

**UPL**  
**The Unlicensed Practice of Law**

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**Materials by:**

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# **UPL – The Unlicensed Practice of Law**

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## **UPL Overview**

- The unlicensed practice of law, commonly referred to as UPL, occurs when a person who is not a licensed attorney engages in the practice of law.<sup>1</sup>
- It is a third degree felony to practice law without a license in Florida.<sup>2</sup>
- The Supreme Court of Florida has given The Florida Bar the responsibility for investigating and prosecuting the unlicensed practices of law in Florida.<sup>3</sup>
- UPL in Florida is “Complaint Driven.” As a general rule, the Florida Bar will not take action in an alleged UPL case without a formally initiated written complaint.
- Complaints alleging that an individual is practicing law without a license may be initiated by anyone with information in this regard. Complaints are investigated by one of the 31 local circuit committees. A statewide Standing Committee on UPL, half of which are nonlawyers, oversees the activities of the local circuit committees, sets policy, and issues proposed formal advisory opinions that ultimately must be approved by the Supreme Court of Florida.<sup>4</sup>
- UPL can happen in any area of law, but there is an escalating facet of UPL of particular importance to Elder Law clients. The area of Medicaid planning often involves some of the most vulnerable groups of individuals in Florida: elderly individuals, and individuals with severe mental and/or physical disabilities.

- Many individuals in Florida who are not licensed as attorneys hold themselves out as “Medicaid Planners.” Great harm can be caused to elders and their families by individuals who practice law without the proper training and licensure.

## **Definition of UPL in Florida**

- A single, all-embracing definition of the unlicensed practice of law does not exist. In Florida, UPL is defined through case law as opposed to through some universal, unchanging definition. In other words, context matters.<sup>5</sup>
- More specifically, the law says:

“The practice of law... includes the giving of legal advice and counsel to others as to their rights and obligations under the law and in preparation of legal instruments, including contracts, by which legal rights are either obtained, secured, or given away...”<sup>6</sup>

The biggest concern that the court has in defining, preventing, and regulating legal practice is “the protection of the public from incompetent, unethical, or irresponsible representation.”<sup>7</sup>

To determine whether a non-attorney’s actions constituted UPL, you must examine existing case law and view the non-lawyer's actions (or non-actions) in the context of these other cases.<sup>8</sup>

## **What Activities Would Generally Be Considered UPL in Florida Medicaid Planning?**

- Generally, the preparation of legal documents by a non-attorney is UPL. However, there is a significant legal distinction between “preparing” legal documents, and providing pre-printed legal forms for clients to complete for themselves. The preparation of legal documents by a non-attorney is UPL, but providing pre-printed legal forms for clients to complete themselves is not UPL.
- The drafting of qualified income trust documents by a non-attorney.<sup>9</sup>
- The drafting of a personal service contract by a non-attorney.<sup>10</sup>
- The drafting of a durable power of attorney by a non-attorney.<sup>11</sup>

- The drafting of a living trust, an irrevocable trust, a Will, a living will, or a health care surrogate by a non-attorney.<sup>12</sup>
- A person who is not licensed as an attorney and who states he/she is an attorney.<sup>13</sup>
- A person not licensed as an attorney who appears to be giving legal advice to members of the public may be UPL.<sup>14</sup>
- Any person who has paid a “kick back” to a nursing home or assisted living employee in return for a client referral should be seen as a possible participant in UPL activity.<sup>15</sup>

### **An Example to Highlight the Hidden Dangers: A Life's Savings, Wiped Out in Months**

- Consider this scenario:

Alejandra contacted a non-attorney Medicaid planner Steve, who is a Florida licensed insurance agent, who holds himself out as a “Medicaid Planning Specialist.”

Alejandra’s father, Armando has been a resident at an assisted living facility in Escambia County, Florida. The owner of the assisted living facility referred Alejandra to Steve. The assisted living facility can no longer meet Armando’s medical needs, and Armando must now move to a skilled nursing facility.

Armando’s gross monthly income is \$4,000.00 per month, which includes his Social Security and a DFAS pension, from Armando’s prior military service in the United States Air Force. The \$4,000.00 per month in income had been just enough to pay the \$3,800.00 per month bill at the assisted living facility.

However, the private pay bill at the new nursing home is going to be \$7,100.00 per month, and Armando has no money saved up, and he generally only has about \$1,500.00 left over in his checking account each month after paying the assisted living bill.

The insurance agent Steve tells Alejandra that he has drafted durable power of attorneys and qualified income trust for his clients in the past, and that he has successfully obtained Medicaid benefits for nursing home residents in the past. Steve advised Alejandra that Armando will need a qualified income trust to obtain Medicaid benefits, because Armando’s monthly income exceeds the \$2,094.00 income cap.

Steve quotes a fee of \$3,800.00 to draft a durable power of attorney, a qualified income trust, and submit the Medicaid application for Armando. Steve is also a Notary Public. Steve prepares the durable power of attorney for Armando, and

goes to the nursing home to visit with Armando, and execute the durable power of attorney. Steve properly executes the power of attorney with two witnesses, and then sets up an appointment with Alejandra, who Armando has named as his attorney in fact in his newly signed durable power of attorney.

Steve then prepares a qualified income trust, and has Alejandra sign the income trust in the presence of two witnesses. Steve tells Alejandra that he has provided these exact same services for many Medicaid applicants in the past, and all of his cases have been approved.

After Armando's Medicaid is submitted to D.C.F., the Medicaid application is denied. Unfortunately, Steve was not aware that Florida adopted a new power of attorney statute on October 1, 2011. Steve continued to use the same power of attorney document after October 1, 2011 that he had been providing to clients for the past few years. Under the new power of attorney statute, a "general grant of authority" is no longer effective, and in order to establish an irrevocable trust, a separate provision in the durable power document authorizing the establishment of the trust needed to be initialed or signed by Armando.

Steve was not aware of the new power attorney statute, so Steve continued to use the same durable power of attorney document he had always used in the past. By the time the decision was issued by the D.C.F caseworker in Armando's Medicaid case, three months had passed, and the unpaid bill in the nursing home exceeded \$21,000.00.

Neither Armando nor Alejandra had sufficient funds available to pay for the unpaid private pay bill in the nursing home, and when the Medicaid case was denied, the nursing facility issued a discharge notice to Armando, due to his failure to pay the bill.<sup>16</sup>

- **Exhibit 1:** John R. Frazier, "The Unlicensed Practice of Law in Florida," in *Protecting your Family's Assets: How to Legally Use Medicaid to Pay for Nursing Home and Assisted Living Care*"

## **Further Risks Associated with the Use of a Non-Attorney for Medicaid Planning**

- Financial planners, insurance agents, etc. are making "hidden money" on top of their fee by selling "Medicaid Friendly" or "Medicaid Qualifying" annuities. Worse yet, they don't have to disclose they are making hidden fees.<sup>17</sup>
- Annuity and insurance sales agents are by definition sales persons.<sup>18</sup>

- Fees – In addition to commissions on financial products to Medicaid applicants, non-attorney Medicaid planners typically charge a fee to prepare and make application to the DCF for the Medicaid applicant that are equal to or higher than fees charged by attorneys who practice in Medicaid planning.<sup>19</sup>
- No Legal Malpractice Insurance exists for non-attorneys.<sup>20</sup>
- Non-attorneys are not licensed by the Florida Bar.<sup>21</sup>
- Non-attorneys are not regulated by the Florida Bar.<sup>22</sup>
- Confidentiality – Duties of confidentiality as controlled by the Florida Bar do not apply to non-attorneys.<sup>23</sup>
- **Exhibit 2:** John R. Frazier, “Wake up To the Risks Associated with the Use of a Non-Attorney for Medicaid Planning”

### **The “Complaint Driven” Disciplinary Process of UPL**

- The Florida Bar’s approach to investigating allegations of UPL is “Complaint Driven.” As a general rule, the Florida Bar will not investigate the unlicensed practice of law in Florida, unless someone files a written UPL complaint with the Florida Bar.
- The Florida Bar provides a short form that can be completed in order to report alleged instances of UPL. The form is available for the public to download at [www.floridabar.org](http://www.floridabar.org)
- **Exhibit 3:** The Florida Bar Unlicensed Practice of Law Complaint Form

### **The Process of Investigation and Prosecution of UPL in Florida**

Before the Florida Bar can or will take investigative or prosecutorial action in a UPL allegation, someone must file a written allegation of UPL with the Florida Bar. The following excerpts from The Florida Bar website consumer information section<sup>24</sup> highlight some of the basic UPL procedures:

- The Florida Bar unlicensed practice of law system is established by the Supreme Court of Florida to protect the public against harm caused by unlicensed individuals practicing law.
- UPL committees, of which one-third of the members are not lawyers, investigate instances of UPL. Each of Florida’s 20 judicial circuits have at least one such committee. The Florida Bar acts as prosecutor in unlicensed practice of law cases. The Florida Bar cases are civil in nature.

- The committee may request that the individual sign a cease and desist affidavit.
- If the cease and desist affidavit is not obtained, the UPL committee can recommend prosecution.
- Florida Bar prosecutions are filed with the Supreme Court of Florida and trials are held before judges, called referees, appointed by the Court.
- The Supreme Court of Florida can order an individual from continuing to engage in the unlicensed practice of law by issuing a civil injunction.
- The Florida Bar can also bring an action before the Supreme Court of Florida for indirect criminal contempt.
- **Exhibit 4:** The Florida Bar: Filing an Unlicensed Practice of Law Complaint Pamphlet

## Formal Advisory Opinions

- Rule 10-9.1 of the Rules Regulating the Florida Bar allows the Standing Committee on Unlicensed Practice of Law to issue proposed formal advisory opinions concerning activities which may constitute UPL. The proposed advisory opinion is only an interpretation of the law and does not constitute final court action.
- If the Standing Committee finds that the conduct constitutes the unlicensed practice of law, the proposed formal advisory opinion is filed with the Supreme Court of Florida.
- The Florida Supreme Court answers requests for advisory opinions as to whether non-lawyer conduct constitutes the unlicensed practice of law.
- **Exhibit 5:** “Unlicensed Practice: Formal Advisory Opinions, Introduction to Proposed Formal Advisory Opinions”
- **Exhibit 6:** “Supreme Court Opinions on Proposed Formal Advisory Opinions”
- **Exhibit 7:** Robert M. Sondak, “Access to Courts and the Unauthorized Practice of Law—Ten Years of Unlicensed Practice of Law Advisory Opinions”
- **Exhibit 8:** The Florida Bar RE: Advisory Opinion-Nonlawyer Preparation of Living Trusts, 613 So.2d 426; December 24, 1992

## **Letter from the Florida Bar Committee for UPL Addresses the Issue of Non-attorneys Providing Medicaid Planning Services**

On May 13, 2009, the Florida Bar Standing Committee for UPL issued a letter that established certain activities that constitute clear UPL violations and some activities that would be considered on a case-by-case basis.<sup>25</sup>

- Activities that constitute clear UPL
  - Establishing irrevocable trusts
  - Establishing qualified income trusts
  - Hiring an attorney to review, prepare, or modify documents for customers if payment to the attorney was through the company
- Activities determined on a case-by-case basis
  - Restructuring assets
  - Counseling customers on the best way to get Medicaid approval
  - Advertising as an “elder counselor”
- The committee voted based on existing case law that the hiring of an attorney to review, prepare or modify documents for customers - if there was a direct relationship with the attorney and payment was made directly to the attorney - would not be the unlicensed practice of law.
- **Exhibit 9:** Letter issued by The Florida Bar Unlicensed Practice of Law Committee to Linda R. Chamberlain, Elder Law Section Chair, 13 May 2009, regarding guidance as to which activities would constitute the unlicensed practice of law and which activities need to be examined on a case-by-case basis.

## **A Legal Reason Why the Florida Bar UPL Investigative Process is “Complaint Driven”**

The following case is a legal reason why the investigation of alleged UPL activity in Florida is a “complaint driven” process.

- In *Surety Title Insurance Agency, Inc. v. Virginia State Bar*, the plaintiff filed an action against the Virginia State Bar claiming that certain advisory opinions issued by the Virginia State Bar, coupled with the threat of disciplinary proceedings against those attorneys who disregard the advisory opinions, illegally restrain commerce in the area of title insurance and constitute an illegal group boycott, and an attempt to monopolize, in violation of sections 1 and 2 of the Sherman Act, 15 U.S.C §§ 1 and 2.
- The United States District Court for the Eastern District of Virginia held that the actions by the Virginia State Bar were in violation of federal laws that prohibit the



restraint of commerce. In deciding the case, the court did not determine that the Virginia State Bar lacked the authority to define, investigate, or regulate the unlicensed practice of law. Rather, the court held that the procedures the Virginia State Bar followed in its efforts to regulate the unlicensed practice of law in Virginia violated federal antitrust laws.

- **Exhibit 10:** *Surety Title Insurance Agency, Inc. v. Virginia State Bar*, 571 F.2d 205 (4<sup>th</sup> Cir. 1978).
- **Exhibit 11:** 35 Fla. L. Weekly S260a
- **Exhibit 12:** John R. Frazier, “Surety Title Insurance Agency, Inc. v. Virginia State Bar, 571 F.2d 205 (4<sup>th</sup> Cir. 1978) – A Legal Reason Why The Florida Bar UPL Investigative Process Is a “Complaint Driven” Process”

### **Problems with Complaint Driven Approach**

- In order for UPL to be managed, somebody must report it. All complaints alleging unlicensed practice of law must be signed, in writing, and under oath.
- In effect, the Florida Bar is relying on its citizens to be the watchdogs and whistleblowers, with respect to investigating the Unlicensed Practice of Law in Florida.
- Nobody wants to be the whistleblower. There is an historic reluctance for people to report on and expose an individual’s or a company’s wrong or damaging actions upon others. This creates a kind of “code of silence” from the stigma of being labeled an informant.
- Many Elder Law clients may also feel ashamed or embarrassed about putting their trust in the wrong hands.
- The absence of reporting UPL in turn encourages its continuance.
- In today’s litigious society, individuals who file UPL complaints with the Florida Bar may have a concern they themselves may be sued by the person they report to the Bar.
- Given that the Virginia State Bar has previously been sued on anti-trust grounds, the potential for future anti-trust lawsuits against state bar associations likely perpetuates the “complaint driven” nature of the UPL disciplinary process.

## **The Explosion of UPL in Medicaid Planning Services**

- Since November 1, 2007, there has been a vast proliferation in the number of non-attorney Medicaid planners who are advising the public on how to obtain Medicaid benefits.
- The Deficit Reduction Act of 2005 (DRA) was enacted into law in Florida on November 1, 2007.
- The DRA made significant changes to “Medicaid Qualifying Annuities” – balloon style Medicaid qualifying annuities could no longer be used to shelter assets for unmarried Medicaid applicants.
- As a result of the Deficit Reduction Act, insurance agents who made most of their income from commissions from the sale of Medicaid Qualifying Annuities no longer had a source of income. These insurance agents may now be providing services which are very similar (if not the same) as the services of attorneys; i.e., becoming “Medicaid Planners” and counseling the public on the Florida laws to obtain Medicaid benefits.

## **Elder Law Section Establishes a UPL Committee**

As a result of the magnitude of issues regarding Medicaid Planning and UPL, the Elder Law Section created a UPL Committee in 2008, April D. Hill appointed Chair.<sup>26</sup>

- Committee has developed a database of elder law related UPL issues;
- By increasing awareness of UPL activities both to the public and attorneys, and by facilitating the filing of UPL complaints with the Florida Bar, a primary goal of the UPL Committee is to reduce UPL activity in Florida.

## **Elder Law UPL Committee Initiates Request for The Florida Supreme Court to Issue an Advisory Opinion on What Constitutes UPL in Florida Medicaid Planning.**

- John R. Frazier, current chair of the Unauthorized Practice of Law Committee, has submitted a draft of a request for a Florida Supreme Court advisory opinion defining areas of Medicaid planning services, which constitute the unauthorized practice of law when rendered by nonattorneys.<sup>27</sup> This communication is ongoing.
- **Exhibit 13:** Draft Memorandum issued by John R. Frazier, Chair of the Elder Law Section UPL Sub-committee to the Florida Bar Standing Committee on Unlicensed Practice of Law RE: Florida Supreme Court Advisory Opinion Regarding Non-Attorney Medicaid Planners.

- **Exhibit 14:** Board on the Unauthorized Practice of Law of The Supreme Court of Ohio; Advisory Opinion UPL 11-01; Issued: October 7, 2011; Medicaid Assistance and Planning by Nonattorneys.

### **At What Point Is an Activity Deemed UPL?**

- Can an activity be the unlicensed practice of law if the Florida Supreme Court has not specifically said it is UPL? These arguments were made in *Harold Goldberg and Arlene Goldberg v. Merrill Lynch Credit Corporation* and *Amy Sue Form v. World Savings Bank, FSB*, case no. SC08-1369.
- **Exhibit 15:** Gary Blankenship, “At What Point Is an Activity Deemed UPL,” The Florida Bar News, 01 March 2010:
  - The appeal involves a potential class action lawsuit against two banks that refinanced mortgages for thousands of homeowners. As part of the refinancing, the banks used nonlawyers to prepare mortgage documents, then charged the homeowners \$50 to \$150 for the work. Attorneys representing the homeowners claimed that work was the unlicensed practice of law and the homeowners should be reimbursed those fees.
  - First the trial court and then The Fourth District Court of Appeals dismissed the suit, holding that while a private UPL action was allowed, it was premature in this case because the Florida Supreme Court, which has jurisdiction over the practice of law and hence what constitutes UPL, had not specifically held the activity an unlicensed practice.
  - Petitioners argued that the exclusive right over UPL actions by the Florida Supreme Court applies only to injunctive actions, not civil actions where parties are seeking damages.
  - The court asked Florida Bar UPL Counsel why the Bar had not looked into the issue raised by the petitioner. The court had asked the Bar to file a brief in the case.
  - UPL Counsel responded that the Bar is entirely complaint driven. In this case, no one either filed a complaint about the banks’ activities or asked the Standing Committee on UPL to issue an advisory opinion on the issue. UPL Counsel also responded that the Bar cannot proceed with an advisory opinion while the matter is pending in court.

## Are You Assisting in the Unlicensed Practice of Law?

- The May 13, 2009 letter published by the Florida Bar Standing Committee on the Unlicensed Practice of Law, and the Rules Regulating the Florida Bar indicate that there is substantial risk that an attorney could violate Florida Bar rules by affiliating with non-attorney Medicaid planners in three significant ways:<sup>28</sup>
  1. A Florida Bar rule would be violated if an attorney receives a payment directly from a non-attorney Medicaid planner for services provided to a client.<sup>29</sup>
  2. A Florida Bar rule would be violated if an attorney assists a non-attorney Medicaid planner in the unlicensed practice of law.<sup>30</sup>
  3. A Florida Bar Rule would be violated if an attorney forms a partnership with a non-attorney Medicaid planner.<sup>31</sup>
- By affiliating with non-attorney Medicaid planners who may be engaging in UPL, an attorney may be indirectly supporting UPL activities that present a risk to the public.<sup>32</sup>
- By affiliating with non-attorney Medicaid planners, and providing legal services for the clients of the non-attorney Medicaid planners, you are also indirectly supporting the unlicensed, unregulated and uninsured competitors to your own law practice.<sup>33</sup>
- **Exhibit 16:** John R. Frazier, “Are You Assisting in the Unlicensed Practice of Law? What Florida Attorneys need to Know about Working with Non-Attorney Medicaid Planners”

## Moving Forward: What Is Our Duty as Elder Law Practitioners?

- We must take a proactive stand to inform our clients and their families about UPL within the framework of Medicaid Planning, and encourage them to report alleged instances of UPL to the Florida Bar.
- By reporting UPL, the higher virtue is served by respecting the well-being of others. It is acting responsibly on behalf of society by reporting wrong behavior.
- Obtain further information by contacting Elder Law Section UPL Committee Chair John R. Frazier J.D., LL.M. at office (727) 586-3306 extension 104, or by e-mail at John@attypip.com
- The Florida Bar website has significant information available for both attorneys and consumers.

- As Elder Law practitioners, increasing the awareness among the public and nursing home and assisted living employees may be one of the most effective ways to combat UPL in Florida.

## Exhibits

- Exhibit 1: John R. Frazier, “The Unlicensed Practice of Law in Florida,” in *Protecting your Family’s Assets: How to Legally Use Medicaid to Pay for Nursing Home and Assisted Living Care*
- Exhibit 2: John R. Frazier, “Wake up To the Risks Associated with the Use of a Non-Attorney for Medicaid Planning”
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- Exhibit 5: “Unlicensed Practice: Formal Advisory Opinions, Introduction to Proposed Formal Advisory Opinions,” The Florida Bar, last modified on June 6, 2011, <https://www.floridabar.org/tfb/TFBLawReg.nsf/e0f40af2c23904c785256709006a3713/786cc7cff524e34485256b2f006c9cee?OpenDocument>
- Exhibit 6: “Supreme Court Opinions on Proposed Formal Advisory Opinions,” The Florida Bar, last modified August 12, 2009, <http://www.floridabar.org/>
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- Exhibit 8: The Florida Bar Re: Advisory Opinion-Nonlawyer Preparation of Living Trusts, 613 So. 2d 426; December 24, 1992
- The Florida Bar Re: Advisory Opinion-Nonlawyer Preparation of Notice to Owner and Notice to Contractor, 544 So. 2d 1013; June 1, 1989
- The Florida Bar Re: Advisory Opinion-Nonlawyer Preparation of Pension Plans, 571 So. 2d 430; November 29, 1990
- The Florida Bar Re: Advisory Opinion On Nonlawyer Representation in Securities Arbitration, 696 So. 2d 1178; July 3, 1997
- The Florida Bar Re: Advisory Opinion HRS Nonlawyer Counselor, 518 So. 2d 1270; February 4, 1988
- Exhibit 9: Public Letter issued by the Florida Bar Standing Committee for Unlicensed Practice of Law, dated 13 May 2009
- Exhibit 10: *Surety Title Insurance Agency, Inc. v. Virginia State Bar*, 571 F.2d 205 (4<sup>th</sup> Cir. 1978).

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## Notes

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<sup>1</sup> “The Cost of Remaining Silent about the Unlicensed Practice Of Law,” accessed March 12, 2012, <http://www.estatelegalplanning.com/unlicensed-practice-of-law.html>.

<sup>2</sup> Florida Statutes, Title XXXII, Ch. 454.23, accessed March 12, 2012, [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0454/0454.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0454/0454.html).

<sup>3</sup> “Rules Regulating The Florida Bar,” Rule 10-1.2, accessed March 12, 2012, <http://www.floridabar.org/divexe/rrtfb.nsf/FV/3AA92E254CA01FB585256BC200450EC5>.

<sup>4</sup> “Bar Services,” The Florida Bar, last modified 02-27-2012, <http://www.floridabar.org/TFB/TFBOrgan.nsf/043adb7797c8b9928525700a006b647f/90c2ad07d0bd71fc85257677006a8401?OpenDocument>.

<sup>5</sup> John R. Frazier, *Protecting your Family’s Assets: How to Legally Use Medicaid to Pay for Nursing Home and Assisted Living Care*, (*Protecting your Family’s Assets*) 2<sup>nd</sup> ed. Florida, Rainbow Books Inc., 2012, 169.

<sup>6</sup> Florida State ex rel. The Florida Bar v. Sperry, 140 So.2d 587, 591 (Fla. 1962).

<sup>7</sup> The Florida Bar v. Moses, 380 So.2d 412, 417 (Fla. 1980).

<sup>8</sup> Frazier, *Protecting your Family’s Assets*, 170.

<sup>9</sup> Frazier, *Protecting your Family’s Assets*, 182.

<sup>10</sup> Frazier, *Protecting your Family’s Assets*, 182.

<sup>11</sup> Frazier, *Protecting your Family’s Assets*, 182.

<sup>12</sup> Frazier, *Protecting your Family’s Assets*, 182.

<sup>13</sup> Frazier, *Protecting your Family’s Assets*, 182.

<sup>14</sup> Frazier, *Protecting your Family’s Assets*, 182.

<sup>15</sup> Frazier, *Protecting your Family’s Assets*, 182.

<sup>16</sup> Frazier, *Protecting your Family’s Assets*, 178-179.

<sup>17</sup> John Frazier, “Wake up To the Risks Associated with the Use of a Non-Attorney for Medicaid Planning,” (“Wake Up To the Risks”) 2009.

<sup>18</sup> Frazier, “Wake up To the Risks.”

<sup>19</sup> Frazier, “Wake up To the Risks.”



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<sup>20</sup> Frazier, “Wake up To the Risks.”

<sup>21</sup> Frazier, “Wake up To the Risks.”

<sup>22</sup> Frazier, “Wake up To the Risks.”

<sup>23</sup> Frazier, “Wake up To the Risks.”

<sup>24</sup> “Filing an Unlicensed Practice of Law Complaint Pamphlet,” The Florida Bar, last modified December 2011,  
<http://www.floridabar.org/TFB/TFBConsum.nsf/48e76203493b82ad852567090070c9b9/59cac57c8be11c2085256b2f006c58a5?OpenDocument>.

<sup>25</sup> Public Letter issued by the Florida Bar Standing Committee for Unlicensed Practice of Law, dated 13 May 2009.

<sup>26</sup> “Committee Reports,” The Elder Law Advocate, Vol. XVI, No. 2 Winter 2008, 11.

<sup>27</sup> Renee E. Thompson, “Annual Reports of Sections and Divisions of The Florida Bar,” Fla. B.J. (June 2011) Vol. 85, No. 6.

<sup>28</sup> John R. Frazier, “Are You Assisting in the Unlicensed Practice of Law? What Florida Attorneys need to Know about Working with Non-Attorney Medicaid Planners”

<sup>29</sup> Frazier, “Are You Assisting in the Unlicensed Practice of Law?”

<sup>30</sup> Frazier, “Are You Assisting in the Unlicensed Practice of Law?”

<sup>31</sup> Frazier, “Are You Assisting in the Unlicensed Practice of Law?”

<sup>32</sup> Frazier, “Are You Assisting in the Unlicensed Practice of Law?”

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