

# The Florida Law Practice

# LINK

For Florida Lawyers – By Florida Lawyers

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## January 2015 Solo & Small Firm Technology Conference – Yee Haw, Y'all!

[“Wild, Wild Tech: Getting Down & Dirty With Technology”](#) is our section’s upcoming Western-themed CLE conference, packed to the rafters with technology topics that benefit lawyers and administrators from firms of any size. Earn 10 CLE credits – including two for ethics – while networking with more than 300 lawyers, judges, law students and paralegals from all over Florida. [Register online before Nov. 1](#) and get the early bird discount for next year’s conference, scheduled for Jan. 23-24, 2015, at the Hilton Lake Buena Vista.

This valuable conference features nationally-recognized, legal-technology experts who explain today’s rapidly changing tech world. Our speakers demystify tech purchases, and explain simple ways that lawyers can use technology to strengthen their practices and free up more time to practice law. **NEW this year:** hands-on, interactive sessions for guests to experiment with new software, hardware, gadgets and apps that let them get “down and dirty” with the latest tech innovations. Keynote speaker [John Sutton](#) starts the conference with his compelling story and inspiring use of law practice technology, and [our course](#) is guaranteed to keep your law practice ahead of the pack:

- The Jig is Up: Gettin’ Wise to the Shakespearean Tragedy of Search in E-Discovery (Craig Ball, Austin, TX)

- Practicing in a PDF World Without Putting a Spoke in the Wheel (John Stewart, Vero Beach and Ernest Svenson, New Orleans)
- Scuttlebutt and Ethics in the Courtroom (Shawn Vincent, Orlando)
- Time and Billing/Practice Management Techniques to Keep Your Business in Apple Pie Order – “Shootout” discussion by software vendors ... *and MUCH MORE!!*

Young Lawyers Division members might be able to attend the conference AT NO CHARGE! If you are a member of the General Practice, Solo, and Small Firm Section AND are a young lawyer, then you may qualify to apply for a scholarship sponsored by the YLD. Email Awards Chair [Katherine Hurst Miller](#) with your letter of interest, resume and up to two letters of recommendation. Submit applications by Nov. 17, 2014.

If you have any questions, please email Solo & Small Firm Section Conference Chair [Jennifer Kuyrkendall](#). Early Bird Registration is \$355 (section members) and \$390 (non-section



members). After Nov. 1, 2014, registration is \$399 (section members) and \$434 (non-section members). You can also make hotel reservations [online](#).

Don’t miss this incredible networking and CLE opportunity ... and *don’t forget to pack your boots and cowboy hat.*

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# Message from the Chair

by Teresa Byrd Morgan

October 1, 2014 –

Fall. My favorite season. There's not much I love more than the first morning of cool, crisp air that tells me fall has finally arrived. After what seems to me to be a never-ending summer, I'm always thrilled to be able to move my runs from the treadmill to the outdoors, and to transition from flip-flops to boots. I love everything about fall, from pumpkins to high school football games to fall festivals. But what I love most about fall is that, for me, it is the season of "looking forward to." You know -- looking forward to seeing the little ones in their Halloween costumes, looking forward to sharing Thanksgiving dinner with family and friends, looking forward to the magic of Christmas morning and the excitement of ringing in a new year.

This fall, my "looking forward to" list contains an additional extra-special event: the Eighth Annual Solo and Small Firm Conference, ***Wild, Wild Tech: Getting Down and Dirty With Technology***. Scheduled for January 23-24, 2015, at the Hilton Orlando Lake Buena Vista, the Solo and Small Firm Annual Conference has become the can't-miss Florida Bar event. This year, under the dynamic leadership of Conference Chair Jennifer Kuyrkendall, the General Practice, Solo & Small Firm Section's

hallmark conference promises to be better than ever.

Renowned trial attorney John Sutton will have us glued to our seats as he opens our conference with his story of surviving a brutal attack that left him blind and his wife dead. John didn't let this disaster stop him from continuing the practice of law; instead, he used this experience to forge himself into a better lawyer. I know John, who is one of our regular conference attendees, will deliver a powerful message that will inspire us to treasure our blessings, and to use our time, talents, *and technology* to better serve our clients.

We will then hear from nationally-recognized legal technology experts on topics that will be of interest to all solo and small firm practitioners. Our speakers will demystify technology purchases, and explain simple ways we can use technology to strengthen our practices and free up time. We aren't just going to listen to these gurus, however; we are going to learn by *doing*. Bring your laptops and tablets, because our speakers are going to help us get down and dirty with the latest tech innovations through hands-on, interactive sessions that will allow us to experiment with new software, hardware, gadgets, and apps. And, because we want our attendees to get maximum bang from their buck, we have already secured 20+ exhibitors,

many of whom have agreed to give all registrants generous free trial periods of their products.

While the substance of our conference is law practice technology, we never miss an opportunity to network with our colleagues and have fun! Games, prizes, and giveaways will be peppered throughout the two days, and everyone will be invited to attend our popular networking luncheon where they will meet others who practice in their areas or areas in which they are interested. Finally, in keeping with our Wild, Wild, Tech theme, we all will enjoy a Western-themed cocktail reception, complete with "moonshine," live entertainment, and line dancing lessons!

If you are a member of the General Practice, Solo & Small Firm Section and are a "young lawyer," you qualify to apply for a Solo & Small Firm Conference scholarship sponsored by the Young Lawyers Division. Simply contact Katherine Hurst Miller, [katherine.miller@cobb-cole.com](mailto:katherine.miller@cobb-cole.com), the YLD Awards Chair, with a letter of interest and up to two letters of recommendation. You must apply by November 17, 2014.

This fall, as you begin filling your calendar with all of *your* "looking forward to" events, be sure to include ***Wild, Wild Tech: Getting Down and Dirty with Technology***. You'll be glad you did!



The Florida Law Practice LINK is prepared and published by The Florida Bar General Practice, Solo & Small Firm Section.

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# Affiliates Corner

## News for Paralegals to Use...

Submitted by Priscilla Horn Warren, CP, FRP

BREAKING NEWS! The Florida Bar's General Practice, Solo and Small Firm Section and the state Paralegal Association of Florida will be participating in each organization's annual conferences! This is a wonderful opportunity for all paralegals in the State of Florida, and the 5,000-plus FRP's registered with The Florida Bar, to get involved with these sterling groups.

The PAF state chapter is having its Annual Seminar, hosted by the Brevard Chapter, at the Cocoa Beach Hilton on October 25, 2014. A welcome

reception will be held at 6 PM on Friday, October 24th, where the GPSSF Section and other sponsors/exhibitors/officers/attendees will have an opportunity to meet and network, prior to the all-day seminar on Saturday. Additional details may be found at [www.pafinc.org](http://www.pafinc.org). In exchange, the PAF officers and local representatives will be presenting their membership materials and chapter information at the GPSSF Section's Annual Technology Conference in Orlando, coinciding with the Florida Bar's Mid-Year meeting on January 24-25, 2015. Please go

to the Section's website, [www.gpsf.org](http://www.gpsf.org), for more information on the speakers and topics to be presented at "Wild, Wild Tech!" (Note: Early-bird discounts are available if you register by November 1st.)

SO --- mark your calendars NOW, and make a concerted effort to be in attendance at these two events (October 24-25, 2014; and January 23-24, 2015), as the rewards are significant!

Please do not hesitate to contact me with any questions or concerns. My direct email is: [pris2323@yahoo.com](mailto:pris2323@yahoo.com).

## The Law Library of Congress

The [Law Library of Congress](http://www.llc.gov) bills itself as "The Nation's Premier Center for Global Legal Research." Best of all, it has entered the digital world and social media world, complete with RSS feeds, blogs, on-line publications and virtual classrooms.

Want to keep up to date with foreign legal affairs? Check out [The Global Legal Monitor](http://www.llc.gov/global-legal-monitor) for up to date information gleaned from official national legal publications, and reliable press sources. Looking for some background information on a particular topic? Check out the [current legal topics](http://www.llc.gov/current-legal-topics) webpage. One recent topic included jurisdictional information about the regulation of bitcoin. Download the Congressional Record app for your iPhone or iPad; learn how to use Congress.gov effectively.

If you are a history lover (and aren't all lawyers?), then check out the digitized material section. Or,

maybe not, because once you get started on, for example, "The Piracy Trials", you won't get any legal research completed.

And, if you are one of those people who still loves to feel a book in your hand, then read on to see what else is in the Library of Congress – you will never be allowed to hold these documents, but you can at least read the words.

### **Revealed: The first legal agreements for the New World**

Before there were the laws of the land, there were the Privileges of Christopher Columbus. The collection of royal charters, papal bulls and other legal documents that set the course for the Americas' history after 1492, Columbus's Book of Privileges is one of the most closely guarded treasures of the Library of Congress. It moves within the

Library only by armed guard.

Levenger Press has just published a book in cooperation with the Library containing the first authorized facsimile of the Book of Privileges, each page of which was extravagantly lettered by scribes of Spain's royal household. Also included in the Levenger Press book are loosely pocketed sheets of the papal bull within the Privileges that contains the first written reference to a New World. Three Library of Congress scholars provide context and history, including an examination of the structure of medieval and Renaissance law. They also provide translations of key passages from the Spanish and Latin.

The book is available online exclusively from Levenger: <http://www.levenger.com/Reading-17/Books-238/Christopher-Columbus-Book-of-Privileges-13259.aspx> or search "Columbus" on [www.levenger.com](http://www.levenger.com).



# 2014 Florida Law Student Essay Contest

## FLMIC + YLD + GPSSF + HLCP = Law Student Essay Contest

Law students today have been blessed with the tools of technology. So much so that a virtual law office is becoming a real possibility, if not reality. But, does technology eliminate mistakes? Does it create its own problems? How can it be used efficiently, effectively and with confidence that you won't blunder and be accused of malpractice?

Students responded to such questions for this year's law student essay contest sponsored by Florida Lawyers Mutual Insurance Company ("FLMIC"), The Florida Bar's Young Lawyers Division ("YLD"), the General Practice, Solo & Small Firm Section of The Florida Bar ("GPSSF") and the Henry Latimer Center for Professionalism ("HLCP"). The topic for the 4<sup>th</sup> annual contest was "How Technology Can Lead to (or Prevent) Malpractice and Bar Grievances in a Virtual Law Office".

Ms. Carolay Vargas, a first year student at Thomas Cooley College of Law received the Honorable Mention Award. She stated in her essay "[t]he principles of doing what is right for the client without crossing ethical boundaries is something that technology can never alter." In this issue of *The Link*, we are pleased to publish and believe you will find Ms. Vargas' essay interesting and informative. The winning essay, written by Keven Crews, a third year law student at Stetson College of Law at the time of submittal, was published in the June 2014 issue of *The Florida Bar Journal*.

Technology and its relationship to the practice of law is ever evolving. The 2015 law student essay contest topic will challenge law students to comment on "Using Social Media to Improve Your Law Practice While Avoiding Potential Malpractice and Discipline." If you are an attorney

who works with law students as law clerks or are mentoring a law student, why not use the 2015 law student essay contest as a way to begin a dialog with this generation of law students who consider social media the norm in today's world? Law students can teach their mentor attorneys about social media, and mentor attorneys can discuss potential malpractice and ethical issues regarding the inappropriate and unethical use of social media. The 2015 law student essay contest is a "win-win" topic for both mentors and mentees and can result in a winning essay.

The contest is open to all students enrolled in a Florida law school as of the deadline date or during the prior academic year. Essays must be submitted to FLMIC ([nancys@flmic.com](mailto:nancys@flmic.com)) by 5 p.m. on April 1, 2015. More information about the 2015 contest can be found in the October 1 issue of [The Florida Bar News](#).



Name: Carolay Vargas  
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Title: *The Practice of Law in the Virtual Realm*  
Law School Status: 2L

## The Practice of Law in the Virtual Realm

"In 1971 British scientist and writer C. P. Snow told the *New York Times* that "technology ... is a queer thing. It brings you great gifts with one hand, and it stabs you in the back with the other."<sup>1</sup> This quote that was spoken so many years ago truly captures the essence of what the use of technology represents for legal professionals today. Over the years, technological advances have drastically changed the practice of law by altering the makeup of the traditional law practice and revolutionizing it into the virtual realm. Terms like virtual law firm, virtual law office, and E-lawyering have become common place in the profession. The internet is no



Carolay Vargas and Bill Loucks

longer a tool that is just for research and advertising, it is now the dwelling where attorneys do business. This essay will first explore what a virtual law practice is and its benefits. Next,

it will analyze how technology can prevent malpractice claims and bar grievances. Lastly, it will delve into the ethical implications and challenges that lawyers encounter online. A virtual law practice has the potential to make legal practitioners more accessible and efficient. Yet, if the technology is mishandled serious ethical violations can occur. The misuse of technology is something that can threaten the professional integrity of those who choose to practice in the virtual realm.

### What are virtual law practices and how do they benefit attorneys and clients?

Recently, virtual law practices  
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have become more appealing than the traditional practice scheme because they allow attorneys to be more flexible and accessible at a lower cost. The current deficient economic climate has prompted attorneys to conduct their business online to reduce the cost of doing business. The internet has provided an accessible portal that allows clients to quickly communicate with their lawyers to resolve their legal issues. Stephanie Kimbro, a practicing virtual law office attorney, defines the virtual practice as a law practice that is “completely web-based . . . or they can be . . . integrated into a traditional law office to expand the client base and provide the online services as an amenity to existing clients who will also visit with the attorneys in person.”<sup>2</sup> Essentially, all that is required to start a virtual law practice is a computer and internet access.

Moreover, some attorneys that engage in a virtual law practice have an actual office and at the same time render online services to their clients. These hybrid setups work for some legal professionals because they can provide quality legal service online; while still, maintaining a physical presence in the community to drive their business. The other type of a virtual law practice is what Daniel E. Harmon describes as the “totally virtual” practice. There is no office. These lawyers . . . work completely online from home (or from coffee shops or libraries or airports or pool-side recliners). They communicate with their staffs, clients, colleagues and court officials via e-mail or text messages (or phone).<sup>3</sup> The attorneys that are fully committed to the total virtual scheme enjoy the flexibility of practicing law from anywhere without having to be tied down to a structure.

The process of setting up a virtual law practice is not overly intricate. Attorneys do not have to be technological gurus to initialize and manage a virtual firm. The most important thing to remember is that the virtual setup has to be efficient and secure to safeguard clients’ information. Since the demand for virtual law practices

has risen, there are many existing software programs available to facilitate the management of a virtual practice online. For example, many attorneys seek online management tools such as VLOTtech and other SaaS providers to manage their online law business like Clio and Rocket matter.<sup>4</sup> Additionally, many virtual practices rely on web-based “software as a service (SaaS) platforms to facilitate their virtual law practices. These sophisticated platforms allow virtual law offices to manage their practices and interact with their clients, other lawyers, and legal assistants.”<sup>5</sup> These companies offer the proper tools to manage cases online for small firms and solo practitioners. Virtual law practices have to guarantee that their sites are secure to safeguard clients’ confidential information. Common security measures that are utilized are: backup systems that protect the firms’ information, secure portal systems that allow clients to effectively connect and communicate with their attorneys, and a system that handles client billing and attorney’s fees. Attorneys do not have to be technological geniuses to effectively maintain and setup a virtual law practice. The technological hurdles can be overcome by acquiring the proper systems and software that will meet the virtual practice needs. One of the biggest obstacles that hinders lawyers that are embarking on the virtual law practice journey is the “battle against tradition because the concept of a virtual law practice is so radically different from the way in which law has been practice so far, many people . . . continue to express reservations.”<sup>6</sup> Having the proper systems and safeguards in place to operate a virtual practice is something that can appease clients and improve attorney client relationships.

Attorneys and their clients may have misgivings about being involved with a virtual law practice because they may not fully appreciate the benefits that they provide. From an attorney’s perspective, a key benefit of a virtual law practice is the “reduced need for a real-world office space, which of course translates into lower overhead . . .”<sup>7</sup> So, from a financial standpoint, the virtual scheme is ideal because it significantly reduces the cost of doing business

by not having to maintain an office space. Another pivotal benefit that virtual legal practitioners enjoy is the ability to conduct their business from anywhere. This means that attorneys can have “greater control over work-life balance; lawyers with a virtual practice can work not only *wherever* but also *whenever* they want to. And newfound technology allows lawyers to communicate and collaborate online with clients, other lawyers, paralegals, and assistants, irrespective of the physical distance that separates each from the other.”<sup>8</sup> The benefits of being able to practice law from anywhere as well as the potential to reduce the cost of doing business is something that is attracting legal professionals to the virtual practice scheme.

Moreover, with a virtual scheme attorneys will be able to accept online payments and offer “alternative billing methods (such as flat or bundled fees and recurring online billing).”<sup>9</sup> Clients can also enjoy the flexibility and cost effectiveness of a virtual firm. The client will be able to receive competent legal service at a reasonable price; since, the attorney’s overhead will be significantly reduced. Furthermore, the attorney client relationship will be enhanced by online communications because through secure portal systems clients will have access to their case information and will be able to contact their attorneys via email or chats. The overall flexibility that attorneys get with a virtual framework ensures that the client will be better served.

### **Preventing Malpractice Claims and Bar Grievances through Technology**

The rules of ethics and professional responsibility are important to the profession and need to be adhered to in the virtual realm. Doing business online does not diminish the rules and ethical standards that attorneys have to uphold. The American Bar Association (ABA) has taken steps to ensure that virtual law practices are regulated like their traditional counterparts. At the onset of the virtual law practice phenomenon, the ABA established “an eLawyering task force in response to the understandable concerns raised regarding the ethical obligations and data security

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issues presented by virtual law practices.”<sup>10</sup> The purpose of the taskforce was to establish guidelines on how virtual law practices should be operated and regulated. The ABA’s main goal was to make sure that the Model Rules of Legal Ethics as well as the laws in different jurisdictions were being followed. This is no small task because virtual law practices brought on new challenges that the law was not ready for. New laws had to be drafted and others had to be amended to address virtual law practice issues to prevent bar grievances and malpractice claims.

### **How can technology reduce and prevent legal malpractice and bar grievances?**

One of the biggest issues that puts a strain on the attorney client relationship is when attorneys do not adequately communicate with their clients about case related matters. Model Rule 1.4 states that a “lawyer shall promptly inform clients of decisions or circumstances requiring their informed consent ... reasonably consult with the client about the means by which the client’s objectives are to be accomplished; keep the client reasonably informed about the status of the matter . . . .”<sup>11</sup> This means that communication is the lawyer’s responsibility not the clients. Sometimes this can be challenging because large caseloads and overbooked schedules can make communications between the two difficult. One of the benefits of virtual law firms that can alleviate this issue is the flexibility that the internet provides to allow instant communications between an attorney and their clients. The traditional phone conversation cannot be as detailed as an email or web portal generated message. Computer communications when done properly can be closely monitored and stored to document all the instances when attorneys communicated with their client and detail exactly the legal advice that was rendered. Having a written record of communications can be invaluable because if a claim is made against an attorney for lack of communication and for rendering

faulty legal advice, a release of the stored written web communications can aide attorneys in their defense against malpractice claims if they exercised due diligence. Furthermore, virtual firms allow their clients to have access to a secure portal where they can view case related matters without delay. Virtual firms have to make sure to keep their web based records current in order to facilitate the clients search for information. A meticulously managed virtual law practice can reduce the risk of malpractice claims by facilitating communications between clients and attorneys through the use of web tools and at the same time keep detailed records to rebut any claims of malpractice that can lead to bar grievances.

Another issue that can lead to a bar grievance and legal malpractice is the breach of confidentiality. A lawyer cannot reveal confidential information in reference to a representation of a client. Model Rule 1.6 (a) states “A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation . . . .”<sup>12</sup> In a virtual law firm, communications between clients and attorneys can be exchanged through a secure portal that is password protected. Emails and files are also password protected to protect clients’ confidential information. In a traditional law practice paperwork can be left all over the place and inadvertently lost or misfiled. This poses a threat to confidential matters because confidential information can be accidentally misplaced and inadvertently disclosed. Virtual law practices are for the most part paperless and files are cataloged and backed up on online servers. By using online companies like Clio to manage matters and documents of a sensitive nature in secure file transfers, attorneys can effectively protect themselves against malpractice claims and bar grievances. This means that files in a virtual setup can be carefully cataloged for easy authorized access and password protected to prevent unauthorized disclosures.<sup>13</sup> Overall, when virtual law practices are properly managed, the threat of bar grievances and malpractice claims can be significantly reduced because clients’ information

can be safeguarded by the use of on-line tools.

### **Ethical implications and concerns in Virtual Law Practices**

Technological changes pose new challenges to the ethical standards of the legal profession. Since virtual law practices are increasing, many jurisdictions are finding it necessary to set up ethical guidelines to regulate how these types of firms do business. Whether a law firm is a totally or partially virtual, it still has to adhere to the ethical rules of the legal profession and its jurisdiction. The major ethical challenges virtual law practices face are in the area of advertising and jurisdictional boundaries that lead to the unauthorized practice of law. The impact that virtual law practices are having in our communities prompted the “ABA commission on ethics on September 2011 to suggest adding language into the *Model Rules* and the Comments to the *Model Rules* to recognize some of the impact of technology on ethics concerns facing the legal profession.”<sup>14</sup> The virtual legal business place needs to be heavily regulated to safeguard attorneys and their clients.

The American Bar Association (ABA) has strict guidelines that regulate advertising in the legal profession. The ABA recognized the need that virtual law practices and traditional law practices had to advertise via the internet therefore, to “address the modern need of law firms to focus on online marketing, the ABA Model Rules 7.1-7.5 . . . were updated in 2002 to cover advertising by electronic communication. Specifically, Rule 7.2 was updated to include a comment describing the Internet as an example of electronic media.”<sup>15</sup> The law had to quickly evolve to address the new challenges that the internet pose for legal professionals.

If a virtual law practice does not adhere to the ABA advertising rules as well as the rules of their jurisdiction a bar grievance can be levied against them. These rules were put in place to protect potential clients. The need to regulate virtual firms advertising practices is necessary because the legal profession cannot have proverbial virtual ambulance chasers flooding the internet and soliciting potential clients for financial gain.

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## VIRTUAL REALM

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Potential clients must have an opportunity to clearly choose their legal counsel by considering all their options without undue pressures stemming from unwanted solicitations. Social media sites like Facebook and Twitter can easily be exploited to solicit potential clients in an unauthorized fashion. Attorneys should be very careful on how they advertise to potential clients via their virtual law practices and social network sites. Most jurisdictions have recognized the impact that virtual law practices are having in the legal profession and like the ABA have taken the necessary steps to implement new rules and amend the attorney advertising rules in their jurisdictions. The changes in the law to accommodate the technological advances are a good first-step to reduce bar grievances and ease ethical concerns.

One of the greatest benefits of the virtual law practice is that it allows attorney's to practice law from anywhere. A major ethical implication that this flexibility has is the danger of communicating and doing business with a potential client online in a jurisdiction where the attorney is not authorized to practice law. Attorneys must take the necessary steps to ensure that they are only representing clients where they are authorized to practice law. This is something that can be difficult online because:

[A]dvertising and developing clients within virtual communities, lawyers . . . take the risk of engaging in the unauthorized practice of law, by practicing law or communicating with potential clients in jurisdictions where they are not authorized to practice. Because activity in a virtual community is not limited by jurisdictional boundaries, potential clients could be located anywhere.<sup>16</sup>

Furthermore, practicing online attorneys can implement different methods to ensure that they are conducting their business within the boundaries of their jurisdiction. For example, during the initial intake process when learning about a new potential client, the attorney can have the potential client fill out

a questionnaire to gauge if the legal issue arose in the jurisdiction where they are license to practice law. Furthermore, the attorneys can also protect themselves by including "a disclaimer in virtual advertisements or communication . . . to clearly identify geographic limitations of the lawyer's practice, so that it is clear that he may not practice law except in those states in which he is admitted to practice."<sup>17</sup> Overall, taking the necessary precautions to disclose where a virtual law practice is authorized to practice law will ensure that the attorneys do not engage in the unauthorized practice of law. The flexibility and opportunities that the internet gives legal practitioners to conduct their business is something that needs to be done judiciously because mismanagement can lead to bar grievances, malpractice claims, and criminal sanctions.

In closing, today's legal profession has been transformed by the technological advances of our time. Technology has given attorneys a better way to efficiently represent their clients. The virtual realm has given attorneys the gift of flexibility to conduct their business from anywhere with fewer financial burdens. The economic hardships of our time have prompted legal professionals to propagate their legal business online. Overall, the benefits of engaging in a virtual law practice are numerous but legal professionals have to be careful to adhere to the laws and ethical standards that govern the profession. Whether you have a traditional law practice or a virtual one it does, not matter how technology evolves the spirit of the law and ethical standards remain the same. The principles of doing what is right for the client without crossing ethical boundaries is something that technology can

never alter. Technology may give lawyers the tools and futuristic gadgets to make them better practitioners. Still, attorneys need to be mindful that the way that they utilize technology in their virtual realm turns out to be a gift because they don't want technology to be the sneaky dagger that stabs them in the back.

<sup>1</sup> *Technology: The Great Enabler?*, THE NEW ATLANTIS, [http:// www.thenewatlantis.com/publications/technology-the-great-enabler](http://www.thenewatlantis.com/publications/technology-the-great-enabler) (Summer, 2003).

<sup>2</sup> Aviva Cuyler & Nicole Blach, *Virtual Law Practice A Passing Trend or the Wave of the Future?*, GPSOLO, Jun. 2009, at 48.

<sup>3</sup> Daniel E. Harmon, *Virtual Law Practices: Most Practices Are Partly "Virtual" Already. What's Next?*, 26 LAW. PC 1 (2009).

<sup>4</sup> Aviva Cuyler & Nicole Blach, *Virtual Law Practice A Passing Trend or the Wave of the Future?*, GPSOLO, Jun. 2009, at 48.

<sup>5</sup> *Id.* at 50.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 49.

<sup>9</sup> *Id.* at 50.

<sup>10</sup> *Id.* at 51.

<sup>11</sup> MODEL RULES OF PROF'L CONDUCT R. 1.4 (2013).

<sup>12</sup> MODEL RULES OF PROF'L CONDUCT R. 1.6(a) (2013).

<sup>13</sup> Aviva Cuyler & Nicole Blach, *Virtual Law Practice A Passing Trend or the Wave of the Future?*, GPSOLO, Jun. 2009, at 48.

<sup>14</sup> Jordana Hausman, *Who's Afraid of the Virtual Lawyers? The Role of Legal Ethics in the Growth and Regulation of Virtual Law Offices*, 25 GEO. J. LEGAL ETHICS 575, 581 (2012).

<sup>15</sup> Stephanie L. Kimbro, *Regulatory Barriers to the Growth of Multijurisdictional Virtual Law Firms and Potential First Steps to Their Removal*, 13 N.C. J.L. & TECH. ON. 165, 195-196 (2012).

<sup>16</sup> Susan Corts Hill, *Living in A Virtual World: Ethical Considerations for Attorneys Recruiting New Clients in Online Virtual Communities*, 21 GEO. J. LEGAL ETHICS 753, 761 (2008).

<sup>17</sup> *Id.*



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

# Law School Incubator Programs, A Win-Win for Law School Grads and the Needy

by Jennifer A. Dietz, Esq.

## Law Firm Incubators in General

Business incubation is a concept that has proved successful in other areas of employment by launching entrepreneurs in fields as diverse as computer software, manufacturing, telecommunications, biosciences, and energy. Incubators accelerate the development of start-up companies by providing entrepreneurs with instruction in financial management, marketing, networking and sound business practices. Pioneered by Fred Rooney at the City University of New York School of Law, law school incubators are beginning to flourish in law schools throughout the United States.

With unemployment rates still high for new law school graduates, incubator programs sponsored by law schools and bar associations are gaining traction. Not to be confused with the profit-generating incubators common in the business and start-up world, the law school incubator concept subsidizes new law school graduates to start their own practices to provide “low bono” legal services.

In exchange for deeply discounting their fees, graduates receive low-cost rent and training from more experienced attorneys. After 12-18 months in the incubator, these now practice-ready lawyers can move on to a position at a non-profit or continue to operate their firms on their own. Since the first law school incubator was launched back in 2007, nearly two dozen others have cropped up at law schools and bar associations across the country.

For instance, the Thomas Jefferson School of Law Center for Solo Practitioners in San Diego is designed specifically to support new solo practitioners as they establish their own law offices. The program encourages new solos to become leaders in their community by developing ways to reach traditionally underserved populations with much-needed legal services.

## Law Firm Incubator Pioneer Fred Rooney

When Fred Rooney graduated from the City University of New York School of Law in 1986, his income was so low that he qualified for the services he provided to others as a legal aid lawyer.

Rooney lasted a year in that job, but 11 years of private practice later, he learned about a CUNY job helping lawyers who wanted to represent the poor but lacked the skills to do it properly.

Rooney used this new position to start filling a gaping hole in the law—access for all to legal services—and created a program to train lawyers serving poor and moderate-income clients. The lawyers would learn to be good advocates and smart businesspeople too.

Rooney applied what he had learned from that program into the first law firm incubator, created in 2007 at CUNY. Then in 2008, the economy collapsed. Law school graduates were unable to find jobs and had amassed huge debts from law school.

Today, there are 17 such incubators, nine of which Rooney has been directly involved in creating. Fifteen more incubators are on the drawing board. In general, for 12 to 18 months lawyers pay rent for shared office space and training in business skills and professional development.

Rooney is very committed to making access to the legal system more available to people who otherwise would be excluded. At the same time, he is supportive of solo and small-firm practitioners and people who want to engage in nonprofit work. His work has him traveling across the U.S. and abroad as the Incubator idea strengthens.

Another example of the Incubator program can be found at The Solo and Small Practice Incubator at IIT Chicago-Kent Law School which just released its 2014-2015 Solo and Small Practice Incubator Application. According to IIT Chicago-Kent, The Solo & Small Practice Incubator (SSPI) is a one-year program starting in November 2014 designed to offer a

select group of entrepreneurial-minded, recent IIT Chicago-Kent graduates with valuable experience and on-going training to help build their professional careers as solo or small firm legal practitioners. The program is intended to accelerate the successful development of newly admitted lawyers in an “incubator” environment. SSPI encourages and supports its graduates by providing substantive and skills training workshops, coaching in marketing and business development, mentoring support, networking opportunities, and an array of other resources. Participants are also provided with office space and basic office fixtures. Although there is no program fee to participate in SSPI, participants spend 5 to 10 hours per week with their matched clinical faculty or alumni-mentor in the mentor’s solo or small practice firm. Time spent in the mentors’ firms provide participants with additional experiential training, and assists in further enhancing participants’ professional careers.

Florida International University College of Law’s LawBridge Legal Residency Program began in 2011. The program’s mission is to provide new law school graduates with training to enhance their professional development and to enable them to learn the business of law firm management and practice development. Participants operate their own independent law firms with funding provided through law school support, donations and revenue from participants. The program is staffed by law school faculty and volunteers. The program requires participants to perform some pro bono work and provides opportunities to take moderate-income clients. The program does not take cases in highly specialized areas such as patent, tax, medical malpractice and contingency matters.

It appears from the dramatic increase in law schools starting incubator-type programs that a nation-wide trend is emerging.





GPSSF Executive Council Meeting, The Breakers, September 5, 2014

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## GENERAL PRACTICE, SOLO & SMALL FIRM SECTION

### 2014 – 2015 Calendar

Executive Council Meeting

November 7, 2014

*One Ocean • Jacksonville Beach*

Solo & Small Firm Conference

“Wild, Wild Tech: Getting Down and Dirty with Technology”

January 23-24, 2015

*Orlando Hilton Lake Buena Vista*

Executive Council Meeting

February 27, 2015

*Plantation Inn • Crystal River*

Out-of-State-CLE Trip

May 27 - June 3, 2015

*Alaskan Cruise*

Florida Law Update 2015

June 25, 2015

*Boca Raton Resort and Club*

*Your Invited...*

## *GPSSF Section Cocktail Reception*

**November 7, 2014**

**One Ocean Resort & Spa  
1 Ocean Boulevard  
Atlantic Beach, FL 32233**

Meet and get to know the section's leadership and learn more about how you can get involved.

RSVP by October 31, Ricky Libbert via e-mail: [rllibbert@flabar.org](mailto:rllibbert@flabar.org).





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**WILD, WILD TECH:  
GETTING DOWN AND DIRTY  
WITH TECHNOLOGY**

**Course Classification: Intermediate Level**

**January 23 · 24, 2015**

**Hilton Orlando Lake Buena Vista  
1751 Hotel Plaza Boulevard  
Lake Buena Vista, FL 32830  
407/827-4000**

**Course No. 1831R**



# ★ SCHEDULE OF EVENTS ★

## FRIDAY, JANUARY 23

7:45 a.m. – 8:20 a.m.

### Registration/Breakfast

8:20 a.m. – 8:30 a.m.

### Welcome

*Teresa Morgan, General Practice, Solo & Small Firm  
Section Chair*

### Introduction

*Jennifer R. Kuyrkendall, Conference Chair*

8:30 a.m. – 8:50 a.m.

### Keynote Speaker:

*John Sutton, Miami*

8:50 a.m. – 9:40 a.m.

### Courtroom Technology to Ride the River With

*Richard Serpe, Norfolk, VA  
Ernest Svenson, New Orleans, LA*

9:40 a.m. – 9:55 a.m.

### Networking Break

9:55 a.m. – 10:45 a.m.

### The Jig is Up: Gettin' Wise to the Shakespearean Tragedy of Search in E-Discovery

*Craig Ball, Austin, TX*

10:45 a.m. – 11:35 a.m.

### Keeping Law Firms' Social Media Use Right as a Trivet

*Adrian Dayton, Buffalo, NY*

11:35 a.m. – 1:00 p.m.

### Networking Luncheon (included in registration fee)

1:00 p.m. – 2:40 p.m.

### Microsoft Office: The Whole Kit and Kaboodle

*Adriana Linares, Orlando  
Chad Burton, Dayton, OH*

2:40 p.m. – 2:55 p.m.

### Networking Break

2:55 p.m. – 3:45 p.m.

### PowerPersuasion: Don't Get Strung Up for Your Next Presentation

*Craig Ball, Austin, TX*

3:45 p.m. – 4:35 p.m.

### Practicing in a PDF World Without Putting a Spoke in the Wheel

*John Stewart, Vero Beach  
Ernest Svenson, New Orleans, LA*

4:35 p.m. – 5:30 p.m.

### Full House Tech Tips Before We Skedaddle

*Richard Serpe, Norfolk, VA  
Ernest Svenson, New Orleans, LA  
Chad Burton, Dayton, OH  
Adriana Linares, Orlando*

5:45 p.m. – 7:45 p.m.

### Reception

## SATURDAY, JANUARY 24

7:45 a.m. – 8:30 a.m.

### Registration/Breakfast

8:30 a.m. – 8:40 a.m.

### Welcome

*Teresa Morgan, General Practice, Solo & Small Firm  
Section Chair*

### Introduction

*Jennifer Kuyrkendall, Conference Chair*

8:40 a.m. – 9:30 a.m.

### Practice Management Software Can Prevent a Heap of Trouble

*Chad Burton, Dayton OH*

9:30 a.m. – 10:20 a.m.

### Scuttlebutt and Ethics in the Courtroom

*Shawn Vincent, Orlando*

10:20 a.m. – 10:35 a.m.

### Networking Break

10:35 a.m. – 12:30 p.m.

### Time and Billing/Practice Management Techniques to Keep Your Business in Apple Pie Order – "Shootout" Discussion

*Presentation by Software Vendors*

## HOTEL RESERVATIONS



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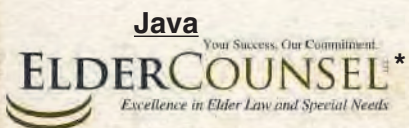
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**TO REGISTER**



**ON-LINE:**  
[www.floridabar.org/CLE](http://www.floridabar.org/CLE)



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# ★ REGISTRATION ★

## Register me for the Solo & Small Firm Conference – Wild, Wild Tech: Getting Down and Dirty with Technology

**ONE LOCATION: (065) HILTON ORLANDO LAKE BUENA VISTA (JANUARY 23 - 24, 2015)**

TO REGISTER OR ORDER AUDIO CD, DVD, OR COURSE BOOKS BY MAIL, SEND THIS FORM TO The Florida Bar, Order Entry Department, 651 E. Jefferson Street, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5831. ON-SITE REGISTRATION, ADD \$25.00. On-site registration is by check only.

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**RDL: Course No. 1831R**

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- ☐ Member of the General Practice, Solo & Small Firm Section: \$355
- ☐ Non-section member: \$390

Regular Registration (on or after November 1, 2014)

- ☐ Member of the General Practice, Solo & Small Firm Section: \$399
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- ☐ Full-time law college faculty: \$231
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- ☐ Full-time law students: \$70
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