

Monday, 8 April, 10:30-12:00

Auditorium 21, 3rd floor

Trust Account Considerations (Handling Client's Money)

1. Theft or misuse of client's funds by attorneys results in imposition of most serious sanctions by the Florida Bar
2. Attorney must segregate their client's and third-party funds separate from their own funds
3. Strict responsibility and liability imposed on attorneys regarding management of their client's funds entrusted with them, regardless of whether counsel, intentionally or negligently, misappropriates funds held in attorney's trust account
4. Common reoccurring issues asserted in client's complaints addressing attorney's mishandling of their funds:
 - a. Failure to track client's funds
 - b. Comingling of client's funds
 - c. Lawyers failure to identify when funds are earned by counselor and thereby become property of the lawyer
 - d. Failure of attorneys to timely reconcile their trust bank account records
 - e. Disbursing funds from trust accounts prior to counsel earning them as fees
 - f. Attorney borrowing client's moneys deposited into attorney's trust fund accounts
 - g. Careless approval, review, oversight and management by lawyer of their income and disbursements

Tuesday, 9 April, 14:30-16:00

Conference Hall of the Faculty of Law, 1st floor

The Professional Disciplinary Process for Attorneys Licensed to Practice Law in Florida

1. The Florida bar oversees non-criminal discipline of Florida lawyers
2. The Florida Bar headquarters in Tallahassee, Florida and has 5 regional offices around the state.
3. Alternatives available to the public prior to initiating the complaint process with the Florida Bar
 - a. Client personally retrieves documents from attorney
 - b. Client should maintain record of calls and written communications with counsel to which there are no responses
 - c. Contact local professionalism panel in each judicial circuit
4. Complaint intake and preliminary investigation
5. Branch investigation
6. Grievance committee process
7. The trial on the merits of the complaint before a bar referee
8. Review by the Florida Board of Governors of the referee's decision
9. Review and final decision by the Florida Supreme Court
10. Is self-regulation by the Florida Bar, that is lawyers policing lawyers, the preferred way to go or should regulation of lawyers be conducted by a state government bureau/agency such as the Office of Professional Responsibility?

Wednesday, 10 April, 10:30-12:00

Auditorium 9, 2nd floor

Communicating with Client

1. Absolutely essential obligation of attorney
2. The most common complaint clients have concerning their counsel
3. In this spector, counsel must be proactive, not reactive in keeping their clients informed
4. Six scenarios where attorney must contact client:
 - a. Settlement offers
 - b. Securing waiver of client
 - c. Obtaining client's consent when necessary to secure their stated goal
 - d. Keep client abreast of events affecting counsel's unavailability
 - e. Respond immediately to client's inquiries as to status of case
 - f. Concerning lawyer's inability to assist, handle or perform in manner or matter client expects or requests
5. What communication mode should attorney employ to relay message to client?
6. Memorandum to client's file
7. Do not, in communicating with client, breach attorney/client privilege
8. When do client's e-mails become discoverable during litigation by opposing counsel?
9. The threat of "hacking" has enhanced the risk of communications between counsel and client being uncovered. Recommendations to address this concern?

Wednesday, 10 April, 16:30-18:00

Auditorium 9, 2nd floor

United States Criminal Law and Procedure

1. Search and seizure protections provided by the Fourth Amendment to U.S Constitution
2. Prosecution of death penalty cases, double jeopardy, right to remain silent, due process, and eminent domain considerations under the Fifth Amendment to the U.S. Constitution
3. Speedy and Public trial, right to an impartial jury trial, venue and jurisdiction, the charging documents (information/indictment), right to confront witnesses and accusers at trial, right to compel witnesses for accused to be present at trial, right of accused to assistance of counsel at trial provided by the Sixth Amendment to the U.S. Constitution
4. Right to reasonable bail/bond, and prohibition against excessive fines and cruel and unusual punishment afforded by the Eighth Amendment to the U.S. Constitution