



THE FLORIDA BAR

Results of the 2014 Government Lawyer Section Survey

January 2014

2014 Survey of the Government Lawyer Section

A link to an electronic survey was e-mailed on January 6, 2014 to 972 members of the Government Lawyer Section. By the January 15, 2014 cut-off date, 151 completed surveys were received for a response rate of **16%**.

In reporting the results, all percentages were rounded to the nearest whole percent (example 34.5% equals 35%). For this reason, totals may vary from 99 to 101 percent. Note that several questions are "multiple response questions." This means that respondents were encouraged to check all responses which apply to a given situation. Thus, multiple response questions will not total 100 percent.

1. What is your legal occupation or classification?

<u>Category</u>	<u>Percent</u>
State Agency Counsel	28
Local Government Counsel	15
Private Practitioner	15
Federal Government Counsel	7
Judiciary	5
State College or University Counsel	3
Administrative Board Counsel	1
Other State Government Counsel	10
Other	16

* Over one-quarter (28%) of all respondents are employed as state agency counsel.

1a. If "Other", please specify:

- * Administrator.
- * Assistant public defender.
- * Congressional staffer.
- * Federal Court administrator.
- * Federal judicial law clerk
- * General counsel for a judicial circuit.
- * Governance manager.

- * Hearing officer.
- * Legal counsel for a regional toll expressway authority.
- * Legislative advocate, and I work with local and regional governments as well.
- * Legislative staff director.
- * Nonprofit lobbyist and staff attorney.
- * Policy and legislative manager.
- * Professor.
- * Prosecuting attorney for private statutorily created corporation.
- * Prosecutor.
- * Public hospital counsel.
- * Public/private entity counsel.
- * Retired 37 year "government" lawyer.
- * Semi-retired.
- * State agency board executive director.
- * Trial court staff attorney.
- * University administration.

2. What percentage of your overall practice is Government Law related?

<u>Category</u>	<u>Percent</u>
25% or less	15
26% to 50%	6
51% to 75%	5
More than 75%	74

- * Nearly three-quarters (74%) of all respondents report that more than 75% of their overall practice is government law related.

**3. What were your primary reasons for joining the Government Lawyer Section?
(MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)**

<u>Category</u>	<u>Percent</u>
Practice and knowledge	69
Professional growth	64
Access to specific section materials	36
Networking/mixers	34
Service to public/profession	31
Discounted CLE	21
Business development	5
Law school outreach	3
Other	3

* Around two-thirds of all respondents list practice and knowledge (69%) and professional growth (64%) as primary reasons for joining the Government Lawyer Section.

3a. If "Other", please specify:

- * Career advancement and professional opportunities.
- * Government voice and lobby group to be heard and protect interest of government attorneys.
- * Long time government lawyer.
- * When the Section was founded, Attorney General Butterworth reached out to various government attorneys and encouraged them to join.

4. What do you believe is the most important function of the Government Lawyer Section?

<u>Category</u>	<u>Percent</u>
Updates on current practice developments	45
Continuing legal education	24
Social/professional networking opportunities	21
Legislative lobbying	8
Law school outreach	<1
Other	2

4a. If "Other", please specify:

- * I believe updates and continuing legal education go hand in hand.
- * I was a member of the Government Lawyer Committee when the Section was formed.
- * Representing government lawyer interests in The Florida Bar.
- * Restore respect and recognition to government lawyers.
- * Sharing of information, experiences, cases and each other (networking).

**5. What benefits are important to you as a GLS member?
(MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)**

<u>Category</u>	<u>Percent</u>
Focused CLE presentations on Government Law topics	70
Professional Networking/Judges/Legislators	48
Discount CLE's	46
Social Networking/peers	36
GLS Newsletter	30
Live CLE presentations	23
Section website	14
Other	2

- * Over two-thirds (70%) of all respondents selected focused CLE presentation on Government Law topics as being an important benefit of the Section. Nearly half of respondents selected professional networking/judges/legislators (48%) and discount CLE's (46%).

5a. If "Other", please specify:

- * I'm not sure what benefits I get, if indeed I receive any benefit.
- * Network/lobbying before The Florida Bar and the Florida Legislature.
- * Restore respect and recognition to government lawyers.

6. Are you board certified in State and Federal Government and Administrative Practice?

<u>Category</u>	<u>Percent</u>
Yes	8
No	92

* Eight percent of respondents report that they are board certified in the area of State and Federal Government and Administrative Practice.

6a. If not certified, please list your primary reason(s):

- * Allowed certification to expire - little reason to maintain it and hard to find applicable courses for CLE credit.
- * As in-house counsel for a state agency, most of my work involves issues that do not fall within the certification criteria.
- * Board certified in Criminal Appeals - more relevant to my practice.
- * Board certified in Labor & Employment Law.
- * Certification does not cover the areas I practice - primarily prosecution/criminal law.
- * Certification is not worth the time and effort that can better be spent doing other work.
- * Certified in City, County and Local Government Law. Not ready to seek second certification.
- * Certified in Local Government Law.
- * Cost and time.
- * Do not care to.
- * Do not practice government law.
- * Don't believe in certification. Know many lawyers who are certified and they can't lawyer themselves out of a paper bag.
- * Don't have any federal administrative practice, experience, nor knowledge. I believe it would be false to represent that I have any such expertise, just because I passed an exam.

- * Have applied for May 14 exam.
- * Have never practiced 1983 or federal law, have no expectation ever to, and do not wish to study for or be tested upon it.
- * Have not been practicing long enough to become board certified.
- * Have not had time to study or apply.
- * Have not made time or set aside funds to cover the expense.
- * Have not taken the time to become certified.
- * Haven't done it or worked in government law long enough.
- * Haven't thought about getting certified.
- * I am a board certified criminal trial practitioner.
- * I am certified in Local Government Law
- * I am currently preparing for certification.
- * I am not in the active practice of law, as I spend my time lobbying and helping clients through the process with local and regional government entities like water management districts, counties, cities, and executive branch agencies.
- * I currently do not meet the requisite level of experience for any certification.
- * I have a "federal-only" practice with no state practice elements.
- * I have been in practice less than a year and am not ready to become certified. However, obtaining a certification is something I am considering in the future.
- * I have been practicing government law for only one year, to date.
- * I have not been a member of the Bar for long enough.
- * Inability to make time to prepare for exam.
- * It is a worthless venture. It would be a lot of time and a lot of money for something that would not benefit me.
- * It's complicated.
- * Legislative practice does not qualify for certification.

- * Material and test is too burdensome.
- * My practice is more closely related to my area of certification - Education Law.
- * My work is more transactional instead of litigation related so it is difficult to meet the qualifications.
- * Never considered it. Not needed or particularly beneficial for my position.
- * Never took the time.
- * New attorney.
- * New lawyer.
- * No benefit to me.
- * No need for my practice.
- * No practicality.
- * Not a litigator. I wouldn't be able to meet the minimum criteria.
- * Not a member of The Florida Bar long enough.
- * Not enough time.
- * Not enough time spent in this area.
- * Not interested.
- * Not sure benefits of being certified outweigh the time and expense.
- * Only in 3rd year of practice.
- * Taking the exam this year.
- * The need has not arisen.
- * The process is too unnecessarily difficult and cumbersome. For example, too many "in person" CLEs are involved. More and more state agencies and other entities have had to curtail travel budgets, requiring attorneys to get CLE credit online or through video.
- * The testing procedure is too difficult. I have no interest in Federal Administrative Law and am resentful of having to learn it to become Board Certified.

- * Time constraints. After twenty plus years representing a local government entity in litigation, appeals, and dealing with never-ending administrative issues, there is very little time left to concentrate on applying for and preparing for a certification exam.
- * Too lazy.
- * Too old and, at my age, certification is unnecessary.
- * Unnecessary.
- * Worthless.
- * Would not use this.

7. In the past 12 months, how many times have you visited the GLS website?

<u>Category</u>	<u>Percent</u>
None	55
Once	16
Twice	15
3 to 5 times	11
6 to 10 times	1
More than 10 times	2

- * Over half (55%) of all respondents have not visited the Government Lawyer Section website in the past 12 months. Fourteen percent have visited it three times or more during that time period.

8. Do you find the GLS website easy to navigate?

<u>Category</u>	<u>Percent</u>
Yes	39
No	2
Don't know/Have never visited website	59

- * Of the respondents who visited the Section website, the majority found it easy to navigate.

8a. If “No”, please briefly mention any problem(s) you may have experienced:

- * Slow.

9. Which of the following items would make the GLS website more useful to you? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
A feature on significant breaking developments	53
Post section CLE materials for CLE registrants	34
An increase in the amount of information and resources	33
An index for The Voice archive	21
A Frequently Asked Question (FAQ) page	20
Feature articles on members	10
Other	3
None of the above	27

* Over half (53%) of all members report that having a feature on significant breaking developments would make the website more useful to them. Around one-third list posting section CLE materials for registrants (34%) and increasing the amount of information and resources that are available on the website (33%).

9b. If “Other”, please specify:

- * A listing of the current members.
- * Feature articles on the types of jobs available.

10. Members of the GLS have access to the Section’s newsletter (The Voice) on the Section’s website, which is currently published on an average of three times per year. In your opinion, which of the following should be accomplished in the future? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
I do not read The Voice	37
No preference/no opinion	27
The Voice should remain just as it is now	20
The Voice should be published more frequently	13
The Voice should be lengthened	4
The Voice should be published less frequently	<1
The Voice should be shortened	1

* A large majority (84%) of respondents either do not read The Voice, have no preference or opinion about it, or believe The Voice should remain in its current format for publication.

11. Please list any suggestions you may have for improving The Voice:

- * Case studies and outcomes.
- * Creating the ability to share, post, or seek information or ask questions from others. Maybe allow an online submission of comments and include in an editorial/comment page. Create a blog?
- * Email it to members.
- * It used to be quarterly, and I would recommend that we return to that (even though I acknowledge that it is difficult obtaining authors).
- * Multiple page newsletters are a pain to read. But short emails with links to further information is better on time constraints and I am more likely to look at them.
- * Where does one find "the Voice"?

**12. Which of the following formats for receiving CLE do you prefer?
(MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)**

<u>Category</u>	<u>Percent</u>
24/7 on demand	59
Live seminars	51
One-hour “pocket” CLE with focused government practice topics to be presented via Internet	44
Live video stream on internet	36
Live audio stream over internet	26
DVD format	17
CD format	14
Teleconference	11
MP3 format	7
Other	0

- * Over half of all respondents list CLE preferences for 24/7 on demand (59%) and live seminars (51%) as preferred formats for receiving CLE.

12a. If "Other", please specify:

- * One hour teleconference CLEs where you can dial in and listen to a focused topic of discussion, particularly on issues that are teed up from the government lawyer perspective, like dealing with the Legislature and sister agencies, administrative law from the government perspective, public records and Sunshine Law refreshers, and ethics for

government lawyers. These would all be good as oft-repeated courses that folks could just dial into over lunch, for example, and earn CLE credit.

13. What topics would you like to see presented in Government Lawyer Section CLE presentations? (Please list as many topics as you would like to see).

- * 1983 issues, sovereign immunity issues, law enforcement liability issues.
- * Administrative Law, specifically rules.
- * Administrative Procedures Act (Federal and State) Government contracting.
- * Agency best practices in specific areas, i.e. performance expectations, rule formulation/adoption, disciplinary process, lawyer training, legislative input.
- * Agency investigation legal issues. The outcome of cases in which Agencies were sued by Respondents.
- * Annual CLE which rotates based on what is timely or who can present so it doesn't limit GLS. Call it "20xx GLS Annual Seminar" and make the topics vary every year to provide a reason for different speakers, topics, and attendees. It can and should overlap with other seminars and include a wide range of topics, something for everyone will attract more people. It should last a full day for 8 hours credit. A chairperson would put it together and could even pull speakers from other sections or associations.
- * As many eligible to meet certification requirements as possible.
- * Economic development.
- * Election Law, Quasi-judicial Hearings, Redistricting, Public Records, etc.
- * Electronic Filing, Public Records.
- * Ethics.
- * Ethics for Government Lawyers, enterprise risk management topics.
- * Government in the Sunshine Issues; Protecting an Agency's Confidential Work Product During Litigation; Basic Practice in Various Aspects of Government Practice (a how to guide type of presentation)
- * Information on the benefits of being a Government lawyer and how to capitalize on those benefits.
- * Labor and Employment issues – practicing before the EEOC and MSPB.

- * Latest on government immunity decisions.
- * Legislative oversight of the APA.
- * More on contracting, rulemaking, APA in general.
- * Municipal law issues, sunshine law, eminent domain/real property issues, ethics.
- * Representing a municipality as a creditor in bankruptcy proceedings.
- * Permitting, contracts.
- * Preparing an administrative case for hearing.
- * Professionalism, trial practice rule development.
- * Projecting the future of Administrative Law in the next 10-15 years. Best practices for administrative lawyers. Career & professional development in the area of administrative law.
- * Public records.
- * Short CLE presentations, like lunch time one hour CLE's about the practical part of the practice - ALJ dos and don'ts, preserving the record for appeals, agency red tape tricks of the trade, ins and outs of the property appraiser's office (or any similar government office).
- * Waivers by Respondents, 5th Amendment, 57.105, 57.111.

14. The Florida Bar recently created a non-voting representative seat on the Board of Governors to represent the interests of Government Lawyers within the Bar. Were you previously aware of this?

<u>Category</u>	<u>Percent</u>
Yes	26
No	74

- * Nearly three-quarters (74%) of respondents were not previously aware of the non-voting government lawyer seat on the Board of Governors.

- 15. The non-voting representative seat on The Florida Bar Board of Governors is an annual seat appointed by each incoming President of the Bar. When an appointment is made of a member of the GLS, in your opinion, how important is it for the GLS to support this appointed seat with some financial contribution for the expenses of an appointed GLS representative to attend the six (6) Board of Governors meetings held over the year long appointment?**

<u>Category</u>	<u>Percent</u>
The GLS should not cover any of the expenses	45
The GLS should cover all of the expenses	33
The GLS should cover half of the expenses	16
The GLS should cover one-third of the expenses	6

- * Nearly half of all respondents believe that the Government Lawyer Section should not cover any of the expenses for the government lawyer representative non-voting seat on The Florida Bar Board of Governors. One-third (33%) believe all expenses should be covered.

- 16. Are there any additional projects, activities or services not presently offered by the Government Lawyer Section that you would like to see offered by the Section in the future?**

<u>Category</u>	<u>Percent</u>
Yes	3
No	26
Not sure	71

- * Very few respondents provided a suggestion for an additional project, service or activity not presently offered by the Section.

16a. If "Yes", please specify:

- * I would like to know if the Federal Seminar in Washington is going to be held this year. I have attended twice, and I think it is a nice program.
- * Maybe some "grassroots" meet and greets for local agencies to just put names to faces type of gathering - very informal.
- * Reinstatement of the Bar President's council. Cosponsoring events with other voluntary bars that include the law school and the Courts.
- * Repository for government lawyer job openings.

17. List the three (3) most significant issues that you would like the GLS to put its efforts toward in the next three (3) years, such as, but not limited to, service benefits, CLE presentation (topics/styles), legislative tracking, or more pro-active participation in general Bar activities:

- * A voting member of the Board of Governors.
- * Bar expenses being authorized and paid by government employers.
- * CLE.
- * CLE, legislative tracking, and lobbying on behalf of local governments.
- * CLE presentation, legislative tracking.
- * CLE presentation, legislative tracking, service benefits.
- * CLE presentations available online.
- * CLE presentations, community presentations, legislative tracking.
- * CLE presentations, more presentations on government employee issues.
- * CLE, professional networking legislative lobbying.
- * CLE update on Administrative Law (I understand there is a comprehensive bill being floated for this coming session); CLE update on Rules; CLE update on ethics/professionalism.
- * Enhance public awareness of the benefits of government attorneys; raises for government attorneys, not cuts to benefits; increase benefits.
- * I think the most important thing is to revamp the CLE mindset. Online and/or short CLEs are the wave of the future. They can be developed relatively cheaply so there is only profit for the section. I think encouraging members to participate in the general bar is great, but most people don't know how. If we are going to encourage such participation, it should be with the assistance of the general bar and "mentoring" from members who have already done so.
- * Improving pay and benefits for government attorneys.
- * Increased diversity and frequency of government-relevant CLE presentations. Government lawyers still seem to be deficient in public records and Sunshine issues and there are not enough ethics programs out there that focus on ethics for government (state

agency in particular) lawyers. Presentations that are offered in an easy format and shorter and more focused, like the one-hour teleconferences described above. A push to get The Florida Bar to do even more to recognize the role of government lawyers. Perhaps a push for the Bar to subsidize travel to Bar meetings where a lawyer is a committee member. There needs to be a greater involvement by government lawyers in the executive levels of the Bar association and subsidies (much like the ABA Sections provide to their government lawyer members) would go a long way toward improving participation levels.

- * Increased membership/participation in leadership and executive council activities - we need some new blood! Getting another "Practicing Before the U.S. Supreme Court Seminar" together. Continued advocacy for Government Lawyers at The Florida Bar and Florida Legislature.
- * Legislative tracking (emphasis on bills relating to government employee benefits, CLE presentation and pro-active participation in general Bar activities.
- * Legislative tracking and CLE presentations.
- * Legislative tracking and position reporting.
- * Legislative tracking, CLE presentations (webinars similar to that produced by the National Judicial College for judges), legislative lobbying.
- * Legislative tracking, more CLEs.
- * Legislative tracking, service benefits.
- * Legislative tracking.
- * Legislative tracking/lobbying on 120 amendments. Enhanced online CLE Pay and benefits to attract competent and quality attorneys to government service.
- * Legislative tracking/lobbying, acquiring a voting member seat on the Board of Governors, and professional networking.
- * Legislative tracking; improving salaries for experienced lawyers; CLEs in different parts of the State so that more can attend live.
- * Lobbying for more Bar support for government lawyers. Better networking. Better outreach.
- * Making government lawyers personal contact information confidential and exempt from the Public Records Act. Advocating for continuation of existing benefits for government lawyers (i.e., not increasing SES health insurance employee premium payment, not modifying leave carryover and end payout). Advocating for assistance with student loans for government lawyers.

- * Member benefits: 1) CLE 2) networking/business development and 3) advocating for government practitioners before The Florida Bar, the Legislature and the public.
- * More CLE. More Bar participation. Legislative tracking.
- * More CLE presentations.
- * More pro-active participation in Bar activities is important. Government lawyers are often disregarded outside of Tallahassee because we are simply not visible, have less money, etc. As a section, we should be more visible and relevant by getting involved in Bar activities. For example, although pro bono legal services is generally not possible, involvement in charitable services is. Legislative tracking is very important. We should follow legislative proposals and be prepared to offer an opinion on the proposals in a timely manner.
- * More readily available CLE courses. Suggestions on how to do pro bono per the Bar suggestions given the high likelihood of conflict, if you do litigation.
- * More wide range of CLE presentations. More emphasis on career development.
- * Restore respect and recognition to government lawyers. Increasing meager pay and benefits in conjunction with turn over are diminishing our pool.
- * Revision of APA hearing procedures. Participating/contributing to ongoing legislative oversight of agency rulemaking. Improving/standardizing the cost elements included and evaluated in agency statements of estimated regulatory costs.
- * Service benefits, CLE presentation, legislative tracking.
- * Service benefits, law school loan repayment for government attorneys.
- * Some type of current issues blog that members can post to for help on problems & seek help outside their particular agency. More pro-active in Bar activities. Continue with CLE's.
- * Student loan forgiveness; local get-togethers for networking purposes; and lobbying efforts to support retention of government lawyer benefits offered by state.
- * Student loan forgiveness for government lawyers. Working on closing the gap between public and private sector salary and benefits. Working on increasing public and Bar perception of government lawyers as competent and skilled practitioners.

18. Please list any ideas or suggestions you might have for how the Section can generate additional revenue:

- * Ask for project specific donations.
- * Better marketing.
- * Charge for some CLE.
- * Continued member to nonmember outreach to sign up new members.
- * Donations from law firms.
- * Draft publications relevant to government lawyers as well as to private practitioners who deal with government agencies.
- * Increase dues.
- * Increase membership; create reasons people want to be a member.
- * Invite the public to presentations by GLS members.
- * Maybe an annual fundraising event, much like the Tallahassee local bar's Annual Chili Cook-off.
- * Membership brings revenue. Benefits or services to members brings membership. CLE course designed for the government lawyer, offered at a discount for members is one benefit.
- * Paid advertising of the GLS website by private industry.
- * Perhaps a CLE with an associated social event afterward with an invitation to state and local government lawyers in each geographic location once a year? All of the events seem to take place in Tallahassee or the middle of the state.
- * Seek sponsors. Seek legislative initiatives that help foster revenue.
- * Social events with a contribution requirement for attendees.
- * Sponsorship of CLE programs.

19. Please provide any suggestions you may have regarding how the GLS can better serve you as a member:

- * Better communication to the membership. Not excessively, but short updates so everyone knows what the section is doing for them.
- * Better, more focused, government specific CLEs. Push for government lawyer subsidies so that more lawyers can travel and participate in government lawyer committees.
- * Continue to send surveys or recommendations to members via e-mail or texts to save our money.
- * a) Creating tools to network and share issues, documents, and ideas. b) Easy to use directory of government attorneys or offices by topic area. c) Website with links to vast amounts of information.
- * Email updates with the site listed.
- * GLS financial support of the Board of Governors government lawyer representative should be based upon not merely that s/he is a GLS member, but upon whether or not the Executive Council supported the appointment. Extent of support should be based upon GLS resources in current year budget.
- * Have a quarterly meeting with CLE topics like the Eminent Domain Section.
- * I am happy with the GLS.
- * I started my membership while a state agency employee, and have kept it up since then. Though now in private practice, my firm represents a lot of government clients. I think the section can be valuable in (1) helping build/maintain bridges between public and private bar regarding government issues and (2) thinking beyond Tallahassee, i.e., as there are county, city, and other government attorneys throughout the state.
- * Just keep open lines of communications to the Executive Council through local representatives who are involved.
- * The Government Lawyer Section should focus on keeping the Section, as well as the Bar in general, out of the Capital lobbying for or against issues, unless there is an issue that directly affects the licensing or specific administrative aspects of practicing law or running a law office, like trust account management or other law-office administration issues. In my opinion, neither the Bar, nor or any Section, should appear before the Legislature as an advocate for or against any bill or amendment proposing a change to substantive law, whether it affects condo associations, criminal law, insurance, eminent domain, or any other subject, unless that proposed change would directly affect the ability of attorneys to run their office or represent their clients with regard to the

interpretation of the law in a specific case or circumstance. There are clients and interests on all sides of these issues, and in my opinion to have the Bar step in on one side or another diminishes the stature of the Bar as an entity, and attorneys in general.