

A simple idea...

...becomes a proposal...

with a five year business plan

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Co-Chair of the Ad Hoc Name Change Committee  
Elder Law Section of the Florida Bar  
January 2010

# Thank you!

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Babette asked that Len, as the leader of the loyal opposition, and me, as the proponent of the name change, express our positions in writing, to be emailed to each of our Section's Executive Council members who will be asked to vote on the proposal at the January 14<sup>th</sup> meeting of the Council. I thank all of you in advance for your attention and consideration, regardless of how you cast your vote in the secret ballot on January 14th.

No matter how it comes out, I will remain an extremely active member of our Section for the rest of my professional life.

Before beginning my description of the proposal, I want to take this opportunity to thank our leader, Babette Bach, who as chair of our Section appointed Len Mondschein and me as co-chairs of the Name Change Committee, and to express my personal gratitude to the committee members who agreed to serve and contributed mightily to the discussion of the pros and cons of the proposal.

Besides Len and myself, those who served on the Ad Hoc Name Change Committee, included Charlie Robinson, futurist and the Section's informal hard-drive (historian); Enrique Zamora, Administrative Committee Chair of the Section; Linda Chamberlain, immediate past chair of the Section; Emma Hemness, past chair of the Section; John Staunton, past chair of the Section; Chris Likens, past chair of the Section; Scott Solkoff, past chair of the Section; Ira Weisner, past chair of the Section; Robert Morgan, Treasurer of the Section; Twyla Schetchly, Substantive Committee Chair of the Section; Jana McConnaughay, Secretary of the Section; and Alice Reiter Feld, past President of AFELA; and members at large Greg Glenn, Marty Cohen, and Carolyn Landon.

The committee met telephonically and exchanged hundreds of public emails (408 by my count) and countless additional private ones, between June 16, 2009, when I asked Babette to add the name change proposal to the Orlando Executive Council agenda of June 26<sup>th</sup> and to refer the matter to a study committee she appoints, and this writing.

Finally, I want to thank Len who pushed me and those who agreed with my position to consider all sides of the issue. If nothing else comes of this, at least I got a kind invitation from Len to crew one of his two sailboats, either the one in Maine or the one in Miami. Thanks, Len.

David Lillesand  
Co-chair of the  
Ad Hoc Name Change Committee

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## A Simple Idea

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Approximately 706,000 Floridians are permanently and totally disabled. They are represented by an estimated 1,500 attorneys who practice disability law.

Yet the Florida Bar currently has no Section-level organization with a focus on meeting the needs of disability attorneys for on-going CLE nor for substantive law legislative and administrative advocacy who, along with the elderly, comprise the most vulnerable members of our society. New attorneys have no state Bar resources they can turn to for training in this important area of the law, and advocacy groups do not currently identify, and correctly so, any Section of the Bar as having this focus.

This must change.

## The Proposal

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It is proposed that the Elder Law Section should change its name to the Elder and Disability Law Section, and create two divisions, the Elder Law Division and the Disability Law Division, beginning July 1, 2012.

The Elder Law Section is uniquely qualified to fulfill this unmet need, with significant advantages to itself.

There are significant overlaps in the two practices, elder law and disability law, with many members of our Section currently involved in the financial planning aspects of disability law. It would be most efficient and relatively easy to add medical disability issues as areas of concern for our Section, and thus attract new members as well as promote cross-referrals between elder law and the disability law attorneys.

## The Business Plan

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Changing the name of our Section requires action not only by the Executive Council of the Elder Law Section, but approval by the Board of Directors of the Florida Bar, and then by the Florida Supreme Court.

There are seven phases in this five year plan:

**Phase One – June 26, 2009, to January 14, 2010:** the Elder Law Section Ad Hoc Name Change Committee studies the proposal, and the Executive Council, as the official governing body of the Section, determines that it wants to change the name of our Section to the “Elder and Disability Law

Section,” subject to approval and action by the Board of Governors of the Florida Bar and by petition to the Florida Supreme Court.

**Phase Two – January to June 2010:** representatives of the Elder Law Section confer with counterparts in the Public Interest Law Section and the Equal Opportunity Law Section. Each of those Sections, like ours, has a Disability Law Committee, and their input, advice and counsel will be important in the success of the proposal. Attempts will be made to secure supporting resolutions from those Sections at their Annual Meetings in June 2010. Other Sections, such as the Trial Lawyers and the Workers Compensation Section, are advised and consulted.

**Phase Three – July 2010 to June 2011:** The proposed name change is presented to individual members of the Board of Governors, seeking a resolution by the Bar to have the Bar formally petition the Florida Supreme Court to change the name of our Section to the Elder and Disability Law Section of the Florida Bar.

**Phase Four – December 2011:** The Florida Supreme Court approves the name change, which will become effective the following year, on July 1, 2012.

**Phase Five – July 2012:** The first Bar and Section dues notices are mailed with the new name, the Elder and Disability Law Section, giving the opportunity to those traditional Elder Law attorneys, if any, who do not wish to continue membership in a newly named Section, their chance to resign, and the opportunity for the first time, for disability attorneys and advocates to join a Section of the Florida Bar designed to meet their needs.

**Phase Six – July 2012 through June 2015:** Efforts are made by members of the Disability Law Division of our Section to bring to the attention of disability attorneys the benefits and advantages of joining the newly named Section, by the following:

- Sponsoring an annual Disability Law Practice Continuing Legal Education program with nationally-recognized speakers.
- Building and continually supplementing a statewide email list of disability attorneys.
- Initiating a listserv for disability attorneys to share practice pointers and legal advice and counsel to improve the quality of the practice of disability law.
- Producing a Disability Law Division column for our quarterly Elder and Disability Law Advocate magazine, as well as a supplemental monthly digital newsletter of important cases,

administrative changes, and announcements of interest to medical disability practitioners.

**Phase Seven – July 2015 and On-going:** As new members join the Section with practices or interests in disability law practice, our Section populates the chairships and committees of the Disability Law Division as shown in the organizational chart (see following page) of the Disability Law Division of the Elder and Disability Law Section.

**Concurrent phases - beginning January 2010 through 2015:**

**Internal** – our Section re-organizes the Disability Law Committee under the leadership of Martha Barrera, chair, to become the Disability Law Division if and when approved the Section name change is approved by the Florida Supreme Court. Committees of the current Section, such as the Special Needs Trust Committee, the Developmental Disability Committee, and others become sub-committees of the Martha's Disability Law Committee. [This makes sense even if the name change proposal is not approved by the Board of Governors or the Florida Supreme Court].

**External** - the Name Change Action Committee begins creation of our Section's five Regional Disability Law Committees populated with local practicing disability attorneys in the five federal administrative regions in the State of Florida: Tampa, Orlando, Jacksonville, Ft. Lauderdale and Miami, building on local committees wherever they exist.

The goal is to build membership in the newly named Section from the local ground up, as well as identify and encourage local attorneys to become involved at the state level in the Disability Law Division of the Elder and Disability Law Section of the Florida Bar.

## A Possible Organization Chart of the Disability Law Division of the Elder and Disability Law Section in the year 2015

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If the name change proposal is approved, I would suggest that there be two Divisions in the Elder and Disability Law Section, an “Elder Law Division” and a “Disability Law Division” similar to that done in other Sections of the Florida Bar, such as the RPPTL Real Property Division and Probate Division.

### **Disability Law Section/Division – Committee Structure**

#### **Administrative Committees**

Membership

E-Newsletter

CLE – state and regional (Atlanta) programs with other state bars in the eight-state Atlanta region

Disability Website, Listserve and LawBlog

#### **Substantive Committees**

**Long Term Disability (LTD) Committee** – to consider all things related to ERISA claims for disability benefits under private long term disability insurance policies, with and without coordination with Title II SSDI Social Security benefits

**Local and County Disability Benefits Committee** – some counties have “general assistance” programs, as they are defined in the Social Security Act, with fair hearing appeals for disabled individuals who are pending hearing on SSI medical disability claims; awards of general assistance due to disability positively affects the outcome of SSA disability claims, and negatively affects the amount of retroactive benefits paid

**State Retirement System (SRS) Disability Benefits Committee** – public employees, including state workers and school system employees are covered under the State Retirement System for both retirement and disability benefits; claimants denied disability benefits may appeal and have a hearing before the state retirement system board

**Health Records Committee** – issues for this committee include the following: some states have statutes that require providers to furnish health records for free to persons with claims before public agencies, like Medicaid and the Social Security Administration; and some federally-funded public clinics still refuse to provide Residual Functional Capacity Assessments

**Information technology** – to have input into the final stages attorney access to e-filing and e-folders at Florida ODARs, and coordinate the new electronic health records initiative recently funded at the federal level; as well as assist members on disability case management programs and other IT resources related to disability law practice

**Medicaid Disability Claims** – MEDS-AD (“Medicaid for the Aged and Disabled) and Medicaid Waiver and tier appeals if legislatively re-constituted) and claims processing; MEDS-AD claims adjudicators and judges have to follow the SSA Five Step Sequential Evaluation Process per state law

**VA Disability Claims Committee** – Veterans often seek change in percentage of compensation and if denied, seek counsel to prove medical disability

### **Social Security and SSI Claims Committee**

**Subcommittee on Medical Disability Claims** – would also contain local claimant representative groups for each Florida Office of Disability Adjudication and Review – meet locally, secure and publish local rules of practice to be distributed through the Section/Division; some local communities have Disability Law Committees, but no coordination state-wide

Jacksonville ODAR group  
Ft. Lauderdale ODAR group  
Miami ODAR group  
Orlando ODAR group  
Tampa ODAR group

**Subcommittee on Non-medical Eligibility** – includes Quarter of Coverage issues for Title II claims, and financial eligibility issues on Title XVI claims, including immigrant status, SSI overpayment defenses, and Special Needs Trust appeals

### **Liaison Representatives:**

National Disability Law Certification Exam  
NOSSCR  
Public Interest Law Section'  
Equal Opportunity Law Section  
Workers Compensation Section

## A Summary of the Reasons for Creating a Disability Law Division and Changing the Name of our Section to “Elder and Disability Law Section”

It is time that the Florida Bar have a Section that deals with Disability Law, and it is appropriate that it be the Elder and Disability Law Section.

***The Florida Bar should have a section that addresses Disability Law.*** The Florida Bar should meet its stated goal of “protecting rights, pursuing justice, and promoting professionalism” in the State of Florida. Over 706,000 Florida residents receive Social Security or SSI disability benefits, with assistance from an estimated 1,500 attorneys who practice disability law. Countless more Floridians receive Florida State Retirement System disability benefits, private Long Term Disability insurance policy benefits, and county and city assistance to persons determined to be unable to work due to mental or physical impairments.

That compares to 70,000 Floridians in nursing homes with only 40,000 there on Medicaid ICP. Furthermore, a recent Kaiser Family Foundation study found that 40% of all nursing home residents are under the age of 65 years. There is currently no section that responds to the needs of the public or the members of the Bar who practice disability law. The voice of the Florida Bar is not heard on many issues that affect both attorneys who practice disability law, and the members of the public who need advocates in that area of expertise. Various sources report that up to 20% of the working public will be disabled for a period of 12 months or more during their normal working lifetime (ages 18 to 65). Florida has been shortchanged in receiving federal administrative law judges and other staff to process disability claims. In part, we have no adequate statewide mechanism to advocate for more resources to speed up the processing of disability claims for our citizens.

We could seek to create a separate Disability Law Section. If even two-thirds of the attorneys who practice disability law became members, the new Disability Law Section would be larger in size than five of the 22 existing Sections of the Florida Bar. See attached charts describing the current Sections, organized by name, number of members, and year section was organized.

However, for the reasons below, a substantial number of the members of our section already are involved in helping non-elder individuals qualify for state and federal cash and medical benefits based on disability law. It is most appropriate that the concept of a Disability Law Section be merged with the existing Elder Law Section. There is no reason to duplicate efforts, create administrative overlay, and require yet more coordination of competing CLE programs and Executive Council scheduling problems, which we already experience with the RPPTL section. Besides, my heart is with the Elder Law Section and I would like this effort to stay at “home” in our Section.

***The Elder Law Section is the appropriate home for disability law issues.*** The Elder Law Section is already serving the needs of many attorneys who practice disability law, we’re just not doing it under the appropriate name. It would be most appropriate that this section of the Bar be the section that publicly assumes responsibility for this legal specialty.

- ***It is what we are already doing.*** The name “Elder Law” does not accurately describe the practice of many of our members. If you Google “elder and disability law” (see attached),

you will see that many of our members already advertise their practice as “Elder and Disability Law.”

- **Things change**, as Charlie Robinson, our futurist, will attest. The creation of the “Elder Law Section” in 1991 pre-dated OBRA ’93, a statute which sought to significantly limit elders from doing Medicaid ICP planning but introduced 1396p(d)(4)(A),(B) and (C) options. If you look at the anti-transfer provisions of OBRA ’93, it is clear that the congressional exceptions were limited to persons who were 1) “disabled” as that term is defined in the SSDI/SSI program, and “under 65.” OBRA ’93 therefore injected into Medicaid planning the concept of “disability.” Even in those states, like Florida, where state Medicaid rules permit persons over age 65 to join pooled trusts, the person still has to be evaluated and eligible for the safe harbor of a pooled trust as a “disabled person” as defined in the Social Security Act. A contingent of organizations representing disabled persons under age 65 sought the changes, led by Marty Ford, the attorney for the national ARC, fought for the (d)(4) exceptions. Although some members of the Elder Law Section may have never sought to become involved in “disability” and “under age 65” issues, we are involved.
- **“Disability” as a concept is here to stay.** Congress seems bent on continuing the “under age 65” and “disability” distinctions in current legislative proposals to create tax-free savings accounts for disabled persons. From Marty Cohen’s committee’s assessment of HR 1205: “It’s stated purpose is to encourage families to save privately to support individuals with disabilities. The bill adds a new provision to 42 U.S.C §1396p(d)(4), i.e. §1396p(d)(4)(D) referring to any trust that is an ABLE account described in §530A(b)(1) of the Internal Revenue Code. In other words, the ABLE account will be treated like a (d)(4)(A) or (d)(4)(C) trust.” We have seen and are witnessing the future – continuing linkage of disability and under 65 to the provision of health care services through Medicaid, including Medicaid Institutional Care Programs.
- **Demonstrated Interest in our Section’s SNT Committee.** The Special Needs Trust Committee is the largest committee of the Elder Law Section. We have subcommittees that have nothing to do with elder law. Elder Law Section members have voted with their feet by choosing to become involved with disability law issues.
- **Enough already!** Aren’t we all tired of explaining why a personal injury or medical malpractice attorney should hire an “elder law attorney” to draft Special Needs Trusts for an infant, a young adult, and others under age 65? Saying, I belong to the Elder and Disability Law Section would say it all.
- **Conforming to long term federal law distinctions.** As we are learning, the federal exception to the Medicaid and SSI transfer of assets penalty is limited to persons under age 65, even though the safe-harbor statute of pooled trusts does allow elders’ funds to be exempt after serving out the penalty period. Already some CMS Regional Offices are directing states to enforce the rule, first announced by Sally Richardson, the national head of federal Medicaid, that pooled trusts are not available to persons age 65 and above without serving the appropriate penalty period first. The Social Security Act itself has always made a distinction between elderly benefits and disability benefits. Persons who are disabled under age 65 and receiving a check as a disabled person, continue to receive the same check on their 65<sup>th</sup> birthday, only on the check, instead of “DIB” is the notation “RIB” with no change in the

amount of the benefit. The Feds make this distinction. Our section should change its name to reflect that we cover both sides of the age 65 divide.

- **No effect on Board certification.** Changing the name to Elder and Disability Law Section would not affect those Section members who are Board-certified in Elder Law, or who want to become Board-certified in the future. There already exists a Section of the Bar which has two different Board-certifications related to it: attorneys who are Board-certified in Real Estate, and Board-certified in Wills, Trusts and Estates, are both members of the Real Property, Probate, and Trust Law Section of the Bar. Secondly, there already exists a national board certification in disability law, akin to the NAELA CELA. I cross checked Bar members who are board-certified in Real Estate and board-certified in Wills, Trusts and Estates, in two cities – Miami (large urban center) and Gainesville (a small city full of Gators). In both large cities and smaller communities, no board-certified member of the Bar was certified in both areas. Yet they belonged to the same RPPTL Section.
- **NAELA changes.** Looking to the future, NAELA has expanded its tag line to reference that organization’s representation of persons with disabilities who are NOT elders. Whether the change was to anticipate the restriction, if not the demise of the traditional Medicaid ICP practice in some of the more aggressive states, or to specifically promote the reality that many NAELA members specialize in non-elder issues, it was a good move.
- **We’re not the first – New Jersey and Michigan.** The New Jersey Bar’s Elder and Disability Law Section changed its name from just Elder Law to the current “Elder and Disability Law Section” “about five years ago” according to one former Chair of the New Jersey Section. When I asked him for copies of any reports or position papers they considered, he replied that there weren’t any, as the matter of the name change in New Jersey was not controversial. The Michigan Bar also changed its name, but used a moniker that would not be advisable, the Elder Law and Disability Rights Section of the Bar. I feel that the term “disability rights” is inappropriate and unnecessarily restrictive. It sounds like people fighting to get more disabled parking spaces allocated in public buildings, rather than everything we do (which could include, however, fighting to get more assigned disabled parking spaces if a particular member was so inclined).
- **We already advocate for under 65 disabled persons like no other Bar Section.** Last year, when the Florida Legislature sought to diminish funding and take away the rights of developmentally disabled individuals through the statutorily-created four-tier assignment system, and 5,000 Florida families filed appeals without lawyers, no Section of the Florida Bar came to the rescue – except the Elder Law Section. With no more than two weeks notice, we organized speakers on the topic to train attorneys on defending DD clients’ rights to a hearing and to challenge reduction or elimination of benefits. That afternoon, we organized a committee to address Developmental Disability client issues, and Greg Glenn has done a wonderful job at organizing attorney efforts in this state. Greg now chairs the Developmental Disability Committee of our Elder Law Section. No other section of the Florida Bar stepped up to challenge the fact that benefits were being taken away from more than 5,000 of the most vulnerable “young” individuals by the State’s Agency for Persons with Disabilities (APD). Our expertise in dealing with Medicaid in general, and Fair Hearings in particular, indicates that we have both the interest and the ability to undertake such responsibilities within our Section.

- ***Our expertise in Fair Hearings.*** That last point, our expertise in dealing with the state Fair Hearings system is something that would be lost if the Florida Bar created a separate Disability Law Section whose members would, at the outset, come to it more versed in the practice of federal administrative hearings through the Social Security Administration. Although they could learn state welfare law, no doubt, the cross-fertilization of persons with a background like Rick Culbertson's in federal disability claims, and any of us with experience in state Fair Hearings, would benefit both sets of clients.
- ***Attorneys with disability practices are no threat to elder law attorneys.*** Because federal Medicaid statutes require state Medicaid financial eligibility rules to be no more restrictive than federal SSI rules, our members can provide a resource to attorneys practicing federal disability claims. Until recently, most attorneys practicing Social Security/SSI disability law had no experience – zero – in financial eligibility for SSI benefits. Title XVI SSI disability claims for the first 25 years paid no federally withheld attorneys' fees, unlike claims for Title II SSDI benefits. Consequently, most SSI claimants were represented by legal aid/legal services attorneys. That's how I started – representing my first SSI claimant in 1974, the year the SSI program began [thank you, Richard Nixon]. Private attorneys only did SSDI claims. In the last few years, however, federal law was changed to require SSA to pay attorneys' fees in successful contingent fee SSI claims. Private attorneys are playing catch-up, and in my experience, are referring out all work to do the SSI financial eligibility planning. Disability attorneys who have expertise in proof of medical disability claims are disinterested in preparing trusts, transferring funds through food and shelter contracts, using spend-down plans, or all the other techniques with which we are familiar. These attorneys are on the fast track to present and win medical cases. They want to do SNTs as much as our personal injury and medical malpractice trial attorneys do – that is, not at all. I can't promise you I am the rule or typical, but in the decade plus years I have been actively involved in the Section, including holding all offices except Chair, I have yet to do any significant Medicaid ICP planning, even before my elder law board-certified partner, Marjorie Wolasky, and I formed our firm last year. I can tell you that my fellow Social Security disability attorneys send me a lot of SSI/Medicaid financial planning. I make their clients financially eligible for disability benefits, so that the disability attorney can process a medical disability claim [SSA will not accept a claim unless the claimant is financially eligible first]. You too can have a marketable local relationship with SSDI/SSI attorneys to do that work for them.
- ***Cross-fertilization.*** What an opportunity for cross-fertilization! I am sure that many Elder Law Section members are not interested in becoming attorneys taking doctors' depositions and specializing in proving the medical aspects of SSDI and SSI disability claims, as much as the medical disability specialist attorneys do not want to do SSI/Medicaid financial eligibility planning. While I do not see "disability lawyers" taking business from "elder law planners", I do see significant benefits in having them in the same room at Section Retreats, conferences and other activities, which will benefit both attorneys and both of their respective client groups.
- ***Our Section is the Logical Choice.*** So what else is out there? I am a member of the Public Interest Law Section. Although the Public Interest Law Section does have a Disability Law Committee, that committee primarily addresses issues such as rights of disabled persons under the ADA for access to public and private facilities, including special accommodations in hurricane shelters, for example. The CLE programs directed toward improving attorneys' skills are focused on medical disability issues primarily, and the seminars are held only

sporadically. In addition, a “committee” of any Section trying to motivate the big Florida Bar on an issue of importance, does not have the status of a Section. Committees of Sections, like our own, are not part of the Council of Sections or any other Florida Bar activities outside of their own Section. We are the logical choice unless this group decides that a separate Disability Law Section would be more appropriate.

Let me just say, and make clear, that I have no personal or emotional interest in the outcome of this decision. Although I may argue vehemently for my position, it is only because I believe it is the right way to go – it is best for our Section and its members, for the Bar to fulfill its commitment to the citizens of Florida, and for our clients who are under age 65 and comprise 40% of the nursing home population.

As I have repeated told our Ad Hoc Committee, I will not be offended or upset if you disagree with me, or if the Elder Law Section decides to pass on the proposal, thereby sending me on my way to create the Disability Law Section of the Florida Bar as a separate Section.

I will still be as actively involved in the Elder Law Section as I have in the past seven years that I have served as the longest serving member of the Executive Committee of our Elder Law Section.

David Lillesand  
Co-chair of the Ad Hoc Name Change Committee

## Questions and Answers

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The following is based on questions raised during our Ad Hoc Name Change Committee deliberations. At Babette's specific request, I have included some responses that were offered by committee members during our "email discussions" that supported the "pro" side, as I am sure Len will offer the "anti" comments.

Question: I understand that New Jersey and Michigan have changed their names to reflect both elder and disability law practices in their state bar association sections. The New Jersey Bar calls itself the Elder and Disability Law Section, exactly what is proposed here. Why have the other 48 states not done so?

Answer: First of all, there are only 21 state bars in the elder law business. Also,

- Florida has always been one of the leaders. We were one of the first to have an Elder Law Section. We have a disproportionate number of members on the NAELA Board of Directors. We are one of only two states in the entire nation to have Board certification in Elder Law. The majority of states have not even created a Section on Elder Law as of this date.
- Of the 50 states, per the NAELA directory I have, NAELA has chapters in only 21 states. Similarly, Internet research indicates that of the 50 states, only 21 states have Elder Law Sections or Committees or Divisions. Two have already changed the name to include disability law. One state has no Elder Law Section, but does have a committee on elder law.
- New Hampshire has a Section that deals with elder law, but folds it into the "Elder, Estate Planning and Probate Law Section of the New Hampshire State Bar" sort of similar to our RPPTL Section.
- Surprisingly, Texas, one of our country's next most populous retiree states, has many more Bar Sections than we do, including Oil and Mineral Rights as you might expect, but also including Gay Rights Section, Woman and Law Section, and many others. Yet, Texas has no Elder Law Section. Nor does Virginia.
- Another surprise – some of the biggest states in elder law activity, such as Ohio, have an Elder Law Section, but no Elder Law Board certification. The ABA attorney specialization website lists only 13 states that have any kind of state board certifications but of those, only two – Florida and Tennessee – have certification in Elder Law.
- So I'm not sure it's fair to ask that if only two states have Board Certification in Elder Law there's a reason why the other 48 do not have any state board-certified elder law lawyers. I think the reason is that there simply aren't enough

of them yet. The same would be true about the name change – they just haven't gotten to it.

- We now have 1,500 members of our Elder Law Section, which is larger than some state's entire state bar associations!

Question: You asked, What's up with California?

Answer: Kevin Urbatsch, the Editor of the California State Bar's 3 volume set on Special Needs Trusts, responded by email: David, how are you doing? I received your phone message. In answer to your question, California does not have an elder law section or a disability section in its State Bar. It has a trusts and estates section where both elder law and disability law are managed. The State Bar also has a certified specialist in trusts and estates law but specifically recognizes NAELA's Elder Law specialty designation. Hope this answers your question. Kevin

Question: My objection, if I have one, is that the elderly do not like being "mixed up" with the disabled. They like that I am board certified in elder law. They take pride that there is a whole specialty for them. Additionally, I like explaining what I do as an elder law attorney. It retains some of the mystique which we would lose if we change that and "water it down".

On the other hand, I have found that I sound silly telling a young person that being an elder law specialist means I am an expert in the needs of disabled and snfs.

I've tried to reconcile this in my practice with little success.

I'm really ambivalent.

Answer: There isn't any answer to this, or there are many answers, depending on how one handles the client who wants a separate Section just for Elders. Ultimately, if you rank this issue as pre-eminent, you should vote no on the proposal. However, I might suggest it is more strange to tell the parents of a two year old why you, as an expert in the Elder Law Section, are best equipped to resolve their infant's public option health insurance access issues, rather than to do so as a member of the Elder and Disability Law Section.

Question: Didn't the Elder Law Section vote down the proposal to change the name of the Section five years ago?

Answer: Actually it was eight years ago during Rebecca Berg's term as Chair of our Section that the matter was considered but not voted on. I'm not sure why any prior

action of the Section would bind us anyway, but I did I check the minutes of our Section from 2002 and 2003, when we last considered the proposal to change the name of the Section. Complete copies of the minutes were supplied to the 2009 Ad Hoc Name Change Committee. The 2002 proposal was not voted down by the Executive Council; in fact, the motion to explore the possibility of changing the Section's name passed unanimously. Months later, however, the Executive Committee tabled the issue, without a vote ye or nay.

The following are excerpts from the relevant meetings.

1) **At the Adam's Mark Hotel Jacksonville Executive Council meeting on August 9, 2002:**

**VIII. New Business**

[Former Circuit Judge] Mike Shalloway proposed that the Section consider changing its name to "Elder and Disability Law" or some other name that will reflect that members represent individuals who are under age 65 with Medicaid eligibility issues and other legal problems. After discussion, a motion to appoint a committee to explore the possibility of changing the Section's name was passed unanimously. Rebecca will appoint a Chair of the committee.

2) **At the Executive Committee Conference Call meeting on September 19, 2003:**

The meeting was promptly called to order by the Chair, Rebecca Berg, at 4:30 p.m. In attendance were Committee members Rebecca Berg, Stephanie Schneider, David Lillesand, Emily Moore, John Staunton, Lauchlin Waldoch, Scott Solkoff, and Arlee Coleman. The following Committee members did not attend: Christopher Likens who was exercising his Second Amendment right to form a well-regulated militia to hunt down and kill Bambi and Thumper and their issue, heirs and assigns.

**Old Business.**

Name change: Scott Solkoff requested confirmation of his appointment as chair of the committee to look into a possible Section name change as proposed by Michael Shalloway at the Executive Council Meeting in Jacksonville. Rebecca confirmed that she had asked that Scott do so, and suggested that a list of preliminary issues and talking points be delivered, including a review or historical perspective of the reasons why our founding fore-parents selected the current name.

3) **At the Cocoa Beach Executive Council meeting on January 24, 2003 (remember, it snowed that morning!!):**

**VI. Old Business – Section Name Change**

**Scott Solkoff**

Scott Solkoff, Chair of the ad hoc committee to investigate the issues surrounding the motion by Mike Shalloway at the August 2002 Retreat to change the name of the Section to add the word "disability" reported that a two-page summary of issues was given to the Executive Committee for its consideration. There is no clear answer; there are pluses and minuses to the proposed action, and Scott's Committee has not taken a final position or made specific recommendations to date. [emphasis added].

Scott will post a request for comments on the List Serve and in the next newsletter. Stephanie requested that the Committee review the Section's Purpose clause in the Section bylaws.

4) **The last entry about this issue was from the minutes of the Executive Committee meeting on May 22, 2003, conference call:**

The meeting was called to order by the Chair, Rebecca Berg, at 4:30 p.m. In attendance were Committee members Rebecca Berg, Scott Solkoff, David Lillesand, Lauchlin Waldoch, John Staunton, Chris Likens, and Arlee Colman, Florida Bar staff.

**Name Change**

**Rebecca Berg, Chair**

David Lillesand reported that he has made contact with Matt Dietz, chair of the Disability Law Committee of the Public Interest Law Section who requested a meeting at the Florida Bar's Annual Meeting in June. David will report back to the Executive Committee after meeting with Matt Dietz. A motion to table the discussion on any proposed name change was passed unanimously. [emphasis added].

**Question:** Are there other reasons to support the name change?

**Answer:** One committee member offered the following:

I vote to recommend to the ELS Executive Council to change the name of the Elder Law Section to the Elder and Disability Law Section. Or..... The Elder, Disability and Guardianship Law Section.

Why I support the name change:

- **Better defines the nature of the law practice to the public.** To help consumers and other attorneys identify and understand where they may call for help. The name change broadens our definition of practice area in an easy to understand concept and will help narrow down the consumers search for assistance. More calls to my office, even if I need to refer to a fellow attorney helps the potential client get the right help. Greater public awareness of how an attorney can help you (as opposed to unlicensed planners/advocates) can only enhance our practices as well as benefit the citizens of Florida. You can be certain that where there is a need, if we don't fill it or communicate it properly there is an unlicensed business person out there ready to provide the service and fill the need.
- **The ELS Mission statement supports the change:**

**Section 2. Mission.** The Elder Law Section exists to:

- (a) cultivate and promote professionalism, expertise, and knowledge in the practice of law regarding issues affecting the elderly and persons with special needs;
- (b) advocate on behalf of its members; and
- (c) perform such other activities as may be necessary and appropriate to fulfill this mission statement.

The term “special needs” is a puzzling term for the public in general, and attorneys not familiar with the elder law practice. Utilizing the term disability in our name would eliminate the confusion.

- **The name change helps other attorneys identify where they can go to find support or education.** The Florida Bar website defines **Sections & Divisions:** Section membership is voluntary and offers information and education in a specific area of law. Sections also provide opportunities to meet other attorneys within an area of practice.
  - If we were to change the name to “The Elder and Disability Law Section” or “The Elder, Disability and Guardianship Law Section” it would increase our membership substantially. The greater our number of members the more opportunity we have to provide the necessary and desired education as well as support a sophisticated advocacy program. The evolution of the section throughout the last 20 years has brought a huge benefit to the elderly and disabled. I will not take the time to list them – but everyone on this committee is aware of the significant role and recognition we receive within the Bar and Statewide as compared to 20 years ago.
  - With an increase in membership we could support a full-time administrator of our section, a lobbyist, and legislative consultant. We have the knowledge, expertise, and experience to do significantly more than we already do --- however we need the additional support to move forward more expeditiously.
  - I add the area of “Guardianship” for further discussion. I realize there are other sections of the Bar that are actively involved in the practice of Guardianship – however it is a major part of a significant number of elder law attorney’s practices. It would aid the public greatly in knowing where to call and get the assistance they need. I cannot locate the statistics right now but understand that Guardianship and Guardianship litigation is predicted to have a significant increase over the next 10-20 years with the “boomers” moving forward. The support to this practice area needs to be expanded – our section is in the position and has the leadership to support this education. The requests received over the last few years for more sophisticated CLE’s in the area of guardianship and litigation has increased considerably. The section added our first “Elder Law Litigation” seminar this last year. The demand for advanced continuing education is significant within our section- we get the request repeatedly. Many of our section members as well as non-section members enjoy and attend our Certification Review CLE – however, that CLE alone cannot prepare you to handle the issues presented. We need more in-depth, comprehensive CLE’s. As we utilize technology our CLE’s will be more affordable (webinar’s/telephone conferences). This may be “too political” to handle and I do not want to delay a name change – however when looking at the future there clearly will be a need.
  - When you step back and review the changes in the economy and consumers this past year it is imperative to do the same with our law practices and changes required to meet the new demands of our section. We cannot ignore the significant demographic impact of the “Boomers and longevity” – it is here and

will only continue to grow. I had the pleasure of attending Clearwater's Elder Law committee meeting this week with Charlie Robinson as the guest speaker. I clearly do not want to be on the slide he presents with the companies/organizations that would not change, did not recognize the need for change, and lost their significance within the market.

Question: Should we consider adding "guardianship" to the name of the Section as well as "disability"?

Answer: Another committee member responded:

I think adding Guardianship may be appropriate at some time but not now. Guardianship Committee in RPPTL has taken the lead on legislation and education and has been operating effectively for many years. I believe the Elder and Disability Law Section should consider it as a future goal but not now and the commenter is not advocating for a current name change [to Guardianship Section].

Another committee member then added:

I would vote against adding "guardianship" to the name. Guardianship refers to a specific traditional area of law practice. Terms like "Elder Law" and "Disability Law" are broader in scope and do not refer to specific law practice areas (in contrast to the RPPTL Section). Rather, Elder & Disability Law describes the mission - not how it is accomplished. Guardianship may or may not be the solution for an incapacitated client.

Question: Board certification: will Elder Law Board certification be diluted if the name of the Section is changed to Elder and Disability Law Section.

Answer: In addition to my statements on Board certification in the foregoing proposal, one committee member offered the following:

To expand on David's comments regarding this point, there is no consistent pattern of connecting board certification specialties with sections. In some instances, there appears to be no section that would have a clear connection to the board certification specialty (e.g., Admiralty & Maritime Law, Aviation Law, Education Law, and Immigration & Nationality Law). In other cases, a specialty could easily fall under multiple sections (e.g., Construction Law, Business Litigation). The problem of attorneys who limit their practice to real specialties that do not have board certification is a greater problem. However this is an evolving process that is probably far more difficult than changing the name of the section to more accurately reflect the range of issues already provided within the

mission statement. Changing the section name in no way diminishes the significance of any CELA or Florida Bar Board Certified Elder Law Attorney

Question: How do we avoid overlap of responsibilities with other Sections of the Florida Bar?

Answer: As provided by another committee member:

From the outset, I have been in favor of changing the name of the ELS to the Elder & Disability Law Section. This will more accurately describe the scope of what I perceive to be the practice of "Elder Law." Consideration of current or future disability with virtually every client is the constant thread that distinguishes us from T & E attorneys (although T & E attorneys are increasing their focus on disability issues as well due to malpractice concerns). We need to do all that we can to insure that both the Bar and the public know that disability concerns are included within the scope of the typical Elder Law practice.

Changing the name of the section will not cause expansion or contraction of the current practice of Elder Law. There will always be an overlap of practice areas among sections and a division of practice concentrations within the sections. Grouping attorneys into sections is not an exact science. However, we should do our best to accurately represent the mission of the section in its name.

Question: Greetings, I wanted to alert the name-change committee and Elder Executive Committee that the Public Interest Law Section has a vested interest in a name change that would include - Disability - as this comprises a third of that section's focus.

Answer: Our name change committee was aware of the PILS Disability Law Committee. I mentioned it in my initial email to the Ad Hoc Name Change Committee members (I'll send a copy of my initial email proposing the name change to Twyla, Jana and Robert – every one else was already copied. I am a member of the Disability Law Committee of the Public Interest Law Section.

The ELS Executive Committee was also aware of the Disability Law committee in 2002-2003, when the Elder Law Committee last considered possibly changing the name. The minutes of the Executive Committee in May 2003 reflected that I was going to meet with Matt Dietz, the then-chair of the Disability Law Committee, at the June 2003 Florida Bar Annual Meeting.

My intention this year was not to involve outsiders like PILS until we decided if we are going forward at all in 2009.

The 2009 PILS Disability Law Committee's focus, however, does not conflict with what we do. If we do go ahead, we need to assure them of that, and invite them to join our new Section.

Our current plan on this name change process is:

- determine if the Elder Law Section even wants to do a name change; if not, close the file. If yes, then we need to
- contact the PILS Disability Law Committee chair and others of influence in their PILS section, to determine how we can coordinate; and otherwise get our ducks in a row, and THEN
- start the process with the Big Bar and the Florida Supreme Court.

The first step, however, is the one we're going through now – to determine if the Elder Law Section even wants to seek to become the Elder and Disability Law Section.

Question: What is Elder Law anyway? Professor Enrique Zamora provided an answer and argued for keeping the Elder Law Section name as is.

Answer: My Response to "What is Elder Law." Like Enrique, I wrote and presented a paper on "What is Elder Law" when I presented at the University of Florida Law School last year. My synthesis – which I called the search for a "Unifying Force-field of Elder Law" attempted to explain why "elder law" was not related strictly to age, and why not all of us, but many of us, belong to the Elder Law Section yet represent six year olds. And why just joining RPPTL isn't enough.

All of us - whether asked to do end-of-life planning, Medicaid ICP planning, or trying to get public health care through a disability claim – for a person who was severely ill and age 55, would consider that person an "elder" and in need of our services. As noted above, 40% of nursing home residents are under age 65. Elders are persons getting on towards the end of their lives. That end can come as early as age 20 for some diseases or serious accidents producing a short life expectancy, or not until age 100+ for the 80+ year olds on the U.S. Supreme Court who are doing "one of the toughest legal jobs in the country," according to Ruth Bader Ginsberg's comments in today's newspaper.

The one thing that seems to cover 90 percent or more of "elders" whether age 40, 60, or 80, is that they are very often involuntarily no longer connected to the work force. Not always, but most of the time. That disconnect can occur at age 25 for the victim of a bad auto accident that renders her quadriplegic. But who would think of her as an "elder?" In doing end-of-life planning for her, are we comfortable that a non-specialist family attorney would send her to an "elder law attorney?" Or would it be more likely that the referring attorney would send her to a traditional trust and estates attorney who knows nothing of how to weave together the financial eligibility issues for disability and public health coverage with the end-of-life and estate planning issues that we do.

The problem is that while we may understand how “elder law” is not age-limited, the general public and referring attorneys do not. To me it is a question of providing a short-hand moniker – the Elder and Disability Law Section – that makes our name fully descriptive of what we do, including for those ELS members who don’t do disability law per se but would do end-of-life planning for 35 year olds with terminal breast cancer as part of their “elder practice.” That, to me, is a significant advantage to current members of our Section if the name is changed to more accurately reflect their true expertise.

Another committee member added:

Since we are expressing opinions, however, I will repeat that I have been in favor of the name change from the first time we discussed it.

We continue to find ourselves stumbling with a concise definition of elder law and in fact have a brochure to help explain it to the public and prospective clients. I don’t understand how adding another term will detract from this already amorphous meaning.

Question: Can’t we make our new name the Elder and Special Needs Law Section?

Answer: Of course, you can, but it wouldn’t meet the goals presented in my motion to create a home Section for disability attorneys. Here’s my response to a committee member that raised the issue:

**50 Year History of “Disability Law” not “special needs law.” I definitely OPPOSE the name “Elder and Special Needs Law.” I couldn’t recruit even one Social Security/SSI Disability attorney to a “Special Needs Section”. What the heck is that?!? they’ll ask. Frankly, that would be as bad as explaining why I never represent a senior but am active in the Elder Law Section.**

**When a person files for disability benefits with the Social Security administration they do not ask for “Special Needs Benefits, please.” When you and I buy private insurance in case we get too ill to work, we don’t buy private “special needs insurance”, we buy LTD – Long Term Disability insurance. When we make a claim, we do so seeking disability benefits, not because we have “special needs.” Asking for “Special Needs” sounds like I’m mentally retarded (and stop smiling when I say that). When clients go looking for an attorney to represent them when denied SSI or SSDI claims, they look under “Attorneys-Disability” in some yellow pages, or “Attorneys-Social Security” in others around the state, but there is no listing for “Attorneys-Special Needs.” NOBODY will know what “special needs” means. All of the federal court cases are categorized under “disability benefits” and that represents 50 YEARS of caselaw, which in some years (1983-1984) amounted to 25% of all federal court decisions issued by the entire federal judiciary. None were issued under the moniker, special needs. I have done over 3,000 disability hearings. I have never represented a “special needs” claimant in a Social Security hearing, nor has any other disability law attorney. All of the state and federal seminars are and have been for the last 35 years that I’ve been practicing on “Preparing and Winning the Disability Case.” The State Medicaid system evaluates claimants for**

**“disability” – for example, the Medicaid program is called the Florida MEDS-AD Program – which stands for, in the AHCA and DCF manuals, “Medicaid for the Aged and Disabled,” not Medicaid for the Aged and Special Needs. The New Jersey State Bar changed its name to the “Elder and Disability Law Section” not the special needs section. The entire Social Security Act is structured around “Retirement, Survivors and Disability Insurance Benefits” not special needs benefits. The 68,000 SSA employees are trained in “SSI-Aged” and SSI-Disability” rules, not special needs. The official Federal Regulations and the SSA POMS are divided into “Social Security Disability Insurance (SSDI) Benefits” and “SSI-Disability Benefits”, again not using “special needs,” and the federal court appeals I file require that I check off if the federal appeal is for SSDI or SSI-D. With “special needs” we’d be starting a completely new lingo – and unless you’re IBM, Apple, and GM – that’s tough to do.**

**But if the Elder Law Section wants to become the Elder and Special Needs Section, I think that is so far from possibly being successful at what I want – to bring in 1500 active practicing Social Security attorneys, many of whom belong to no bar section, as members of a Florida Bar Section that addresses their needs and their clients’ interests – that I’d still have to go out and start the Bar’s Disability Law Section, and argue that a 50 year tradition of Disability law and the 2010 concept of special needs law are so separate that we should have both.**

**Honestly, I’d never get any of my Social Security attorney friends to join an Elder and Special Needs Law Section. They wouldn’t even want to put it on their resume: “Member of the Special Needs Section of the Florida Bar.”**

**Who we are trying to recruit. I know where you’re coming from. We do “special needs” trusts, we belong to the Academy of Special Needs Planners, or “Special Needs Alliance” also known as “the dark side.” I’m trying to move beyond that – to recruit different lawyers into our section, the disability law expert. I think we’re tapped out on getting more elder law or special needs (trust) lawyers into the Florida Bar Elder Law Section. We’re at our max now.**

**If I were trying to recruit the SNA or ASNP members to our Section, or to form a separate Disability Law Section, I would use “special needs” in the ELS name change. But we don’t have to recruit those people because THEY ALREADY BELONG TO OUR ELDER LAW SECTION. I’m trying to reach out to the attorneys who have never used the phrase “special needs” in their lives, and never will. They are litigators and experts in disability law. Not “disabled persons” or “special needs” experts, but disability law experts. But the synergy, the cross-fertilization, and the cross-referrals with disability law attorneys could be advantageous to elder law attorneys. Not to mention the referral fees back for the stray “disability case” that comes to your door.**

Question: If I am a member of the newly named Elder and Disability Law Section, do I have to advertise myself as a “disability” attorney?

Answer: Why would you advertise “elder and disability lawyer” if you don’t want disability calls. Belong to the Elder and Disability Law Section, but advertize yourself, as an “Elder Law Attorney,” and “Board certified in Elder Law.” Designations by rating

agencies do parse out the specialties. For example, they have the “2009 Super Lawyer in Real Estate” apart from the “2009 Super Lawyer in Trusts and Estates” even though both lawyers belong to the same RPPTL Bar Section.

In RPPTL, the attorneys that do estate planning and trust work, do not advertise “real property” in their materials, even though they belong to the REAL PROPERTY, Probate and Trust Law Section. They belong to RPPTL but hold themselves out, on their business cards, as “Estate Planning” or “Trusts and Estates” or “Board-Certified in Wills, Trusts and Estates” as my office mate Richard White does in our Gainesville Office. He doesn’t do real property, and is not Board Certified in it. One RPPTL Section – two different board certifications. One Elder and Disability Law Section with two board certifications – Board-certified in Elder Law and another Board-certified in Disability Law. Simple.

Question: Instead of changing the name, can’t we just make an effort to recruit disability attorneys to our Section by offering CLE courses, and have them join the Disability Law Committee that Martha Barrera heads?

Answer: No. And here’s why. Your approach is valid – try to entice Social Security disability attorneys to join the Elder Law Section by offering CLE courses. My approach, I believe, is better for the reasons I outlined in a previously.

Briefly, the reason we won’t get large numbers of disability attorneys to join the “Elder Law” section is because disability claims stop, by law, at Full Retirement Age, which is age 65 for SSI and 66 for SSDI.

None of my disability law compatriots would see any value at all, when filling out the Florida Bar annual membership form, to check the box and send in \$50 to join a section whose very name excludes their client population.

It’s a question of marketing to those 1500 disability attorneys out there. And we certainly couldn’t staff with volunteers the committees that I laid out last week, if we wait for a few dribs and drabs of new members who happen to sign up for one of our disability programs put on by THE ELDER LAW section.

The disability bar has been ignored for so long by the Florida Bar that we need a Big Bang to jump start it – such as creating a new Section or renaming ours.

There are already two other Sections of the Bar, that have Disability Law Committees. ELS would just be a third. Actually, the PILS disability law committee has sponsored some disability law training programs in the past – it didn’t attract members to the section, and there’s no on-going effort in PILS to address the things I laid out in my proposed committee structure.

Question: If Social Security Disability lawyers do not have a home, why have they not formed a section of their own all these years? If three other sections already have Disability committees which do not address their issues, why have they not started their own section?

Answer: Duh! What do you think I'm doing!

You seem angry that I offered the idea to our Section. As one of the supporters of the proposal told me last Saturday, I would have been roundly criticized for being disloyal to the Elder Law Section if I didn't first bring the proposal, and that's all it is, to the table for the Executive Council to consider, because even some opponents, see at least some value in it to our Section. Supporters see even more value to our Section.

Creating a separate Disability Law Section was obviously part of my initial thinking before I made the proposal, but I thought that there were significant advantages to our Section, so I suggested the current proposal that the two practices be in the same Elder and Disability Law Section, with an Elder Law Division and a Disability Law Division.

I have always said, from the first email describing my position, that this is a two-pronged proposal: 1) the Florida Bar should have a home section for disability attorneys, and 2) it is my belief, that on balance, the positives outweigh the negatives and it should be part of our Section. Obviously there are areas of overlap as there are areas distinct to each practice, elder and disability law. Special Needs Trusts is but one of those.

I am merely suggesting that there may be enough advantages to the Elder Law Section that, if a majority agree, the Executive Council will direct us to go that route. If not, disability attorneys will do what you suggest and form their own section. It's that simple.

As to why we disability attorneys didn't start our own Section of the Florida Bar sooner:

- The State of Florida began in 1845, and criminal courts began operating in year one. The Criminal Law Section of the Bar started in 1976 more than 120 years later.
- Need I point out the obvious, that there were some "elders" in Florida in 1845. The Elder Law Section didn't begin until 1991 (per FlaBar website), 146 years later.
- The SSI disability program began in 1974. The Florida Bar will have a home for SSI disability lawyers well before 120 years elapses!

I promise.

# A Note Regarding Personal Attacks

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Again, thanks for reading the proposal, and for your consideration.

Unfortunately, I find it necessary to respond to a personal question which has nothing to do with the merits of the proposal, but rather my motivation for making it. I believe the name change is in the best interests of the members of our Section, and it has nothing to do with me, or any others who have previously proposed the name change or those who advocate for it today. It is a good idea whose time has come and which will serve the needs of the community of persons with disabilities and the attorneys who serve them, and I believe, will also substantially benefit our Elder Law Section.

However, some have asked, Why is David doing this? What's in it for him?

The simple answer is nothing!

First, I have demonstrated a long commitment to public service. I spent the first ten years of my adult life in full time pro bono or public service activities, first as a Peace Corps Volunteer in South America for two years, then a VISTA volunteer with Mexican-American in Laredo, Texas, for one year, and seven years in legal aid and legal services working with migrant farmworker families in New Jersey (the "Garden State") and finally in Florida. In my private practice, I have been significantly involved in pro bono programs, and received the Florida Bar President's Pro Bono Award for the Eleventh Judicial Circuit.

Money is simply not my motivator. I need no personal financial benefit to work to make this right.

Secondly, the Lyndon Johnson response is appropriate here. During the height of the Vietnam War in the 1960's, and the significant opposition on the streets to it, President Lyndon Johnson went on TV and stated that he had no intention of seeking a second term as President of the United States. The phrase he used was, "if nominated I will not run, and if elected I will not serve." For me, the phrase fits as well. It is not my intention to serve as chair of the Disability Law Division, or if a new and separate Section of the Bar was created instead, as Chair of that Section. I do not seek to become Chair of the existing Elder Law Section, a post I was previously scheduled to automatically assume pursuant to our Section's Bylaws, but declined in favor of John Staunton taking my place. I want the leadership of the new Disability Law Division (or Section, if ELS passes on the proposal) to come from the younger attorneys with 10 or so years of experience and who are looking to make this a part of their law practice for the rest of their careers. I will, however, be a "worker bee" to assist in making it a success.

I have represented clients in medical disability hearings since 1974. When I started 35 years ago, there were no state Bar CLE audio tapes or other state CLE materials available to help me learn the craft.

In 2010, there still aren't!!

It is my hope that new lawyers coming behind will not have to learn by doing, making newbie mistakes and unaware of missed opportunities to win their clients' cases. And secondly, I believe that a powerful organization like the Florida Bar, with a Section significantly involved in this area of practice, can have a substantial positive impact on legislation and administrative advocacy for persons with disabilities.

That's it. That's all I want under my Christmas tree at the conclusion of the five year plan in 2015.

Any doubts? Contact me.

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Scott is the managing partner of Solkoff & Associates, P.A., a law firm specializing in **elder and disability law** with Florida offices in Aventura, ...  
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He has also authored numerous articles on **elder and disability law** for publications such as: - The ElderLaw Report - Massachusetts Lawyers Weekly ...  
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Rebecca is the author of several works on estate planning and **elder and disability law**, published in Journal of the Massachusetts Academy of Trial Attorneys ...

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He is the immediate past Chair of the New Jersey Bar Association **Elder and Disability Law** Section, as well as a member of the Pennsylvania Bar Association ...

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[Shirley B. Whitenack](#)

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She is a member of the New Jersey State Bar Association's **Elder and Disability Law** Section, the National Academy of Elder Law Attorneys (NAELA) and the ...

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Mr. Lerner has authored many articles on **Elder and Disability Law**, and has been published in the Elder Law Attorney, a publication of the New York State Bar ...

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Nov 4, 2008 ... For twenty two years she has co-chaired the leading program on **elder and disability law** sponsored by MCLE and speaks frequently to ...

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Greater New York City Area - Owner, The **Law** Office of Mary Kate Simmons  
Attorney at The Law Office of Mary Kate Simmons; member at NJSBA **Elder and Disability Law** Section. Past. Deputy Attorney General at Office of the Attorney ...  
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### [Drafting and Administering Special Needs Trusts: What You Need to Know](#)

Mr. Begley is the Author of **Elder and Disability Law**, Estate Planning, and is a TV and Radio Commentator. PROGRAM MATERIALS ...  
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I am happy to report that the owner of this weblog has been elected as the Vice-Chair of the New Jersey State Bar **Elder and Disability Law** Section. ...  
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Her probate practice focuses on **elder and disability law**, as well as post-settlement planning. She is currently the Treasurer of the Macomb County Probate ...  
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### [Fletcher, Tilton & Whipple, law firm with attorneys in Worcester ...](#)

Prior to joining Fletcher, Tilton & Whipple, Ms. Bohan Finnerty was an associate at the Boston-based **elder and disability law** firm of Cohen & Oalican, LLP. ...  
[www.ftwlaw.com/attorney.php?attorney\\_id=4](http://www.ftwlaw.com/attorney.php?attorney_id=4) - [Cached](#) - [Similar](#)

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... medicaid kansas; From the site: Hammond, J.D., is the founder and owner of the **Elder and Disability Law** Firm, P.A., in Overland Park, Kansas. ...  
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### [ABA Section of Real Property, Trust & Estate Law](#)

Katherine is a Fellow in the American College of Trust and Estate Counsel, and serves on its **Elder and Disability Law** Committee. She was also selected to be ...  
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### [Regina M. Spielberg - Bios](#)

Jul 30, 2009 ... Ms. Spielberg concentrates her practice in **elder and disability law**, estate and trust planning and administration and is one of only 39 New ...  
[www.wealthstrategiesjournal.com/.../regina-m-spielberg.html](http://www.wealthstrategiesjournal.com/.../regina-m-spielberg.html) - [Cached](#) - [Similar](#)

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extensively on such topics such as Medicaid, Medicare, and **Elder and Disability Law**. He is the managing partner of the Rosenkranz Law Firm with offices in ...

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Apr 25, 2008 ... Non-profit organization that provides information about **elder and disability law**, referrals to its member lawyers throughout the country, ...

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[Hyman G. Darling - Bacon Wilson, PC - Attorneys at Law - Attorney ...](#)

Lecturer: 10th Annual **Elder and Disability Law** Conference 2008 , February 2008. Author: Caring for Your Ailing or Aging Parent – Personal and Financial ...

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Ms. Schuster's practice focuses on **elder and disability law**, including mental health law, guardian and conservatorship representation, Medicare appeals, ...

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[Norcross GA Estate Planning & Elder Law Attorney Norcross GA ...](#)

Ms. Elrod-Hill founded the Elrod-Hill Law Firm, LLC, in 2003 and now concentrates her practice in the areas of Estate Planning and **Elder and Disability Law**. ...

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[Ann M. Dougherty, P.A.--Elder Law Attorney - Profile Ann](#)

She is an active member of the National Academy of Elder Law Attorneys, the **Elder and Disability Law** Section of the New Jersey State Bar Association and the ...

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... mediation, **elder and disability law** (encompassing social security, public benefits, and HIV/AIDS), non-profit incorporation and legal help for arts ...  
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[CLE Books - About the authors - Advising Older Clients and Their ...](#)

Betsy Abramson, co-author of Chapter 3, "Wisconsin's Elder Support Network," does consulting work in **elder and disability law**. Previously, she was a ...  
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Lois Zerrer is a member of the Special Needs Alliance, a professional organization of leading **elder and disability law** attorneys throughout the United ...  
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Mr. Rothkoff specializes in **elder and disability law** practice concentrating in areas of long term care planning, asset protection, guardianship, ...  
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... who has significant experience in the practice of **elder and disability law**. Professor Gilchrist also has a Ph.D. in Health Services Research. ...  
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[Scott M. Solkoff, Esq.-Solkoff & Associates, P.A.](#)

The attorneys of Solkoff & Associates, P.A. are nationally-recognized for excellence in leadership in the field of **elder and disability law**. ...

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... and Birmingham Bar Association (**Elder and Disability Law** Subcommittee) ... Alabama State Bar (Member, Committees on Tax, **Elder and Disability Law**) ...

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Nov 8, 2008 ... Health Care Access, **Elder and Disability Law** Conference, 2005. Disability Insurance Litigation, Litigating Disability Insurance Claims ...

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Jun 25, 2007 ... Her practice focuses on matrimonial law, **elder and disability law**, estate planning and probate. An active member on the New Jersey State Bar ...  
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[myelderadvocate.typepad.com/.../relatives-can-be-paid-to-look-after-elderly.html](http://myelderadvocate.typepad.com/.../relatives-can-be-paid-to-look-after-elderly.html) - [Cached](#) - [Similar](#)

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### [Steven P. Lerner - KassoffRobertLernerLaw.com](http://Steven.P.Lerner-KassoffRobertLernerLaw.com)

Mr. Lerner has authored many articles on **Elder and Disability Law**, and has been published in the Elder Law Attorney, a publication of the New York State Bar ...

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### [Shirley B. Whitenack - Schenck, Price, Smith & King, LLP ...](#)

Ms. Whitenack devotes a substantial portion of her practice to trust and estate litigation and **elder and disability law**, particularly surrogate arrangements ... [www.spsk.com/Bios/whitenack\\_s.cfm](http://www.spsk.com/Bios/whitenack_s.cfm) - [Cached](#) - [Similar](#)

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... offers readers a daily dose of news and information pertaining to **elder and disability law** and policy. It is part of the Law Professors Blog Network. ... [www.wmitchell.edu/cejp/elderjustice/?page=134&resources](http://www.wmitchell.edu/cejp/elderjustice/?page=134&resources) - [Cached](#) - [Similar](#)

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### [RF&G | Donald N. Freedman](#)

With seven lawyers and five paralegals concentrating on every aspect of **elder and disability law**, trust administration and estate settlement, our staff has ... [www.rfglawyers.com/attorneys\\_and\\_staff/dfreedman/](http://www.rfglawyers.com/attorneys_and_staff/dfreedman/) - [Cached](#) - [Similar](#)

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### [Margolis & Bloom](#)

He has also authored numerous articles on **elder and disability law** for publications such as: - The ElderLaw Report - Massachusetts Lawyers Weekly ... [www.elderlawanswers.com/wsb.../SeeAttorneyInfo.asp?...](http://www.elderlawanswers.com/wsb.../SeeAttorneyInfo.asp?...) - [Cached](#) - [Similar](#)

### [Elder and Disability Law: Health Care\(ABA Division for Public ...](#)

Law-related information regarding health care advance directives and how to protect your wishes in the event of disability. Provided by the American Bar ... [www.abanet.org/publiced/practical/elder.html](http://www.abanet.org/publiced/practical/elder.html) - [Cached](#) - [Similar](#)

### [Estate Planning AttorneysSan Bernardino CA: AboutEsther Wang](#)

Her law practice, The **Elder and Disability Law** Firm, champions the use of powers of attorney, trusts, annuities and other legal methods as proven ways to

...

[members.aaepa.com/public/profile.aspx?person\\_id=9209](http://members.aaepa.com/public/profile.aspx?person_id=9209) - [Cached](#) - [Similar](#)

### [Massachusetts Elder and Disability Law Attorney in Boston](#)

Ken W. Shulman, Boston Massachusetts lawyer providing estate planning services to elders and to families with elderly parents or disabled children including ...

[www.elderanddisabilitylaw.com/](http://www.elderanddisabilitylaw.com/) - [Cached](#) - [Similar](#)

### [Elder & Disability Law Center Washington DC Attorneys | Senior ...](#)

The attorneys at the Washington, DC, Virginia, and Maryland Elder & Disability Law Center help families with estate planning, probate, Medicaid eligibility, ...

[www.edlc.com/CM/FSDP/PracticeCenter/.../Elder-Law.asp](http://www.edlc.com/CM/FSDP/PracticeCenter/.../Elder-Law.asp) - [Cached](#) - [Similar](#)

### [Kansas and Missouri Elder Law Attorneys | The Elder & Disability ...](#)

**Elder and Disability Law** Firm Serving Kansas and Missouri. Helping Your Loved One Get The Care They Deserve While Legally Protecting Your Family's Assets ...

[www.kcelderlaw.com/](http://www.kcelderlaw.com/) - [Cached](#) - [Similar](#)

### [BASS LAW FIRM, P.C. Attorneys & Counselors at Law. Founded 1934](#)

...

**Elder and Disability Law.** Bass Law Firm attorneys assist clients with the unique legal challenges facing the disabled and the elderly. ...

[www.basslaw.net/elder-law.shtml](http://www.basslaw.net/elder-law.shtml) - [Cached](#) - [Similar](#)

### [Legal Services Albanian search engine: KËRKO NË Internet ME www](#)

...

... from offices in Mount Clemens. **Elder and Disability Law** Firm, PLLC - Specializing in estate planning, including special needs trusts. ...

[www.startfaqe.com/direktoria/merr.asp?/.../North...](http://www.startfaqe.com/direktoria/merr.asp?/.../North...) - [Cached](#) - [Similar](#)

### [Dianne Rosen Pallmerine, Elder and Disability Law](#)

Get detailed business information on Dianne Rosen Pallmerine, **Elder and Disability Law** in \$detailCity \$detailState \$detailZip.

[yellowpages.washingtonpost.com/Dianne+Rosen+Pallmerine--2C+Elder+and+Disability+Law.393208.500008059.home.html](http://yellowpages.washingtonpost.com/Dianne+Rosen+Pallmerine--2C+Elder+and+Disability+Law.393208.500008059.home.html) - [Similar](#)

## [The Easy Riders](#)

Lois Nafziger is an **Elder and Disability Law** attorney and rides because she has a number of clients who are struggling with the devastation of MS. ...  
[www.easyridersfightms.com/teammembers.html](http://www.easyridersfightms.com/teammembers.html) - [Cached](#) - [Similar](#)

## [Long Term Care Insurance | LTC Insurance | Medicare Ambulance](#)

As **elder and disability law** attorneys, we must all be aware that Medicaid and other public assistance programs may not continue to exist in the future as we ...  
[www.longtermcareinsurancefacts.com/long-term-care-insurance.html](http://www.longtermcareinsurancefacts.com/long-term-care-insurance.html) - [Cached](#) - [Similar](#)

## [August Dialog \(Kalista\).qxp](#)

File Format: PDF/Adobe Acrobat - [View as HTML](#)

Topic: **Elder and Disability Law**. Speaker: Ken Herring. KC Caregivers. Date: June 8th. Attended: 11. Topic: The Ideal Organization to Deal with ALS ...  
[www.alsa-midwest.org/info/dialog/0805-Dialog.pdf](http://www.alsa-midwest.org/info/dialog/0805-Dialog.pdf) - [Similar](#)

## [Senior Navigator - Virginia's Resource for Health and Aging](#)

Jan 29, 2009 ... He is the principal of The **Elder and Disability Law** Center. The live event will consist of a 30-minute presentation in webinar format (audio ...  
[www.seniornavigator.com/calendar.php?op...id...](http://www.seniornavigator.com/calendar.php?op...id...) - [Cached](#) - [Similar](#)

## [Untitled Document](#)

The **Elder and Disability Law** Firm, P.A. - provides information, kits and books on legal issues relating to Alzheimer's situations.  
[techsynergy.com/healthflipper.html](http://techsynergy.com/healthflipper.html) - [Cached](#) - [Similar](#)

## [Secret Dollars - Veterans' Benefit for Long-Term Care Revealed](#)

Mar 2, 2008 ... William G. Hammond, J.D., is the founder and owner of the **Elder and Disability Law** Firm, P.A., in Overland Park, Kansas. He is a graduate . ...  
[ezinearticles.com/?Secret-Dollars---Veterans...for...](http://ezinearticles.com/?Secret-Dollars---Veterans...for...) - [Cached](#) - [Similar](#)

## [Calendar - Council on Aging - Mecklenburg County: Charlotte ...](#)

... chronic care conditions will soon have an opportunity to learn from the experts in the areas of **Elder and Disability Law** and Geriatric Care Management. ...  
[www.charmeckcoa.org/calendar.php](http://www.charmeckcoa.org/calendar.php) - [Cached](#) - [Similar](#)

## [Do You Need Help - Resources for Disabled Individuals : Wishes 4 ...](#)

An **Elder and Disability Law** Practice David Paul Pollan Attorney at Law 1447 Peachtree Street, N.E.. Suite 1002. Atlanta, GA 30309 david@pollanlawfirm.com

...

[www.wishes4me.org/needhelp.html](http://www.wishes4me.org/needhelp.html) - [Cached](#) - [Similar](#)

## [Advanced topics in elder and disability law '97 \(Open](#)

### [Legal Aid Assistance - Legal Aid Assistance](#)

Senior Legal Hotline; Colorado Colorado Legal Services (Colorado Legal Services) The Legal Center (**Elder and Disability Law**); Connecticut ... [legalaid.uslegal.com/](http://legalaid.uslegal.com/) - [Cached](#) - [Similar](#)

## [Controlling Personal Health Decisions for the Oldest Old ...](#)

May 29, 2008 ... In particular, we encourage the exploration of partnerships between the **elder and disability law** sections of federal, state, and local bar ...

[www.ajph.org/cgi/content/full/98/7/1160](http://www.ajph.org/cgi/content/full/98/7/1160) - [Similar](#)

by MR Greenberg - 2008 - [Related articles](#) - [All 3 versions](#)

NOTE = American Journal of Public Health – article by 3 non-lawyer authors

## [Meet the team at National Eligibility Solutions](#)

... on the Ohio Bar Association Committee for Elder Law A public speaker and practitioner of **Elder and Disability Law**, including Medicare, Medicaid, ...

[www.trustnes.com/team.html](http://www.trustnes.com/team.html) - [Cached](#) - [Similar](#)

## [APPLICATION FOR CLINICS AND INTERNSHIPS FALL 2009](#)

### [Carefully read ...](#)

File Format: PDF/Adobe Acrobat - [View](#)

\_\_\_\_ Elder Law (preferred for **Elder and Disability Law** Internship and Civil Elder Law Clinic). \_\_\_\_ Employment Discrimination Law (required for Equal ...

[www.law.stetson.edu/WorkArea/DownloadAsset.aspx?id=5754](http://www.law.stetson.edu/WorkArea/DownloadAsset.aspx?id=5754) - [Similar](#)

NOTE – Stetson has an “**Elder and Disability Law** Internship” clinic internship for law students

## Professional Practice

### Sections & Divisions

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## Sections and Divisions

[Executive Council](#)

[Council of Sections Delegates](#)

[Administrative Law](#)

[Appellate Practice](#)

[Business Law](#)

[City County and Local Government Law](#)

[Criminal Law](#)

[Elder Law](#)

[Entertainment, Arts, & Sports Law](#)

[Environmental & Land Use Law](#)

[Equal Opportunities Law](#)

[Family Law](#)

[General Practice Solo and Small Firm](#)

[Government Lawyer](#)

[Health Law](#)

[International Law](#)

[Labor and Employment Law](#)

[Out of State Division](#)

[Public Interest Law](#)

[Real Property, Probate and Trust Law](#)

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[Trial Lawyers](#)

[Workers' Compensation Law](#)

[Young Lawyers Division](#)

- 
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[Revised: 09-19-2009 ]

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## Sections of the Florida Bar – September 2009

### Ranked By Number of Members

| NAME   | YEAR ORGANIZED | PURPOSE  | # MEMBERS |
|--|----------------|--|-----------|
| 1 <sup>st</sup> - Young Lawyers Division                   | 1986           | The purpose of the Young Lawyers Division is to stimulate and encourage the interest and participation of division members in the purposes of The Florida Bar. The YLD provides a full and complete program of activities and projects designed to be of interest and assistance to members, and to engage in such activities as shall tend to further the best interests of the legal profession.   | 20,563    |
| 2 <sup>nd</sup> - Real Property, Probate and Trust Law     | 1954           | The Real Property, Probate and Trust Law Section provides a forum for discussion on legal issues in the areas of real property, probate, wills/estates and trust law. The Section also assists in developing real property, probate and trust law, and serves the public and The Florida Bar in interpreting and carrying out the public and professional needs and objectives in the fields of real property, probate and trust law.  | 9,063     |
| 3 <sup>rd</sup> - Trial Lawyers                            | 1967           | The Trial Lawyers Section of The Florida Bar provides a forum for discussion and exchange of ideas leading to the improvement of individual trial ability. The essential purposes of the Trial Lawyers Section are threefold: to assist the courts in improving the administration of justice; to promote the art of advocacy; and to preserve and protect the jury system. The Trial Lawyers Section includes both plaintiff and defense attorneys as well as prosecutors   | 6,003     |
| 4 <sup>th</sup> - Business Law                             | 1970           | The purpose of the Business Law Section of The Florida Bar is to provide an organization within The Florida Bar for members interested in corporation, banking, business, bankruptcy and related areas of law, as well as to provide a forum for the discussion and exchange of ideas leading to the improvement of the laws relating to these areas of law.   | 4,401     |
| 5 <sup>th</sup> - Family Law Section                       | 1973           | The Family Law Section provides section members and the public with information on attorneys practicing in the areas of divorce, child custody, adoption, modification of judgments and enforcement of alimony and child support. Family law deals with legal problems arising from family relationship of husband and wife and parent and child, including litigation of civil controversies arising from those relationships. In addition to actual pretrial and trial process, marital and family law includes evaluating, handling and resolving such controversies prior to the institution of suit and post-judgment proceedings | 3,437     |
| 6 <sup>th</sup> - Criminal Law                             | 1976           | PURPOSE: The Criminal Law Section was created in 1976 to provide a forum for Bar members with a common interest in criminal law. The Section is committed to the improvement of individual trial skills and the administration of justice. Section activities foster a high standard of ethical conduct in all members of the profession who participate in the criminal justice system  | 2,365     |
| 7 <sup>th</sup> - General Practice Solo and Small Law Firm | 1971           | The General Practice Solo and Small Law Firm Section's central goal is to enhance the quality of practice for the solo and small firm lawyer as well as the lawyer who has interests beyond the bounds of a single professional specialty.   | 2,109     |

|   |      |  |       |
|---|------|--|-------|
| 8 <sup>th</sup> - Tax Law                                 | 1952 | The Tax Law Section of The Florida Bar's purpose is to further the tax knowledge and practice of interested members in federal and state tax law; develop standards for ethical and competent practice of tax law by lawyers; develop and maintain proper professional relationships between tax lawyers, non-lawyer groups and lawyer groups; and, improve the operation of federal and state tax laws, rules and regulations, to accomplish legitimate legislative objectives and improve the administration of tax law.   | 1,952 |
| 9 <sup>th</sup> - Labor And Employment Law                | 1981 | Welcome to the LABOR AND EMPLOYMENT LAW SECTION. The purpose of the section is to work in cooperation with the Florida Bar Board of Governors, and under its supervision, accomplish the aims and purposes of The Florida Bar within the field of labor and employment law. The Section actively sponsors the continuing education of the members of The Florida Bar in the field of labor and employment law. The Section encourages members of the section interested in the problems of management and labor throughout the state to meet and confer, through this section, upon their various problems and, through such cooperation, to promote justice | 1,894 |
| 10 <sup>th</sup> - Environmental and Land Use Law         | 1977 | The Environmental and Land Use Law Section of The Florida Bar provides a forum for attorneys to share in the technical and legal knowledge which relates to the field of environmental and land use law. The Section provides numerous seminars and workshops as well as publications on the environment and the use of land. The Section has also published a treatise "Florida Environmental and Land Use Law" as a comprehensive guide.   | 1,814 |
| 11 <sup>th</sup> - City, County, and Local Government Law | 1991 | The City, County, and Local Government Law Section serves as an organization within The Florida Bar for lawyers representing local government interests and representing private interests in the area of local government. PURPOSE: The Criminal Law Section was created in 1976 to provide a forum for Bar members with a common interest in criminal law. The Section is committed to the improvement of individual trial skills and the administration of justice. Section activities foster a high standard of ethical conduct in all members of the profession who participate in the criminal justice system.   | 1,628 |
| 12 <sup>th</sup> - Elder Law                              | 1991 | The Elder Law Section exists to cultivate and promote professionalism, expertise and knowledge in the practice of law regarding issues affecting the elderly and persons with special needs, and advocates on behalf of its members.   | 1,499 |
| 13 <sup>th</sup> - Appellate Practice                     | 1993 | The Appellate Practice Section of The Florida Bar is an organization devoted to promoting excellence in Florida's state and federal appellate courts. Its members include civil and criminal lawyers, plaintiff and defense lawyers, and others interested in the appellate process.   | 1,368 |
| 14 <sup>th</sup> - Workers' Compensation                  | 1975 | The purpose of the Workers' Compensation Section is to provide an organization within The Florida Bar open to all members in good standing who have a common interest in workers' compensation law. The Section provides a forum for discussion and exchange of ideas leading to the improvement of individual trial abilities in workers' compensation cases.   | 1,358 |

|  |      |   |       |
|--|------|---|-------|
| 15 <sup>th</sup> - Health Law            | 1988 | The Health Law Section of The Florida Bar's goal is to provide a forum for communication and education leading to the improvement and development of the field of health law. Another goal is serving the bar and the public generally in interpreting and carrying out the professional needs and objectives in the area of health law. Health law is the practice of law involving federal, state or local law and rules or regulations regarding the delivery of health care services. In addition to health care provider issues and regulations of providers, health law includes legal issues regarding relationships between and among providers and payors.   | 1,316 |
| 16 <sup>th</sup> - Administrative Law    | 1977 | The purpose of the section is to provide an organization within The Florida Bar open to all members in good standing who have an interest in administrative law and procedure at both the state and federal levels. The Section provides a forum for discussion and exchange of ideas leading to the improvement and development of the fields of administrative law and procedure and agency practice. The section serves the public generally and The Florida Bar in interpreting and carrying out the professional needs and objectives in these fields.   | 1,181 |
| 17 <sup>th</sup> - Out-of-state Division | 1992 | WELCOME: The purpose of the Division is to provide an organization within The Florida Bar open to persons having an interest in issues of importance to out-of-state members of The Florida Bar; to assist out-of-state lawyers in administrative, educational and practice development issues; with pro bono activities; in relocating to Florida; and in establishing a network of out-of-state members: to aid in the development of laws that eliminate disparate treatment of out-of-state members; to identify the professional needs and objectives of out-of-state members and implement programs to further these objectives; to develop and maintain proper professional relationships between in-state and out-of-state members; to provide a forum for the discussion of issues of interest and; to improve the administration and application of laws, rules and regulations; and to accomplish legitimate legislative objectives of out-of-state members. | 1,086 |
| 18 <sup>th</sup> - Government Lawyer     | 1991 | The Government Lawyer Section is dedicated to promoting the professionalism and competence of its members; improving the delivery of legal services to all governmental entities; improving the administration of the legal system, and enhancing The Florida Bar's and the public's understanding of the unique needs of the government attorney.  | 921   |
| 19 <sup>th</sup> - International Law     | 1981 | The International Law Section of The Florida Bar provides an organization for all members in good standing who have an interest in the field of international law. International law is the practice of law dealing with issues, problems, or disputes arising from aspects of the relations between or among states and international organizations, between or among nationals of different countries, or between a state and a national of another state, including transnational business transactions, multinational taxation, customs, and trade. The term "international law" includes foreign and comparative law. The Section provides a forum of communication and education to and for the public and attorneys on matters relating to international law; and to improve the administration and the application of laws, rules and regulations in international law.   | 913   |

|   |      |  |     |
|---|------|--|-----|
| 20 <sup>th</sup> - Entertainment, Arts and Sports Law | 1988 | The Entertainment, Arts and Sports Law Section provides a forum for members to share in the technical and legal knowledge which relates to the entertainment, arts and sports law industries, and to provide a standard and goal setting mechanism to improve the practice of entertainment, arts and sports law by Florida lawyers.   | 807 |
| 21 <sup>st</sup> - Public Interest Law                | 1989 | Welcome to the PUBLIC INTEREST LAW SECTION . The purpose of the section is to provide an organization open to all who have a common interest in advocacy and enhancement of constitutional, statutory or other rights that protect the dignity, security, justice, liberty, or freedom of the individual or public, and a forum for discussion and exchange of ideas leading to increased knowledge and <u>understanding</u> of the areas of public interest law.  | 366 |
| 22 <sup>nd</sup> - Equal Opportunities Law            | 1977 | The Equal Opportunities Law Section of The Florida Bar was established in 2000 to fulfill the need for a forum committed to fostering diversity in the legal profession in Florida. Diversity is an inclusive principle encompassing race, color, ethnicity, gender, sexual orientation, religion, nationality, age, disability and marital and parental status. Through increased diversity, the legal profession can more effectively address societal and individual needs by increasing the variety of perspectives, experiences, and understanding in the administration of justice. Inclusion and full participation of all elements of society in law firms, government and corporate law departments, courts and law schools will better serve the ends of equal justice to which the legal profession is dedicated. | 212 |

## Sections of the Florida Bar – September 2009

### Alphabetical by Section Name

| NAME                                   | YEAR ORGANIZED | PURPOSE  | # MEMBERS |
|--|----------------|--|-----------|
| Administrative Law                     | 1977           | The purpose of the section is to provide an organization within The Florida Bar open to all members in good standing who have an interest in administrative law and procedure at both the state and federal levels. The Section provides a forum for discussion and exchange of ideas leading to the improvement and development of the fields of administrative law and procedure and agency practice. The section serves the public generally and The Florida Bar in interpreting and carrying out the professional needs and objectives in these fields.  | 1,181     |
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|--|------|--|-------|
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| Family Law Section                       | 1973 | The Family Law Section provides section members and the public with information on attorneys practicing in the areas of divorce, child custody, adoption, modification of judgments and enforcement of alimony and child support. Family law deals with legal problems arising from family relationship of husband and wife and parent and child, including litigation of civil controversies arising from those relationships. In addition to actual pretrial and trial process, marital and family law includes evaluating, handling and resolving such controversies prior to the institution of suit and post-judgment proceedings   | 3,437 |
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|                                      |      |   |       |
|--------------------------------------|------|---|-------|
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| Real Property, Probate and Trust Law | 1954 | The Real Property, Probate and Trust Law Section provides a forum for discussion on legal issues in the areas of real property, probate, wills/estates and trust law. The Section also assists in developing real property, probate and trust law, and serves the public and The Florida Bar in interpreting and carrying out the public and professional needs and objectives in the fields of real property, probate and trust law.   | 9,063 |

|                        |      |  |        |
|------------------------|------|--|--------|
| Tax Law                | 1952 | The Tax Law Section of The Florida Bar's purpose is to further the tax knowledge and practice of interested members in federal and state tax law; develop standards for ethical and competent practice of tax law by lawyers; develop and maintain proper professional relationships between tax lawyers, non-lawyer groups and lawyer groups; and, improve the operation of federal and state tax laws, rules and regulations, to accomplish legitimate legislative objectives and improve the administration of tax law. | 1,952  |
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## Sections of the Florida Bar – September 2009

### By Year Organized

| NAME                                     | YEAR ORGANIZED | PURPOSE  | # MEMBERS |
|--|----------------|--|-----------|
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| Trial Lawyers                            | 1967           | The Trial Lawyers Section of The Florida Bar provides a forum for discussion and exchange of ideas leading to the improvement of individual trial ability. The essential purposes of the Trial Lawyers Section are threefold: to assist the courts in improving the administration of justice; to promote the art of advocacy; and to preserve and protect the jury system. The Trial Lawyers Section includes both plaintiff and defense attorneys as well as prosecutors   | 6,003     |
| Business Law                             | 1970           | The purpose of the Business Law Section of The Florida Bar is to provide an organization within The Florida Bar for members interested in corporation, banking, business, bankruptcy and related areas of law, as well as to provide a forum for the discussion and exchange of ideas leading to the improvement of the laws relating to these areas of law.   | 4,401     |
| General Practice Solo and Small Law Firm | 1971           | The General Practice Solo and Small Law Firm Section's central goal is to enhance the quality of practice for the solo and small firm lawyer as well as the lawyer who has interests beyond the bounds of a single professional specialty.   | 2,109     |
| Family Law Section                       | 1973           | The Family Law Section provides section members and the public with information on attorneys practicing in the areas of divorce, child custody, adoption, modification of judgments and enforcement of alimony and child support. Family law deals with legal problems arising from family relationship of husband and wife and parent and child, including litigation of civil controversies arising from those relationships. In addition to actual pretrial and trial process, marital and family law includes evaluating, handling and resolving such controversies prior to the institution of suit and post-judgment proceedings | 3,437     |

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| Workers' Compensation          | 1975 | The purpose of the Workers' Compensation Section is to provide an organization within The Florida Bar open to all members in good standing who have a common interest in workers' compensation law. The Section provides a forum for discussion and exchange of ideas leading to the improvement of individual trial abilities in workers' compensation cases.  | 1,358 |
| Criminal Law                   | 1976 | PURPOSE: The Criminal Law Section was created in 1976 to provide a forum for Bar members with a common interest in criminal law. The Section is committed to the improvement of individual trial skills and the administration of justice. Section activities foster a high standard of ethical conduct in all members of the profession who participate in the criminal justice system   | 2,365 |
| Administrative Law             | 1977 | The purpose of the section is to provide an organization within The Florida Bar open to all members in good standing who have an interest in administrative law and procedure at both the state and federal levels. The Section provides a forum for discussion and exchange of ideas leading to the improvement and development of the fields of administrative law and procedure and agency practice. The section serves the public generally and The Florida Bar in interpreting and carrying out the professional needs and objectives in these fields.   | 1,181 |
| Environmental and Land Use Law | 1977 | The Environmental and Land Use Law Section of The Florida Bar provides a forum for attorneys to share in the technical and legal knowledge which relates to the field of environmental and land use law. The Section provides numerous seminars and workshops as well as publications on the environment and the use of land. The Section has also published a treatise "Florida Environmental and Land Use Law" as a comprehensive guide.  | 1,814 |
| Equal Opportunities Law        | 1977 | The Equal Opportunities Law Section of The Florida Bar was established in 2000 to fulfill the need for a forum committed to fostering diversity in the legal profession in Florida. Diversity is an inclusive principle encompassing race, color, ethnicity, gender, sexual orientation, religion, nationality, age, disability and marital and parental status. Through increased diversity, the legal profession can more effectively address societal and individual needs by increasing the variety of perspectives, experiences, and understanding in the administration of justice. Inclusion and full participation of all elements of society in law firms, government and corporate law departments, courts and law schools will better serve the ends of equal justice to which the legal profession is dedicated.  | 212   |
| International Law              | 1981 | The International Law Section of The Florida Bar provides an organization for all members in good standing who have an interest in the field of international law. International law is the practice of law dealing with issues, problems, or disputes arising from aspects of the relations between or among states and international organizations, between or among nationals of different countries, or between a state and a national of another state, including transnational business transactions, multinational taxation, customs, and trade. The term "international law" includes foreign and comparative law. The Section provides a forum of communication and education to and for the public and attorneys on matters relating to international law; and to improve the administration and the application of laws, rules and regulations in international law. | 913   |

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| Labor And Employment Law               | 1981 | Welcome to the LABOR AND EMPLOYMENT LAW SECTION. The purpose of the section is to work in cooperation with the Florida Bar Board of Governors, and under its supervision, accomplish the aims and purposes of The Florida Bar within the field of labor and employment law. The Section actively sponsors the continuing education of the members of The Florida Bar in the field of labor and employment law. The Section encourages members of the section interested in the problems of management and labor throughout the state to meet and confer, through this section, upon their various problems and, through such cooperation, to promote justice        | 1,894  |
| Young Lawyers Division                 | 1986 | The purpose of the Young Lawyers Division is to stimulate and encourage the interest and participation of division members in the purposes of The Florida Bar. The YLD provides a full and complete program of activities and projects designed to be of interest and assistance to members, and to engage in such activities as shall tend to further the best interests of the legal profession.  | 20,563 |
| Entertainment, Arts and Sports Law     | 1988 | The Entertainment, Arts and Sports Law Section provides a forum for members to share in the technical and legal knowledge which relates to the entertainment, arts and sports law industries, and to provide a standard and goal setting mechanism to improve the practice of entertainment, arts and sports law by Florida lawyers.  | 807    |
| Health Law                             | 1988 | The Health Law Section of The Florida Bar's goal is to provide a forum for communication and education leading to the improvement and development of the field of health law. Another goal is serving the bar and the public generally in interpreting and carrying out the professional needs and objectives in the area of health law. Health law is the practice of law involving federal, state or local law and rules or regulations regarding the delivery of health care services. In addition to health care provider issues and regulations of providers, health law includes legal issues regarding relationships between and among providers and payors. | 1,316  |
| Public Interest Law                    | 1989 | Welcome to the PUBLIC INTEREST LAW SECTION . The purpose of the section is to provide an organization open to all who have a common interest in advocacy and enhancement of constitutional, statutory or other rights that protect the dignity, security, justice, liberty, or freedom of the individual or public, and a forum for discussion and exchange of ideas leading to increased knowledge and understanding of the areas of public interest law.  | 366    |
| City, County, and Local Government Law | 1991 | The City, County, and Local Government Law Section serves as an organization within The Florida Bar for lawyers representing local government interests and representing private interests in the area of local government. PURPOSE: The Criminal Law Section was created in 1976 to provide a forum for Bar members with a common interest in criminal law. The Section is committed to the improvement of individual trial skills and the administration of justice. Section activities foster a high standard of ethical conduct in all members of the profession who participate in the criminal justice system.  | 1,628  |
| Elder Law                              | 1991 | The Elder Law Section exists to cultivate and promote professionalism, expertise and knowledge in the practice of law regarding issues affecting the elderly and persons with special needs, and advocates on behalf of its members.  | 1,499  |

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| Government Lawyer     | 1991 | The Government Lawyer Section is dedicated to promoting the professionalism and competence of its members; improving the delivery of legal services to all governmental entities; improving the administration of the legal system, and enhancing The Florida Bar's and the public's understanding of the unique needs of the government attorney.  | 921   |
| Out-of-state Division | 1992 | WELCOME: The purpose of the Division is to provide an organization within The Florida Bar open to persons having an interest in issues of importance to out-of-state members of The Florida Bar; to assist out-of-state lawyers in administrative, educational and practice development issues; with pro bono activities; in relocating to Florida; and in establishing a network of out-of-state members: to aid in the development of laws that eliminate disparate treatment of out-of-state members; to identify the professional needs and objectives of out-of-state members and implement programs to further these objectives; to develop and maintain proper professional relationships between in-state and out-of-state members; to provide a forum for the discussion of issues of interest and; to improve the administration and application of laws, rules and regulations; and to accomplish legitimate legislative objectives of out-of-state members. | 1,086 |
| Appellate Practice    | 1993 | The Appellate Practice Section of The Florida Bar is an organization devoted to promoting excellence in Florida's state and federal appellate courts. Its members include civil and criminal lawyers, plaintiff and defense lawyers, and others interested in the appellate process.  | 1,368 |