida Bar members. This is accomplished through education, legislative, and administrative review; the production and update of a website for division members and the public at large; and the publication of a newsletter sent to the division’s membership.

Glynn Environmental Coalition, Inc. v. Sea Island Acquisition, LLC, Case No. 24-10710 (11th Cir. 2025).

Landowners do not waive jurisdictional arguments in citizen enforcement actions when they accept a Corps nationwide permit under a preliminary jurisdictional determination. Additionally, a citizen-suit under the Clean Water Act must sufficiently plead that the wetlands in question maintain a continuous surface connection to waters of the United States pursuant to the dictates of *Sackett v. EPA*, 143 S. Ct. 1322 (2023).

Pop v. LuliFama.com LLC, Case No. 24-11048 (11th Cir. 2025).

FDUTPA claims that sound in fraud must comply with Rule 9(b), and accordingly, plaintiffs must plead with particularity the alleged deceptive conduct by social media influencers to state a FDUTPA cause of action.

TL90108 LLC v. Ford, No. 21-10456 (11th Cir. 2025).

Equitable tolling does not apply to the Bankruptcy Rule of Procedure 4007(c) deadline to file a § 523(c) complaint despite the Supreme Court's later decisions in *Kontrick v. Ryan*, 540 U.S. 443 (2004), and *Holland v. Florida*, 560 U.S. 631 (2010).

ECB USA, Inc. v. Savencia Cheese USA, LLC, Case No. 23-12580 (11th Cir. 2025).

Personal jurisdiction cannot be established through defendants' communications with plaintiffs' Florida-based attorney or the attorney accessing a digital "deal room" in Florida because such contact constitutes unilateral activity by plaintiffs that fails to create minimum contacts with the forum state.

In Re: Amendments to Rules Regulating the Florida Bar – Discipline Rules, Case No. SC2025-0019 (Fla. 2025).

The Florida Supreme Court adopts amendments to Rules Regulating The Florida Bar limiting the judicial referral process to exclude judicial elections and anything learned of outside the course of the judicial officer's official duties, and for the Bar to refer back to a Local Professionalism Panel any conduct referred to it that "does not result in bar disciplinary proceedings or

diversion to a practice and professionalism program in lieu of discipline."

In Re: Amendments to Rules Regulating the Florida Bar – Chapter 1, Case No. SC2025-0020 (Fla. 2025).

The Florida Supreme Court restructures delinquency provisions, requires lawyers admitted pro hac to report annually and within 30 days of termination of the lawyer's representation or the proceedings concluding, and eliminates prorated membership fees for new members while exempting those admitted from April 1 through June 30.

AK Land Title, LLC v. Hurd, Case No. 1D2024-1319 (Fla. 1st DCA 2025).

A party can enforce an easement across a vacant lot for beach privileges but cannot impose an injunction prohibiting any construction on the property as an easement cannot be inconsistent with the general property rights of an owner and an easement holder's rights in the property are not absolute and unlimited.

Stevenson v. Israeli, Case No. 3D24-0618 (Fla. 3d DCA 2025).

Defense counsel's closing argument comments accusing opposing counsel of lying and engaging in a "celebrity shakedown" constituted fundamental error that impugned the integrity of plaintiffs' counsel and denied plaintiffs a fair trial.

Leavitt Recreation & Hospitality Insurance, Inc. v. Florida Caverns R.V. Resort, LLC, Case No. 1D2023-2119 (Fla. 1st DCA 2025).

Summary judgment cannot be granted in a negligent procurement of insurance case when there are material facts in dispute, including when the record demonstrates the insurance broker's own agent testified that power-station coverage was available for the policy at issue.

Stevens v. Florida Peninsula Insurance Company, Case No. 2D2024-0253 (Fla. 2d DCA 2025).

Proposals for settlement containing general releases, which proposals were made and rejected before the 2022 amendments to Rule 1.442 prohibiting general releases became effective,

remain valid under the law in effect at the time of service and rejection.

Custom Homes by Triumph, LLC v. Sverdlow, Case No. 2D2024-0148 (Fla. 2d DCA 2025).

Florida Statute section 713.21(4) requires the clerk to issue a show-cause summons to trigger the statute's 20-day discharge deadline so there is no ability to discharge if the clerk has not issued the summons even if the 20 days have passed.

Georgetown Community Association, Inc. v. Elie, Case No. 4D2024-1632 (Fla. 4th DCA 2025).

A motion for reconsideration of an order granting a motion to vacate a final judgment does not toll rendition of the time to file an appeal as Florida Rule of Appellate Procedure 9.130(a)(5) tolls rendition only for "authorized" motions from "final judgments" and an order granting a motion to vacate a final judgment is not itself a "final judgment."

Mooney v. Color Le Palais of Boynton Beach Homeowners Association, Inc., Case No. 4D2024-0967 (Fla. 4th DCA 2025).

Homeowners' associations seeking injunctions to enforce restrictive covenants need not plead or prove irreparable harm or absence of adequate remedy at law. Likewise, Florida Statute section 720.305(1) permits self-help remedies; conflict is certified with *Mauriello v. Property Owners Ass'n of Lake Parker Estates*, 337 So. 3d 484 (Fla. 2d DCA 2022), and *McConico v. Morgan's Mill Property Owners Ass'n*, 387 So. 3d 368, 369 (Fla. 6th DCA 2023).

Hanniford v. United Services Automobile Association, Case No. 1D2024-0196 (Fla. 1st DCA 2025).

A law firm's failure to timely file a motion for trial de novo following non-binding arbitration constitutes attorney misfeasance rather than excusable neglect when the two attorneys of the firm chose inaction despite receiving communications from opposing counsel about the arbitration award and failed to update the court's e-filing portal or check the court docket.

For more case law summaries, visit <https://flabizlaw.org/category/cases-of-not/>.



Board of Governors' updates

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

The Florida Bar Board of Governors met December 5, 2025, in Lake Buena Vista. [Major actions and reports received](#) included:

At the Board of Governors' meeting, Chief Justice Muñiz discussed the judicial branch's priorities for the upcoming legislative session and paid tribute to his friend and mentor, Justice Charles Canady, who is retiring after 17 years. Muñiz said the courts will ask lawmakers for resources to support an ongoing active case management initiative to speed the resolution of civil cases while maintaining just outcomes. [\(A full report on the chief justice's remarks to the board is available here in the Bar News.\)](#)

The board approved a Legislation Committee proposal to amend the 900 series of standing board policies to offer more guidance to bar groups to ensure consistency in following bar procedures. Proposed changes to Standing Board Policy 9.11 (Definitions) would add two new subdivisions "c" and "d" offering definitions of "legislative activity" and "biennial positions," respectively. [Read more about the new provisions in the Bar News.](#)

The board voted unanimously to approve a Rules Committee proposal to amend Standing Board Policy 1.20 (Board Meetings). The revision would add a sentence to subdivision (A) that would make it clear that absentee voting and proxy voting are not permitted. Sponsors note that the issue arose at a recent Board of Governors' meeting when some

members suggested contacting absent members to solicit a proxy vote, or to allow voting by email. The proposed amendment will also require Supreme Court approval.

In addition, the board considered a Member Benefits Committee proposal to offer discounted Brightline train travel and provided approval for the committee to proceed to the contracting stage.

In other business, the Corporate Counsel Committee reported that corporate and in-house counsel have been eager to join the panel or attend CLEs and other committee-sponsored programming. The committee has added seven members since September, and myriad industries are represented, including hospitality, transportation, finance, arts, sports, and entertainment. The committee routinely surveys members and designs CLEs and programming accordingly, focusing on networking and on AI and labor and employment topics.

Also, the Board of Governors:

- Heard YLD President Arti Hrani report that since June, she has attended 60 affiliate events, and the division has been represented at 100 affiliate meetings. A recent YLD transition-to-practice seminar, just one of the YLD's monthly offerings, drew 200 participants.
- Voted to appoint Stephen H. Echsner of Pensacola to serve as a Northern District representative on the 11th Circuit Judicial Conference for a four-year term commencing January 1, 2026.
- Voted to appoint members to the Florida Realtor-Attorney Joint Committee to serve two-year terms commencing January 1, 2026: Lori

E. Ward of Santa Rosa Beach in the first appellate district; Erin H. Christy of Sarasota in the second appellate district; Gregory S. Oropeza of Key West in the third appellate district; Erin M. Miller of Jupiter in the fourth appellate district; Liron Offir of Lake Mary in the fifth appellate district; Samuel J. Saad III of Naples in the sixth appellate district, and Margaret A. Thumberg of Orlando in an at-large seat.

The Florida Bar Board of Governors met January 23, 2026, in Tallahassee. [Major actions and reports received](#) included:

The board received a [judicial branch update](#) from Chief Justice Carlos Muñiz and accepted The Florida Bar Audited Consolidated Financial Statements for fiscal years ending June 30, 2025 and 2024.

The report, which is a consolidated presentation of all assets, liabilities, revenues, and expenditures for the various Bar operations showed that collectively the Bar finances are sound and concluded with a "clean opinion" from the outside auditing firm Mauldin and Jenkins. The report is now considered final and will be filed with the Supreme Court and published for member information as required by rule.

Report highlights show investment income rising approximately \$7 million, total operating revenues rising approximately \$168,000, or less than 1%, and total operating expenses rising approximately \$2 million, or 4%. The combined results yielded a net change in position of \$6.7 million. The increased expenses, the report notes, were due to several factors, including

Continued, next page

BOG UPDATES,
from preceding page

a 3% salary adjustment for eligible employees along with reduced staffing vacancies, increased Client Security Fund claim payments, and increased section activities.

The board voted without objection to recommend allowing local bar association lawyer referral services to include attorneys from adjacent counties. The proposed amendment to Rule 8-2.2 would revise subdivision (b) "Membership Restricted to Geographic Area." The existing subdivision requires all members of a lawyer referral service to "maintain an office in the geographic area served by the proposed lawyer referral service." [Read more in the Bar News.](#)

The board also approved a series of amendments to Board of Legal Specialization and Education policies regarding CLE. A proposed amendment to BLSE Policy 5.09 would make it clear that professional responsibility

credit awarded for topics related to a lawyer's mental health and wellness must be related to "improving a lawyer's ability to serve their clients."

In other action, the board approved a proposal to update standing board policy regarding advertising on The Florida Bar website and publications, as well as exhibitors and sponsors of Bar events. For example, proposed amendments to Standing Board Policy 13.10 "Communications Policy" would prohibit ads that "are inconsistent with the purpose of The Florida Bar, including but not limited to, alcohol/tobacco products, foreign arms dealers, internet gambling/adult entertainment, illegal activities, political activities, profanity, obscenity, terrorist organizations" Both the advertising and exhibit and sponsorship guidelines were [publicly noticed October 16 on the Bar News website.](#)

The Corporate Counsel Committee reported that committee membership has grown beyond 70 members, and its programming and CLE, guided by regular surveys of committee members, has been well attended. The

committee is planning a series of "classroom style," industry-specific seminars.

The Young Lawyers Division reported about their many ongoing efforts and highlighted the upcoming [Florida Bar Job & Resource Fair](#) to be held on **Friday, March 6, 2026, at the Broward Convention Center** in Fort Lauderdale—the first event of its kind dedicated to supporting the next generation of Florida lawyers. This event is a joint partnership between the YLD and the Florida Board of Governors.

The board voted to appoint former Florida Bar President Mayanne Downs of Orlando and Bryan S. Gowdy of Jacksonville to the Funding Florida Legal Aid Board of Directors. The two attorneys will serve a three-year term that commences July 1.

The board was encouraged to reach out to their colleagues to submit applications for JNC nominations. Florida Bar members have **until February 27** to apply. [Find out how to apply and which JNCs need applicants.](#)



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

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

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State-to-State is devoted to Florida and multi-jurisdictional legal matters. It is editorially reviewed and peer reviewed for matters concerning relevancy, content, accuracy, and style. *State-to-State* is sent electronically to approximately 15,000 legal practitioners throughout the United States.

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

The deadline for the **SPRING 2026** issue is **APRIL 9, 2026**. Articles should be of interest to legal practitioners with multijurisdictional practices. Please submit articles in a Word format via email to Don Workman, dworkman2024@gmail.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.

Contributing authors

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

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Manuel Farach is a partner with Taft Stettinius & Hollister LLP in West Palm Beach, Florida, where he represents businesses and individuals with complex real estate, business, and appellate matters. Mr. Farach is triple board-certified by The Florida Bar in real estate law, business litigation, and appellate law, and is past chair of the Bar's Business Law Section, the ABA's Real Property Litigation Group, the Florida Supreme Court Committee on Standard Jury Instructions for Contract Cases, and the Fourth District Court of Appeal and 19th Circuit Judicial Nominating Commissions. Mr. Farach is an elected member of the American Law Institute and the American College of Real Estate Lawyers where he served as chair of the Bankruptcy and Real Estate Litigation Committee. He serves on the Board of Governors of The Florida Bar and can be reached at 561/655-2250 or mfarach@taftlaw.com.



Catherine Peek McEwen is a U.S. bankruptcy judge for the Middle District of Florida, Tampa Division, and is co-chair of The Florida Bar Pro Bono Legal Services Committee. One of Judge McEwen's mantras is that "judges admire pro bono volunteers."

G. C. Murray II, Esq., DPL, is president-elect of the Out-of-State Division. Affectionately called Coach GC, he is a nationally recognized, award-winning attorney renowned for his leadership, diversity, and nonprofit management expertise. Beyond his legal practice, Mr. Murray is a dynamic speaker and executive coach, providing workshops and keynotes across the Western Hemisphere on various topics, including leadership, development, and operations. In his column, *The Evolving esquire*, he shares insights and strategies for lawyers aiming to elevate their practice, ethics, and community impact, empowering them to not just navigate but create greater change. He can be reached at 202/793-4748 or gc@association.law.



Michelle K. Notte is the founder and CEO of [The Entrepreneur Lawyers](#), a boutique business law firm serving clients in Florida, Ohio, and California. She focuses on franchising, corporate transactions, and growth strategy for entrepreneurs, with an emphasis on practical compliance and risk management for businesses operating in Florida. She has served on the Executive Council of the Business Law Section of The Florida Bar since 2018. She can be reached at 833/529-8357 or mnotte@tels.legal.



Marquel S. M. Ramirez, liaison to the Government Lawyer Section, works for a Virginia government agency. Prior to her position in Virginia, she was an associate at a law firm in Orlando, Florida. An explorer at heart, she was an AmeriCorps member in northern California and a U.S. Peace Corps volunteer in Senegal prior to attending law school in Washington, D.C. She is an avid jogger/walker and enjoys completing new sewing projects. As a proud Filipina-American, she is the first in her family to become an attorney.



Ryan W. Trail is a partner with Williams Mullen in Columbia, S.C. He represents companies facing complex environmental regulatory issues in the industrial, manufacturing, real estate, and banking industries. He helps companies maintain compliance with environmental laws and regulations, and he counsels landowners, potential purchasers, and lenders on environmental liabilities related to contaminated real estate. Mr. Trail also helps clients obtain and comply with numerous environmental permits, including industrial wastewater discharge permits, stormwater permits, and air permits. He can be reached at 803/567-4605 or rtrail@williamsmullen.com.

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Mindi Wells is a workplace attorney, investigator, and trainer with Wells Law LLC in Columbus, Ohio, where she draws upon her over two decades of experience in human resources, organizational leadership, and operations management to support small businesses in navigating the day-to-day challenges they face. Prior to forming Wells Law, Ms. Wells served as the chief operating officer/deputy administrative director for the Supreme Court of Ohio. In addition to teaching at the undergraduate and graduate levels, she is also a frequent presenter and trainer on employment law, HR topics, and Title IX. Ms. Wells has been a member of The Florida Bar since 2004

and currently serves on the Executive Council of the Solo and Small Firm Section and is president of the Out-of-State Division. She can be reached at 614/702-7473 or mwells.esq@gmail.com.

Donald A. Workman, editor of State-to-State, is an out-of-state representative on The Florida Bar Board of Governors and an OOSD past president. His practice areas include business bankruptcy, creditors' rights, debtor reorganizations, general insolvency, stockbroker liquidations, and commercial litigation. He can be reached at 703/400-3637 or dworkman2024@gmail.com.

Become a contributor!
See submission information
on page 3

Government Law Section announces awards season



The Government Lawyer Section is proud to announce its awards season, featuring four distinguished awards and scholarships:

Robert A. Butterworth Public Service Scholarship: Awarded to rising third-year law students in Florida who demonstrate a strong interest in government service and have a documented financial need. [Applications are due May 1.](#)

Claude Pepper Outstanding Government Lawyer Award: Presented to government lawyers with at least 10 years of service, whose character and accomplishments exemplify the highest ideals of public service. [Applications are due April 15.](#)

Lifetime Achievement Award: The Government Lawyer Section's highest honor, recognizing long-term public servants. This award is presented selectively, not necessarily annually.

Distinguished Public Service Award: Presented at the midyear meeting, this award recognizes dedicated government lawyers, typically with at least five years of public service, whose recent contributions to the profession and community merit special recognition.

Click [here](#) for more information about these awards and the submission/nomination process.



Apply now!



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Contact: Brandon L. Wolff, chair of the Member Experience Committee, at bl@brandonlee.law

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*We'd love to welcome you to the OOSD community.
Let's stay connected—no matter where you practice!*

FLORIDA BAR FEES WERE DUE JULY 1, 2025!

Fees postmarked after August 15, 2025, must include a \$50 late fee. Fees received after September 30, 2025, are considered delinquent and must include a \$50 late fee, \$150 reinstatement fee, and a petition for reinstatement. The petition must be approved by the executive director. Please see Rule 1-3.7 regarding Reinstatement to Membership.

