



The Florida Bar

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Executive Director

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October 4, 2013

Mr. Lee P. Gore
11000 University Pkwy., Bldg. 10 Rm. 225
Pensacola, FL 32514

Re: Unlicensed Practice of Law Investigation of Lee P. Gore; Case Nos. 20130145(2) & 20140004(2)

Dear Mr. Gore:

The Florida Bar is investigating the above referenced complaints by Onis A. Beaulieu and Zabetti Pappas. The complaints similarly allege that you engaged in the unlicensed practice of law in your employment as "General Counsel" at the University of West Florida (UWF) in Pensacola, Florida due to the fact that you are not licensed or authorized to practice law in Florida. This matter is under investigation by the Second Circuit Unlicensed Practice of Law Committee. On September 20, 2013, the Committee considered the evidence in this matter and your response to the complaints. As counsel to this Committee, I am writing to advise you on the Committee's preliminary findings and the law as it applies to this matter.

In October 2011, you were appointed General Counsel at UWF. According to UWF's website, *"The Mission of the Office of the General Counsel is to provide legal services including representing the university in grievances and litigation; supervising outside counsel; advising university departments; developing and reviewing contracts and agreements; meeting various university reporting and accountability requirements; compiling records request from the general public; aiding in the resolution of student issues; developing and updating diverse university policies; developing and maintaining a comprehensive and informative Web page for the benefit of the entire university community."*

The Committee has determined that your duties as General Counsel do constitute the unlicensed practice of law as you are not currently licensed or authorized to practice law in Florida. The Committee acknowledges that you are licensed to practice law in Mississippi and you are currently an applicant to The Florida Bar. However, there is no exception which allows for you to have "provisional employment" as an attorney for a public university for any period of time. You may not engage in the practice of law for the University until the admission process is complete and you are admitted.

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Under Florida law, you are considered a nonlawyer. Rule 10-2.1(c) of the Rules Regulating The Florida Bar defines a nonlawyer as "an individual who is not a member of The Florida Bar. This includes...lawyers admitted in other jurisdictions." Florida law prohibits a nonlawyer from engaging in the practice of law unless specifically authorized under the law. The general case law regarding holding out applies to out-of-state attorneys as well as other nonlawyers. It constitutes the unlicensed practice of law for a nonlawyer to hold himself out as an attorney either expressly or impliedly. This would include using the title Esquire (The Fla. Bar v. DeToma, 501 So. 2d 599 (Fla. 1987)), using the initials J.D. if they are being used to solicit legal services (The Florida Bar v. Catarcio, 709 So. 2d 96 (Fla. 1998)), using "legal" in the name of your business (The Florida Bar v. Miravalle, 761 So. 2d 1049 (Fla. 2000)), using the title "attorney" or "lawyer" (The Florida Bar v. Gordon, 661 So. 2d 295 (Fla. 1995)), and using any other title, such as notario publico, which holds the person out as being able to provide legal services (The Florida Bar v. Borges-Caignet, 321 So. 2d 550 (Fla. 1975)).

Since this investigation began, I note that your professional title has been changed to "Special Assistant to the President" in the Office of the General Counsel. While it is not clear whether this title change denotes a change in your job functions, the ultimate issue in this investigation remains whether you are providing legal services in Florida.

In your response to this complaint, you offered several reasons why you believed that you were authorized to provide legal services in Florida. First, you assert that Rule 17-1.2(b)(1) of the Rules Regulating The Florida Bar does not apply to your employment because "UWF is a member of the Florida State University System, and is a governmental entity." Second, you assert that your work in Florida is permitted under Rule 4-5.5(c)(1) of the Rules Regulating The Florida Bar as you are admitted in another United States jurisdiction and authorized to engage in a temporary practice of law that is undertaken in association with a lawyer who is admitted to practice in Florida and who actively participated in the legal matters. Your interpretations of Florida law are incorrect. The University of West Florida is not a governmental entity so in order to provide legal services to the University you would have to be certified as an Authorized House Counsel under Chapter 17 of the Rules Regulating The Florida Bar. Further, your activities are not covered under any multijurisdictional practice exception. Rule 4-5.5(c)(1) does not permit an attorney admitted to the practice of law in a state other than Florida to engage in the general practice of law in Florida or establish a law office in Florida. Full-time employment as an attorney in Florida would be considered a general practice of law. Additionally, Rule 4-5.5(b) prohibits a lawyer who is not admitted to practice in Florida from establishing an office or other regular presence in Florida for the practice of law.

As you have now been put on notice of Florida law, the Committee urges you to consider your options in this matter. Should you decide to file an application for certification as Authorized House Counsel and your application is approved, you will be authorized to provide legal services pursuant to Chapter 17 of the Rules Regulating The Florida Bar. If you are certified as Authorized House Counsel and subsequently admitted to practice law in Florida, you may terminate your status as Authorized House Counsel. Alternatively, should you decide not to file an application for certification as Authorized House Counsel, you must cease holding yourself out as an attorney and as someone capable of providing any legal services and you must stop providing legal services in Florida unless and until you are admitted to practice in this state by the Supreme Court of Florida.

Please be advised that the Second Circuit Unlicensed Practice of Law Committee will consider this matter again on October 25, 2013. I would appreciate if you would advise me of any decisions or actions regarding this matter so that I may advise the Committee. If you have any questions, please feel free to contact me.

Sincerely,



Monica Armster Rainge
Bar Counsel
UPL Department, Tallahassee

MAR/mdw

cc: Zabetti A. Pappas, Complainant
Onis A. Beaulieu, Complainant