

**2011-2012
PROGRAM MATERIALS**

The Craig S. Barnard Chapter of the American Inns of Court LIV Presents:

**SHADES OF GRAY:
WHEN THE GLARE OF THE BRIGHT LINE FADES**

I. PROGRAMMING SUMMARY

As we strive to be the model of ethics and professionalism, it helps when there is a bright line answer or solution to an issue facing us. But when the shine of the bright line is muted or there simply is no bright line to guide us, what do we do? What steers us when we are pulled in different directions by competing or conflicting duties, commitments or motives?

This year's focus is on those situations where there is not necessarily a right or wrong way to do things. What would you do? What would your colleagues do? The goal of each presentation should be to spark honest debates; each group should strive to portray scenarios where reasonable and principled minds might differ as to the appropriate way to handle the ethical and/or professional predicament or, in some cases, whether there even is such a predicament.

To indulge our competitive spirits, pupillage groups will compete with each other for the prestigious Inny Cup. Points will be awarded as set forth herein. The winner will be announced in April.

II. PROGRAMS

A. PRESENTATIONS

Each pupillage group will present one program on a topic that is relevant to ethics, professionalism and the practice of law. The topic for each pupillage group will be selected by a random draw at the first group meeting. The following program titles are just proposals; each pupillage group is free to keep the proposed title or change the title to suit the presentation. Please be creative.

- **THE BARE MINIMUM**
AN ANALYSIS OF THE RULES REGULATING THE FLORIDA BAR AS THE BARE MINIMUM REQUIREMENTS
- **EXPERTS AND CLIENTS SAY THE DARNDDEST THINGS**
ETHICAL AND PROFESSIONAL RESPONSIBILITIES OF ATTORNEYS IN DEALING WITH EXPERTS AND CLIENTS IN DISCOVERY AND DURING TRIAL
- **DAWN OF A NEW ERA: WHAT TECHNOLOGY WANTS WITH LAWYERS**
ETHICAL RISKS AND PROFESSIONAL QUANDARIES ATTORNEYS CAN FACE WHEN DEALING WITH CURRENT CLIENTS, OPPOSING COUNSEL, EXPERTS

AND WITNESSES IN THE AGE OF EMAIL, SMARTPHONES, CLOUD COMPUTING, AND SOCIAL NETWORKING

- **RAINMAKING – BUILDING YOUR PRACTICE YOUR WAY**
ETHICAL RESPONSIBILITIES OF ATTORNEYS WHILE MARKETING WITH THE FOCUS ON INTERACTION WITH POTENTIAL CLIENTS - ANYWHERE FROM THE CASUAL CONVERSATION AT A COCKTAIL PARTY TO REFERRAL ARRANGEMENTS WITH OTHER ATTORNEYS TO BLOGGING AND OTHER NEW WAYS OF REACHING OUT TO POTENTIAL CLIENTS IN THE AGE OF TECHNOLOGY
- **EVERY ROSE HAS ITS THORN – THE THORNY CLIENT**
ETHICAL PROBLEMS FACING THE ATTORNEY WHO REPRESENTS A TRICKY CLIENT – WHETHER THE CLIENT IS OF QUESTIONABLE MORALS OR CAPACITY, OR FOR ANY OTHER REASON. EXPLORE THE STICKY SITUATIONS THE ATTORNEY MAY FIND HIMSELF OR HERSELF INTERACTING WITH THE CLIENT, OPPOSING COUNSEL AND/OR THE JUDGE
- **LET’S MAKE A DEAL – TRANSACTIONS WITH CLIENTS**
ETHICAL ISSUES OF THE ATTORNEY THAT MAY ARISE IN TRANSACTIONS WITH CLIENTS: THE PROPRIETY OR IMPROPRIETY OF ENTERING INTO CERTAIN TRANSACTIONS WITH CLIENTS; THE POTENTIAL FOR FUTURE ETHICAL ISSUES WHEN ENTERING INTO A TRANSACTION WITH A CLIENT; SITUATIONS THAT ONE MAY NOT EXPECT TO BE TRANSACTIONS BUT ARE UNDER THE RELEVANT RULE; ETC.

Each presentation will be in one of the formats listed below, which will also be selected at random at the first group meeting.

- **SKIT/REENACTMENT** - a presentation with pupillage members playing roles in a story elucidating legal principles
- **TRIAL** – a presentation of a fictional trial or reenactment of a famous trial
- **MEDIATION** – a presentation of all or part of a mediation
- **JURY DELIBERATION** – a presentation of a jury’s deliberation relating to an attorney’s conduct
- **ASSOCIATE REVIEW** – a presentation of a meeting of law firm partners reviewing their associates’ conduct and performance
- **TALK SHOW** – a presentation in which pupillage members playing roles are interviewed by other pupillage members regarding topics of legal import

The month of presentation for each pupillage group will be determined by random draw at the first group meeting as well.

The presentation should require more than reading a PowerPoint so as to be FUN and INTERACTIVE with the entire Inn!

Above all, substance is critical in the presentations so that they will be awarded CLE credit by The Florida Bar. Both substantive law and ethics should be covered. Additionally, creativity and interaction within the pupilage group and amongst the other members of the Inn is both encouraged and emphasized. That being said, please strive to keep your presentation tasteful.

Pupilage groups may use video clips but should use them judiciously so as not to prejudice the entirety of the presentation given its necessary emphasis on substance, creativity, and interaction. For courtroom technical assistance, please contact Noel Chessman in Court Administration at 561-355-4359.

B. CLE OUTLINE

Each pupilage group will be responsible for preparing a CLE presentation outline in the standard Florida Bar format. The CLE outline must be submitted to the Programming Co-Chairs (Cristina Papanikos at cpapanikos@gunster.com and Brian Bull at sbull@scott-harris.com) **NO LATER THAN NOON ON THE MONDAY BEFORE THE PRESENTATION.**

A sample format is included at the end of this handout for reference. Each segment of the presentation must include citation to authority. CLE materials should be professional in appearance as each pupilage group will be presenting a CLE of sufficient caliber to receive credit from The Florida Bar. Each Inn must ensure that their program meets the American Inns of Court mission “to foster excellence in professionalism, ethics, civility and legal skills.”

There is no need to print hard copies of the outline for the other pupilage groups, although you may do so if you feel it will benefit the presentation. The outline plus any additional materials used in the pupilage group’s presentation will be uploaded to the website for the Inn (<http://www.innsofcourt.org/inns/barnardinn>) following each presentation. You should also print two copies of the outline and give them to the Education Chair (Ed Shipe) immediately after the presentation (in other words, at dinner) and e-mail all electronic presentation materials to the Web Administrator Sean Ingram at sean.ingram@novakdruce.com. Failure to timely submit a complete and satisfactory CLE outline will result in the pupilage group incurring a 250 point scoring penalty.

C. RESOURCES

Each pupilage group may use any variety of materials and resources in creating its presentation. Each group is encouraged to employ materials on the American Inns of Court Website for reference and even as the basis for a presentation, although each group should keep in mind the goal of creativity and the need to make presentations relevant to Florida. To access these materials visit <http://www.innsofcourt.org> and login. Click on “Store” in the right column. Enter search appropriate to your presentation topic. A list of program materials, the majority of which are free, will appear for download.

III. POINTS

The pupilage group with the highest total of points will be awarded the Inny Cup. A chart updating the points awarded will be posted to the website after each presentation. Points will be given to each group for its presentation, attendance, guests, mentoring and community involvement as follows:

PRESENTATION	<p>After each presentation, the other pupilage groups will score the presentation on a scale of 0 (low) to 50 (high), and those scores will be included in the total number of points the pupilage group earns toward the Inny Cup during the year. The scoring pupilages shall award points in the following four categories:</p> <p>Substance (0-20 points) – substance of the presentation in presenting an accurate and practical understanding of Florida law regarding key ethical and professional issues</p> <p>Interaction (0 -15 points) – inclusion of other pupilage groups and members in presentation (include as many members of each pupilage group as possible)</p> <p>Creativity (0 -10 points) – creativity of the presentation</p> <p>Professionalism (0 -5 points) – inclusion of all pupilage members in presentation (if some worked behind the scenes, please announce this information as part of the presentation) and quality/taste of presentation</p>
ATTENDANCE	10 points for each member in 2011 20 points for each member in 2012
GUESTS	25 points for each paying guest
MENTORING	20 points for each mentoring session
COMMUNITY INVOLVEMENT	50 points for each event actively attended

IV. CONTACT INFORMATION

If you have any questions regarding the programming or the rules, please contact:

Brian Bull
sbull@scott-harris.com
561-624-3900

Cristina Papanikos
cpapanikos@gunster.com
561-650-0623

**THE CRAIG S. BARNARD CHAPTER OF THE AMERICAN INNS OF COURT LIV
AND [PUPILAGE NAME] PRESENT**

[PROGRAM TITLE]

[DATE]

OVERVIEW

[Include a brief synopsis of 150 words or less regarding the intended focus of the presentation]

DESCRIPTION

6:05 p.m. to 6:15 p.m.

Opening Remarks/Introduction

[TIME to TIME]

[Repeat for Each Segment/Sub-Topic of Presentation]

6:55 p.m. to 7:00 p.m.

Conclusion/Adjournment

For sample outline see

<http://www.floridabar.org/FBWEB/CLEReg.nsf/zLocations2/TVMR-85TKJE?OpenDocument>