Conflicts of interest issues can arise for every attorney, regardless of area of practice. The ever-changing nature of the law and technology present new challenges and opportunities for lawyers, but also may raise conflict and other related ethical issues. The 2017 Masters Seminar on Ethics will address such topics in an informative, engaging manner using experienced and dynamic speakers. The conflict of interest topics to be covered in the seminar are:

**Conflicts of Interest and Technology.** Today’s technology can present lawyers with unique conflicts of interest when related to privacy and data security. This session will help attorneys analyze what they have, how they have it, and how they need to protect it. The session will also discuss what disclosures must be made and provide specifics around due diligence practices and other activities that help address conflicts of interest when faced with today’s technology. The session will also discuss how and where attorneys should keep this data.

**Conflicts of Interest and Social Media.** Most attorneys use social media sites such as Facebook, AVVO, LinkedIn, Twitter, blogs, and Google + to promote their practice within the community. A professional presence in the digital world can result in ethical pitfalls based on technology present within a law practice. This panel will discuss several of the conflict issues social media sites can create and offer suggestions on ways to avoid potential ethical violations. One such issue exists when attorneys agree to create specific connections, such as agreeing to be Facebook “friends” or LinkedIn connections and the resulting creation of a potential risk of “joint-representation-by-accident.” It may be possible to use disclaimers and advanced waivers to limit potential conflicts, but they also have ethical limitations.

**Conflicts of Interest and Disqualification Motions.** The management of conflicts of interest are generally the responsibility of the lawyer undertaking the representation. Nevertheless, at times, a party in litigation will identify opposing counsel’s potential conflicts of interest, and even move for disqualification. A lawyer’s failure to properly manage conflicts of interest, and an opponent’s misuse of a disqualification motion, are both breaches of the rules of ethics and the standards of professionalism. This panel of experts will explore the lawyer’s duty of loyalty, the use of disqualification motions, alternative tools for resolving (or better yet, avoiding) the problems, and the ethical and professional nuances of managing conflicts of interest if and when they are raised by an opponent.
Conflicts of Interest and Cannabis. Florida has approved medical marijuana use, creating business and health opportunities, but also potentially creating new challenges for lawyers. Personal conflicts may arise, as our profession knows from the persistence of alcoholism and addictions, and abuses can trigger additional duties to report. The uncertainties of state and federal enforcement also put lawyers in a difficult position when advising clients. This session will survey some of the emerging ethical issues related to marijuana law and policy in Florida.

**Presentation Schedule:**

- **8:00 a.m. – 8:10 a.m.** Introductory Remarks
- **8:10 a.m. – 9:00 a.m.** Conflicts and Technology  
  *Speakers: Sandra Carbone and Melissa Koch*
- **9:00 a.m. – 9:50 a.m.** Conflicts and Social Media  
  *Speaker: Joseph A. Corsmeier*
- **9:50 a.m. – 10:10 a.m.** Break
- **10:10 a.m. – 11:00 a.m.** Conflicts and Disqualification  
  *Speakers: Prof. Leonard Pertnoy and Gerald Richman*
- **11:00 a.m. – 11:50 a.m.** Conflicts and Cannabis  
  *Speakers: Rachel Gillette and Prof. Jan Jacobowitz*
- **11:50 a.m. – 12:00 p.m.** Seminar Concluding Remarks
Featured Speakers

SANDRA CARBONE

General Counsel and Corporate Secretary, IZEA, Inc.

As General Counsel and Corporate Secretary of IZEA, Inc., Sandra Carbone advises senior leadership and liaises with the Board of Directors, as well as provides effective legal counsel to IZEA’s team members on a variety of domestic and international issues affecting the advertising tech industry. Her practice areas include contract negotiation and dispute resolution, intellectual property law, software licensing, privacy, marketing, social media, and promotions.

Prior to joining IZEA in December 2015, Sandra was in-house counsel for Universal Orlando and, most recently, Darden Restaurants, a Fortune 500 corporation headquartered in Orlando, Florida. She received her Juris Doctorate from Stetson University College of Law (cum laude) and her B.A. in English with a minor in Magazine Journalism from the University of Central Florida. Sandra is a published author and a Florida Supreme Court Certified Circuit Civil Mediator.

A lifelong servant-leader, Sandra has served on the Board for the Central Florida Chapter of the Association of Corporate Counsel and volunteers on its Street Law committee, is a 2015 Fellow of the Leadership Council on Legal Diversity, and a current member of WOMMA’s Ethics & Legal Council. When not at work, she can be found cheering on the Orlando City Lions or playing violin with the Central Florida Community Arts Orchestra.

JOSEPH A. CORSMEIER

Law Office of Joseph A. Corsmeier, P.A.

Joseph A. Corsmeier is an "AV" rated attorney practicing in Clearwater, Florida. He concentrates his practice primarily in the areas of defense of attorney disciplinary matters before The Florida Bar, attorney admission matters before the Florida Board of Bar Examiners, and professional license and disciplinary matters before the Boards of the State of Florida. He provides expert analysis and opinion on conflict of interest and other attorney disqualification and legal malpractice issues and he testified as an expert in the Florida courts.

Mr. Corsmeier served as an Assistant State Attorney in the Sixth Judicial Circuit from 1986 to 1990 where he prosecuted felonies exclusively from June 1987, and as Bar Counsel for The Florida Bar's Department of Lawyer Regulation from 1990 to 1998. He also represents police officers as counsel to the Fraternal Order of Police.

Mr. Corsmeier is the author of numerous articles for many bar publications, he has spoken at numerous local and statewide seminars on various topics, including ethics
and professionalism. He was an instructor of paralegal ethics at the Rollins College Tampa campus until it closed in 1996 and he is currently an adjunct professor at St. Petersburg College teaching paralegal ethics. He received his undergraduate degree from Florida State University and his J.D. from Mercer University.

Mr. Corsmeier is admitted to practice in all Florida Courts, the Supreme Court of the United States, the United States Court of Appeals for the Eleventh Circuit, and the Middle District of Florida. He is a member of The Florida Bar, American Bar Association, the Association of Professional Responsibility Lawyers, and the Clearwater and St. Petersburg Bar Associations.

RACHEL GILLETTE

Rachel Gillette focuses her practice on marijuana/cannabis business licensing and regulatory compliance, business law and transactions, contract drafting and review, civil litigation, corporate formation, and tax matters, including audit representation. She has vast experience in representation of cannabis and hemp businesses, having represented state and locally licensed marijuana and hemp businesses in Colorado since 2010.

Ms. Gillette also regularly represents clients before the IRS’s Examinations, Appeals, and Collections Divisions, including marijuana businesses facing the challenges of IRS adjustments under 280E. She has successfully protested local, state and federal tax deficiencies in behalf of her clients, having prevented hundreds of thousands of dollars in incorrectly assessed taxes, interest, and penalties. She can assist individual and business taxpayers in 280E proposed assessments, offers in compromise, audit examinations, innocent spouse claims, sales, use, and employment tax matters, trust fund tax penalty assessments, penalty abatements, and levy releases.

Ms. Gillette received her Juris Doctorate from the Quinnipiac University School of Law in Hamden, Connecticut, where she served as Associate Editor of the Quinnipiac University Probate Law Journal. During law school, she interned with the New Haven Public Defender’s office, where she developed her commitment to advocacy for those facing the many challenges of the criminal justice system.

Through her current work with cannabis and hemp businesses in a highly regulated industry, Ms. Gillette remains committed to ending the prohibition of cannabis at the national level and ensuring state licensed and legal marijuana businesses are fairly taxed and regulated.
PROFESSOR JAN L. JACOBOWITZ

University of Miami School of Law

Jan L. Jacobowitz is a Lecturer in Law and the Director of the Professional Responsibility & Ethics Program (PREP) at the University of Miami's School of Law. Under Jan’s direction, PREP was a 2012 recipient of the ABA’s E. Smythe Gambrell Award—the leading national award for a professionalism program.

Jan has presented at hundreds of Ethics CLE Seminars throughout the country including annual presentations that PREP develops for legal organizations throughout South Florida. She has written and been a featured speaker throughout the country on topics such as Legal Ethics in Social Media and Advertising, Lawyer’s First Amendment Rights, Cultural Awareness in the Practice of Law, Mindful Ethics, Cybersecurity for Lawyers, Technology and the Law, and Attorney Fees. She also teaches the courses Social Media and the Law and Mindful Ethics: Professional Responsibility for Lawyers in the Digital Age.

Jan is the treasurer of the Association of Professional Responsibility Lawyers (APRL) and also currently serves on the program committee and the national task force on attorney advertising. She is a co-author of Association of Professional Responsibility Lawyers 2015 Report Of The Regulation Of Lawyer Advertising Committee and the Committee’s 2016 Supplemental Report, both of which are garnering national attention and discussion.

Jan is also the co-author of an upcoming book on social media and legal ethics that is scheduled for publication this spring by the ABA. She is widely cited and quoted in publications throughout the country.

Prior to devoting herself to legal education, Jan practiced law for over twenty years. She began her career as a Legal Aid attorney in the District of Columbia; prosecuted Nazi war criminals at the Office of Special Investigations of the U.S. Department of Justice; was in private practice with general practice and commercial litigation firms in Washington, D.C. and Miami; and served as in-house counsel for a large Miami based corporation.

Jan has a J.D. from George Washington University and a B.S. in Speech from Northwestern University. She is admitted to practice in the District of Columbia, Florida, and California and is a certified civil court mediator. She maintains an active legal ethics consulting practice. Jan and her family have made South Florida their home for the past 30 years.
MELISSA KOCH

Akerman LLP
Melissa Koch concentrates her practice on transactional and intellectual property representation of public and private companies, start-ups, investment banks and private equity funds, with a specific focus on the supply chain, industrial services and technology industries. Melissa has transactional experience in structuring, drafting, and negotiating strategic alliances, joint venture transactions, licenses and technology transfers, distribution and supply arrangements, research and development collaborations, internet and e-commerce transactions, and other corporate transactions. Melissa frequently handles privacy, data, and security matters on behalf of clients and is part of Akerman’s Data Law Center team.

Melissa also counsels clients on identifying, protecting, enforcing, and commercializing intellectual property assets, including value capture strategies on research and development endeavors, and reviewing intellectual property portfolios in connection with private placements, public offerings, and mergers and acquisitions.

Melissa works extensively with general and staff counsel providing coordination and support in the areas of complex and general litigation, government and public affairs, communications, M&A activity, outsourcing, corporate and major financing transactions, procurement, anti-trust, general compliance and reporting, and crisis management.

Melissa leads the Breakthrough Strategy team of Akerman’s R&D council and serves on Akerman’s Diversity and Inclusion Committee. Melissa is also a TEDx organizer and Adventure Catalyst.

PROFESSOR LEONARD PERTNOY

St. Thomas University School of Law
Professor Pertnoy is a distinguished legal educator and attorney. He has served as a member, vice-chairperson, or chairperson of committees of the Eleventh Judicial Circuit and Florida Bar, and he was the President of the Florida Council of American Inns of Court. His publications include articles in the American Journal of Trial Advocacy, Defense, the Florida Bar Journal, and the Albany, Dickinson, Mercer, Montana, St. Thomas, and Syracuse Law Reviews. He is listed in Who's Who in American Law and in Who's Who Worldwide. He was an attorney in private practice for many years and has served as a Dade County Bar Association Pro Bono Attorney. He has been a presenter at many national conferences, institutes, and public media programs. He also is active in the community as a member of numerous organizations, including the World Hunger Organization, the National Wildlife Society, the Sierra Club, and the Smithsonian Society. At the St. Thomas University
School of Law, Professor Pertnoy has served as Clinical Director, Assistant Dean, and Associate Dean; currently, he teaches Florida Practice, Professional Responsibility, and Real Estate Transactions.

GERALD RICHMAN

Richman Greer, P.A.

Mr. Richman joined the firm in 1969 after serving as a captain in the United States Army Judge Advocate Generals Corp. in the Defense Appellate Division in Washington, DC, where he briefed and argued a wide variety of court martial cases, including murder cases, while also serving as a White House Social Aide to President Lyndon B. Johnson. During his three years in the service, he also spent a year as trial counsel and chief of military justice at I CORP headquarters in Korea, where he personally tried 10 court martial cases before being reassigned to Washington, DC, to write an update of the Military Judges’ Handbook. Prior to this, he had been a law clerk to United States District Judge George C. Young in Orlando, Fl.

After joining Richman Greer, he served as lead counsel in numerous jury and non-jury trials in a wide variety of major civil cases ranging from multi-million dollar federal anti-trust cases, condominium construction and land use cases, personal injury and product liability cases, and occasional major criminal cases, some involving the international arms trade. He has also been involved in numerous state and federal class action anti-trust, RICO, securities, real property and consumer issues. Mr. Richman has also been appellate counsel arguing before the 5th and 11th United States Circuit Courts of Appeals, the Florida Supreme Court, and all District Courts of Appeal in the State of Florida.

Mr. Richman’s professional involvement includes serving as a Fellow of the American College of Trial Lawyers and on the Board of Governors of the International Society of Barristers. He is a charter member of both the Miami Chapter of the American Board of Trial Advocates and the National Association of Consumer Advocates. He is the past president of the ABOTA chapter of Palm Beach County, Fla.; past president of the Florida State Chapter of ABOTA; and a current member of the national ABOTA Board, while also serving as co-chair of its International Issues Committee.

His long history of service to The Florida Bar includes serving as President, member of the Board of Governors, and chair of the Professional Ethics Committee. Additionally, he was a member of the House of Delegates of the American Bar Association for several terms, and has served as President of the Dade County Bar Association. He has been a national director of the American Judicature Society and a director of The Florida Bar Foundation.

Mr. Richman served under gubernatorial appointment and senate confirmation as chair of the Florida Commission on Human Relations and has served on the Community Alliance of Palm Beach County. He is currently a member of the Board of Directors of The Economic Council of Palm Beach County, and is the vice chair and a member of The Executive Committee of the Criminal Justice Commission of Palm
Beach County. He also was elected as the Democratic Nominee to the United States Congress in 1989.

By appointment of the Florida Supreme Court, Mr. Richman has served on the Supreme Court’s Court Efficiency Committee, the Judicial Council of Florida, and the Florida Supreme Court Judicial Evaluations Committee. He was a member of the Florida Condominium Commission created by the state legislature to investigate the condominium industry and recommend legislative reforms. By appointment of the governor, he served as a member of the Fourth District Court of Appeal Judicial Nominating Commission and was chair of the commission.

**CLE CREDIT**

- General: 4.0 hours
- Ethics: 4.0 hours
- Technology: 2.0 hours