



The Florida Bar Out-of-State Division

State-to-State

flabaroutofstaters.org

Fall 2024



- Join us! OOSD offers on-demand CLE and in-person networking events
- I'm a member, now what? 5 things you can do to maximize your membership in the OOSD
- Out-of-state pro bono lawyers can make a difference with the Florida Guardian ad Litem Office
- Breaking news: Florida Supreme Court approves CLE credit for pro bono work

OUT-OF-STATE DIVISION

OFFICERS

President

Joy Heath, Raleigh, N.C.

President-Elect

Mindi Wells, Columbus, Ohio

Secretary

G. C. Murray II, Dulles, Va.

Treasurer

Tim Brown, McLean, Va.

Immediate Past President

Brandon L. Wolff, King of Prussia, Penn.

OUT-OF-STATE BOARD OF GOVERNORS

MEMBERS

Brian D. Burgoon, Atlanta, Ga.

Eric L. Meeks, Cincinnati, Ohio

E. Duffy Myrtetus, Richmond, Va.

Donald A. Workman, McLean, Va.

(OOSD Liaison to BOG)

YOUNG LAWYERS DIVISION (YLD)

LIAISON

Lauren Baio, Washington, D.C.

AT-LARGE MEMBERS (EXP. 2025)

Lauren C. Bingham, Washington, D.C.

Tiffany N. McKenzie, Atlanta, Ga.

Lawrence H. Kunin, Atlanta, Ga.

AT-LARGE MEMBERS (EXP. 2026)

W. Bard Brockman, Atlanta, Ga.

Natasha Dorsey, Elmhurst, Ill.

Evan Azriliant, New York, N.Y.

EDITORIAL TEAM

State-to-State Editor

Donald A. Workman, McLean, Va.

State to State Associate Editor

Tim Brown, Tysons, Va.

Program Administrator

Emily K. Young, Tallahassee, Fla.

IN THIS ISSUE:

President's message: <i>Join us!</i> OOSD offers on-demand CLE and in-person networking events	3
President-elect's message: I'm a member, now what? 5 things you can do to maximize your membership in the OOSD	5
Out-of-state pro bono lawyers can make a difference with the Florida Guardian ad Litem Office	6
<i>Breaking news:</i> Florida Supreme Court approves CLE credit for pro bono work	7
Mission of the Out-of-State Division	7
The evolving esquire: What gets measured, gets managed An end-of-the-year guide for lawyers	8
Mark your calendar	8
Florida real property and business litigation report	13
Board of Governors' update	16
Editor's corner: OOSD offers timely information for out-of-state lawyers	17
Author! Author!	17
Contributing authors	19
Out-of-State Executive Council	20
Join us!	22

Claude Denson Pepper Building Tallahassee, Florida



Located in Downtown Tallahassee, the Claude Denson Pepper Building houses the Florida Guardian ad Litem Office and the office of the Florida Auditor General. Built in 1989, the seven-story office building is named for Claude Denson Pepper (Sept. 8, 1900 – May 30, 1989) who represented Florida in the United States Senate from 1936 to 1951 and the Miami area in the United States House of Representatives from 1963 until his death in 1989.

Source: Wikipedia Commons

What gets measured, gets managed

An end-of-the-year guide for lawyers

by G. C. Murray II, Dulles, Virginia



G. C. MURRAY II

As the year draws to a close, it's the perfect time for lawyers to pause and reflect on their professional journey. The daily grind of casework, client meetings, and court appearances can often obscure the bigger picture, but taking a step back to assess achievements, challenges, and areas for growth is essential for continuous improvement. This latest edition of *The Evolving Esquire* covers critical areas that every lawyer should evaluate, including personal

reflection, client management, case reviews, and setting personal goals. Each section provides actionable items to ensure you start the new year with a clear and strategic vision, enabling you to build upon your strengths and address areas that need attention. Whether you're a solo practitioner or part of a larger firm, this end-of-the-year guide will help you navigate the end-of-year assessment process with clarity and purpose.

Personal reflection and professional development

Personal reflection is a powerful tool that allows lawyers to step back from the daily grind and gain valuable insights into their professional journey. It enables us to realign with our

goals, understand our strengths and weaknesses, and identify areas that need growth and improvement. By reflecting, we can make more informed decisions and enhance our overall well-being and job satisfaction.

Reflection is not just a nice-to-have activity; it is crucial for continuous improvement and success in the legal profession. Studies have shown that workers who engage in regular reflection experience a significant boost in performance compared to those who do not. For instance, a study from Harvard Business School found that employees who spent just 15 minutes reflecting at the end of each day had a 23% performance increase over those who didn't.

Division News

Mark your calendar

2024-2025
Dec. 5
Mar. 6-7
June 25-28

OOSD Networking Reception

December 5, 2024

The Bar Downstairs

Andaz 5th Avenue • 485 5th Avenue

New York, NY 10017

Young Lawyers Division Board of Governors

Out-of-State Meeting

March 6-7, 2025

Willard InterContinental

Washington, D.C.

Annual Florida Bar Convention

June 25-28, 2025

The Boca Raton

Boca Raton, Florida

To truly benefit from personal reflection, it is essential to ask yourself thought-provoking questions. Some suggested reflection questions for lawyers include:

- What were my most significant achievements this year, both professionally and personally?
- What challenges did I face, and how did I overcome them or learn from them?
- How have my professional relationships evolved, and what can I do to strengthen them further?
- What lessons have I learned about my practice, my clients, and myself?

By answering these questions honestly and introspectively, you can gain valuable insights into your strengths, weaknesses, and areas for improvement.

In addition to personal reflection, it is equally important to focus on professional development strategies. Here are some effective strategies to consider:

- **Setting goals:** Based on your reflections, set specific, actionable goals for the upcoming year. These goals should be measurable, achievable, and aligned with your long-term career aspirations.
- **Engaging in professional development:** Invest in your growth by participating in relevant courses, workshops, or seminars. Seek out mentorship opportunities or join professional organizations that can provide valuable networking and learning opportunities. It's a shameless plug, but the OOSD is a great source for CLEs and networking opportunities.
- **Continuous learning:** Stay up-to-date with legal trends, changes in regulations, and industry best practices by reading legal publications, attending conferences, or engaging in online learning platforms.

By combining regular personal reflection with strategic professional

development efforts, you can ensure you are continuously growing, adapting, and staying ahead in the ever-evolving legal landscape.

Client management

Effective client management is the cornerstone of a successful legal practice. It ensures client satisfaction and loyalty and drives business growth and profitability. A proactive approach to client management can foster long-lasting relationships, enhance your reputation, and ultimately lead to a thriving practice.

Importance of effective client management:

- Builds trust and establishes a strong rapport with clients
- Improves communication and responsiveness, leading to better outcomes
- Increases client retention rates and generates referrals
- Identifies opportunities for up-selling and cross-selling services
- Enhances the overall client experience and satisfaction

Checklist items:

- ✓ **Client satisfaction and feedback:** Review client satisfaction surveys and feedback forms to gauge their contentment with your services. Identify areas for improvement and address any concerns promptly.
- ✓ **Client retention rates:** Analyze client retention rates over the past year. Investigate the reasons behind client losses and implement strategies to mitigate future attrition.
- ✓ **Communication strategies:** Evaluate the effectiveness of your communication channels and methods. Ensure that you provide timely updates, promptly address inquiries, and utilize channels preferred by your clients.
- ✓ **Opportunities for upselling:** Identify opportunities to offer additional services to existing clients. Cross-selling and upselling can deepen client relationships and increase revenue streams.

By prioritizing effective client management, you can cultivate long-lasting partnerships, enhance your firm's reputation, and position yourself for sustained success in the legal industry.

Case reviews

Reviewing past cases is a critical exercise that provides invaluable insights into your legal practice's successes, failures, and areas for improvement. By thoroughly analyzing previous cases' outcomes, strategies, and procedures, you can identify patterns, strengths, and weaknesses that can inform your future approach. This retrospective analysis allows you to refine your legal strategies, streamline your processes, and enhance your effectiveness as a legal professional.

Checklist items:

- ✓ **Closed cases outcomes:** Conduct a comprehensive review of the cases you closed during the past year, examining both favorable and unfavorable outcomes. Analyze the factors that contributed to the results, such as legal arguments, evidence presented, courtroom strategies, and opposing counsel's tactics. Identify areas where you excelled and those that require further development.
- ✓ **Management efficiencies:** Evaluate the efficiency of your case management processes, including client communication, document organization, task delegation, and time management. Identify bottlenecks, redundancies, or areas where processes can be streamlined or automated to improve productivity and reduce unnecessary delays or errors.
- ✓ **Legal trends:** Stay attuned to emerging legal trends, precedents, or legislative changes that may have impacted your practice area during the past year. Understand how these developments influenced case outcomes, and consider how you can adapt your strategies to align with the evolving legal landscape.

Continued, next page

EVOLVING ESQUIRE

from preceding page

- ✓ **Areas for improvement:** Based on your analysis, pinpoint specific areas where you can enhance your legal knowledge, courtroom skills, or procedural competencies. Identify opportunities for professional development, such as attending seminars, seeking mentorship, or pursuing advanced legal education to address these areas of improvement.

By conducting a thorough case review, you can gain valuable insights into your legal practice's strengths and weaknesses, enabling you to make informed decisions and implement necessary changes to improve your effectiveness and better serve your clients in the coming year.

Personal goals

Personal goals play a pivotal role in maintaining a healthy work-life balance and ensuring continuous career progression. They serve as a compass, guiding lawyers toward achieving their aspirations while prioritizing overall well-being. Setting personal goals helps lawyers maintain a balanced perspective on their professional and personal lives. It prevents burnout, fosters a sense of fulfillment, and keeps them motivated to grow in all aspects of their lives.

Checklist items:

- ✓ **Work-life balance:** Evaluate your work-life balance and overall well-being. Identify areas where you may have compromised your personal life for professional demands and set goals to strike a healthier equilibrium. This could include allocating dedicated time for family, hobbies, or self-care activities.
- ✓ **Career aspirations:** Reflect on your career progression and aspirations. Are you on track to achieve your desired goals? If not, what steps can you take to realign your trajectory? Consider setting goals for professional development, skill enhancement, or leadership opportunities.

- ✓ **Set specific goals:** Establish specific, measurable, and achievable goals for the upcoming year. Break down larger aspirations into actionable steps, ensuring your goals are realistic and time-bound. This could include targets for billable hours, new client acquisitions, or completing specialized certifications.
- ✓ **Community involvement:** Consider setting goals for community involvement and pro bono work. Giving back to the community not only enriches society but also provides a sense of purpose and fulfillment. Identify organizations or causes you are passionate about and allocate time for volunteering or pro bono legal services.

By prioritizing personal goals, lawyers can cultivate a balanced and fulfilling life, both professionally and personally. This holistic approach fosters resilience, job satisfaction, and the drive to continually grow and excel in their legal careers.

Financial review

The financial health of a law firm is a critical component of its success. Conducting a thorough financial review at the end of the year can provide valuable insights into the firm's performance and help identify areas for improvement. Here are some key aspects to consider:

- **Revenue analysis:** Evaluate your firm's revenue streams, including billable hours, contingency fees, and other sources of income. Identify the most profitable practice areas, clients, and types of cases. This analysis can help you make informed decisions about resource allocation and business development strategies.
- **Expense management:** Carefully examine your firm's expenses, including overhead costs, employee salaries and benefits, marketing expenses, and other operational costs. Look for opportunities to streamline processes, reduce unnecessary expenditures, and improve cost-effectiveness.
- **Profitability assessment:** Analyze your firm's profitability by

comparing revenue and expenses. Calculate key performance indicators such as profit margins, return on investment (ROI), and net income. This analysis can help you understand the firm's financial sustainability and identify areas for improvement.

- **Billing efficiency:** Evaluate your firm's billing practices, including time tracking, invoicing, and collections. Identify any bottlenecks or inefficiencies that may be impacting your cash flow and revenue. Consider implementing billing software or streamlining processes to improve efficiency.
- **Financial forecasting:** Based on your financial review, develop forecasts for the upcoming year. Estimate projected revenue, expenses, and profitability based on historical data and anticipated changes in the legal landscape or your firm's operations.

By conducting a comprehensive financial review, you can gain valuable insights into your firm's financial performance, identify areas for improvement, and make data-driven decisions to ensure the long-term financial success of your practice.

Team assessment

As a lawyer, your team's performance is pivotal to the success of your practice. Conducting a comprehensive team assessment allows you to identify areas of strength, address potential weaknesses, and foster a collaborative and productive work environment.

- **Employee satisfaction and feedback:** Gather feedback from your team members through anonymous surveys or one-on-one meetings. Understand their perspectives on job satisfaction, work culture, and areas for improvement. Open communication fosters trust and helps address any underlying issues.
- **Productivity analysis:** Evaluate the productivity levels of your team members. Identify any bottlenecks or inefficiencies that may be hindering their performance. Implement strategies to streamline processes and provide the necessary resources for optimal productivity.

- **Training needs assessment:** Continuously upskilling your team is crucial in a rapidly evolving legal landscape. Assess the training needs of your team members and provide opportunities for professional development, such as workshops, seminars, or online courses.
- **Succession planning:** Ensure the long-term sustainability of your practice by developing a succession plan. Identify potential leaders within your team and provide them with the necessary training and mentorship to take on greater responsibilities.
- **Collaboration and communication:** Evaluate the effectiveness of your team's collaboration and communication strategies. Identify areas where communication breakdowns may occur and implement solutions to foster better teamwork and information sharing.

By conducting a thorough team assessment, you can cultivate a high-performing and motivated team, positioning your practice for continued success in the upcoming year.

Technology audit

In today's digital age, technology is pivotal in the legal profession. As you reflect on the past year, it's essential to assess the technology you've utilized and identify areas for improvement or potential upgrades. A comprehensive technology audit can help streamline your practice, enhance efficiency, and ensure compliance with security protocols.

Evaluate the various software, tools, and platforms you've employed throughout the year. Consider their effectiveness, user-friendliness, and alignment with your practice's needs. Reflect on whether these technologies have truly facilitated your work or created unnecessary complexities.

Checklist items:

- ✓ **Software and tools:** Review the software and tools you've utilized, such as case management systems, document management software, legal research platforms, and billing applications. Assess their functionality, integration, and overall impact on your workflow.

- ✓ **Efficiency:** Analyze the efficiency of your technology stack. Have these tools streamlined your processes or introduced bottlenecks? Identify areas where automation or integration could further optimize your operations.
- ✓ **Security:** Evaluate the security measures in place for your technology infrastructure. Ensure that your systems are regularly updated with the latest security patches and that sensitive data is adequately protected from potential breaches or unauthorized access.
- ✓ **Upgrades needed:** Identify any outdated or underperforming technologies that may require upgrades or replacements. Consider the latest advancements in legal technology and explore solutions that could better support your practice's needs.
- ✓ **Training and support:** Assess the training and support resources available for the technologies you employ. Determine if additional training or guidance is needed to maximize their potential and ensure proper utilization by your team.

By conducting a thorough technology audit, you can make informed decisions about the tools and systems that will best support your legal practice in the coming year. Embrace innovation and stay ahead of the curve to deliver efficient and effective legal services to your clients.

Marketing review

Evaluating your marketing efforts is a crucial part of any end-of-year assessment. It allows you to understand what strategies worked, what didn't, and where you can improve for the upcoming year. Here are some key areas to focus on:

Website evaluation:

- **Review website analytics** to understand traffic sources, user behavior, and conversion rates.
- **Assess the website's design**, user experience, and mobile responsiveness.
- **Identify areas for improvement**, such as content updates, search

engine optimization (SEO), or functionality enhancements.

Social media presence:

- **Analyze the performance** of your social media channels (LinkedIn, X, Facebook, etc.).
- **Evaluate the engagement levels**, reach, and impact of your social media content.
- **Identify opportunities** for better utilizing social media for lead generation and brand building.

Advertising campaigns:

- **Review the results** of any advertising campaigns you ran (print, online, or other channels).
- **Assess the ROI and cost-effectiveness** of each campaign.
- **Determine which advertising channels** and messaging resonated best with your target audience.

Lead generation strategies:

- **Evaluate the effectiveness** of your lead generation tactics (content marketing, webinars, events, etc.).
- **Analyze the quality and conversion rates** of the leads generated.
- **Identify areas for improvement** or new lead-generation strategies to explore.

By conducting a thorough marketing review, you can make data-driven decisions and allocate your marketing resources more effectively in the upcoming year. Set specific, measurable goals and track your progress throughout the year.

Compliance and ethics

Maintaining an ethical legal practice while adhering to all relevant regulations is paramount for lawyers. As the year draws to a close, it's crucial to assess your firm's compliance posture and identify potential areas of risk or improvement.

- **Regulatory compliance:** Review any changes or updates to local, state, and federal regulations governing your practice areas. Ensure your firm's policies and procedures align with these regulations.

Continued, next page

EVOLVING ESQUIRE

from preceding page

- **Ethical standards:** Revisit the ethical guidelines set forth by your state bar association and the American Bar Association. Reflect on any instances where ethical dilemmas arose and how they were handled.
- **Risk assessment:** Conduct a comprehensive risk assessment to identify potential compliance risks within your firm. This may include client intake processes, data security measures, conflicts of interest, and more.
- **Training needs:** Based on your risk assessment, determine if any additional training is required for your team members. Consider areas such as cybersecurity, confidentiality, or changes in legal precedents.
- **Policies and procedures:** Review and update your firm's policies and procedures to ensure they align with the latest compliance requirements and ethical standards.
- **Reporting and whistleblowing:** Evaluate the effectiveness of your firm's reporting mechanisms for potential ethical breaches or compliance violations. Ensure employees feel empowered to report concerns without fear of retaliation.

By conducting a thorough compliance and ethics review, you can safeguard your firm's reputation, mitigate legal risks, and maintain the highest professional standards in the upcoming year.

Strategic planning

As you reflect on the past year, it's crucial to look ahead and set strategic goals for the upcoming year. Conducting a SWOT (strengths, weaknesses,

opportunities, and threats) analysis can provide valuable insights into your practice's current standing and help identify areas for improvement and growth.

Begin by assessing your strengths—the unique qualities, skills, and resources that give you a competitive edge. This could include your expertise in a particular area of law, a strong reputation in the community, or a talented team of professionals. Next, identify your weaknesses—areas where you may be lacking or facing challenges, such as limited resources, outdated technology, or a lack of marketing efforts.

Then, turn your attention to the opportunities that lie ahead. These could include emerging legal trends, changes in regulations, or untapped markets you can explore. Finally, consider the potential threats to your practice, such as increased competition, economic instability, or changes in client preferences.

With a clear understanding of your SWOT analysis, you can begin to develop a strategic plan for the upcoming year. Set specific, measurable, achievable, relevant, and time-bound (SMART) goals that align with your practice's mission and vision. These goals could encompass areas such as business development, client acquisition, operational efficiency, or professional development.

Once you have established your goals, create an action plan that outlines the steps you will take to achieve them. This plan should include specific tasks, deadlines, and responsible parties. Additionally, consider allocating

resources, such as time, budget, and personnel, to ensure the successful implementation of your strategic plan.

Remember, strategic planning is an ongoing process, and it's essential to regularly review and adjust your plan as needed. Celebrate your successes, learn from your failures, and continuously strive for improvement and growth.

Conclusion

The end of the year is a pivotal time for lawyers to pause, reflect, and recalibrate their course. By conducting a thorough assessment across various aspects of your practice and personal life, you gain invaluable insights that can drive meaningful growth and improvement.

This comprehensive checklist has covered essential areas, from client management and case reviews to personal goal-setting and professional development. Evaluating your achievements, challenges, and lessons learned allows you to celebrate successes while identifying opportunities for enhancement.

As you embark on the new year, use this checklist as a roadmap to guide your reflections and actions. Embrace the process wholeheartedly, as it can profoundly impact your career trajectory and overall well-being.

Remember, continuous improvement is a journey, and your commitment to this end-of-year assessment is a crucial step in that journey. Share your experiences, insights, or additional checklist items with colleagues—your input can inspire and empower fellow legal professionals.



CLE
CONTINUING LEGAL EDUCATION

CLE FOR THE BAR, BY THE BAR

We are committed to providing you with *Florida-specific, versatile* learning formats, at an *affordable price*.

FloridaBar.org/CLE



ACCESSIBLE

24/7

Scan Now!

FloridaBar.org/CLE



NEED CLE CREDIT? ACCESS IT 24/7

Online seminars and downloadable audio are available through [Florida Bar InReach](#). Many CLEs are offered in CD/DVD format, too. Click [here](#) for the Out-of-State Division's catalog.

NEW!

CLE 8647 True Crime in the Courtroom: The Shocking Case of an FSU Law Professor Gunned Down by Hitmen

Steve Epstein, author of *Extreme Punishment: The Shocking True Story of Acclaimed Law Professor Dan Markel's Murder*, will provide an overview of the case, including the July 2014 murder, the joint police-FBI investigation, and four trials that ensued in a Tallahassee courtroom to hold every member of the conspiracy accountable. He will also discuss the underlying dynamics of the divorce case between Prof. Markel and his wife Wendi—also an FSU law professor—that led inexorably to the tragic events whose aftermath is still playing out in legal proceedings 10 years later.

ON-Demand

On-demand:

CLE 7560

Ethical Issues Regarding Data Security and Use of Technology
[CD On-Demand](#)

CLE 7802

The Particular Importance of Advance Directives to Out-of-State Attorneys
[CD On-Demand](#)

CLE 7808

AI & Legal Ethics: A Risk-Benefit Analysis
[CD & DVD On-Demand](#)

CLE 7811

Beyond the Breach: Ethical Cybersecurity Considerations for Lawyers and Law Firms
[CD & DVD On-Demand](#)

CLE 8467

Mastering Title Work Across State Lines
[CD & DVD On-Demand](#)

CLE 8468

Interstate Guardianships: Ethical and Practical Considerations
[CD & DVD On-Demand](#)

CLE 8469

New to the Niche – Estate Planning
[CD & DVD On-Demand](#)

CLE 8470

Navigating Multistate ADR: Ethical Considerations and Initial Phases
[CD & DVD On-Demand](#)

CLE Resources

Have questions about the CLER program? [Click here.](#)

ADVERTISE IN *State-to-State!*

Your advertisement may be submitted electronically as a .jpg, .tif or .pdf file, at 300 ppi or larger. Black & white camera-ready copy is also acceptable. Payment is by check only and must accompany the proposed ad and signed agreement below. There is a discount for multiple insertions.

For further information, contact Emily K. Young, program administrator, 850/561-5650 or eyoung@floridabar.org.

Please indicate

Ad Size	Item number	Cost
<input type="checkbox"/> 1/4 page	(8160022)	\$250.00
<input type="checkbox"/> 1/2 page	(8160021)	\$400.00
<input type="checkbox"/> Full Page	(8160020)	\$750.00

THE FLORIDA BAR OUT-OF-STATE DIVISION



www.flabaroutofstaters.org