



THE FLORIDA BAR

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March 23, 2011

Michael Barfield
200 S. Washington Blvd, Suite 5
Sarasota, FL 34236

**Re: Unlicensed Practice of Law Investigation of Michael Barfield;
 TFB Case No. 20102091(12)**

Dear Mr. Barfield:

The Twelfth Circuit Unlicensed Practice of Law Committee "B" has concluded its investigation of the above-referenced matter and voted to offer you this Letter of Advisement as a means to resolve this investigation. The purpose of this letter is to assist you in understanding what constitutes the unlicensed practice of law in Florida as it applies to your case. It does not require you to admit to any wrongdoing.

You will recall that the investigation in this case stemmed from you identifying yourself as a "Legal Consultant" in communications with the Clerk of the City of Anna Maria. In response to the Complaint, your attorney advises that you limit your business to providing consulting services to attorneys and that you use the title "Legal Consultant" in connection with these services. You also assert that the correspondence you sent to the Clerk of the City of Anna Maria was done at the direction and supervision of two licensed attorneys you were providing services to at that time; however, the Committee found that there was no indication in the correspondence to the Clerk that you were working under the supervision of a licensed attorney.

Please be advised that it constitutes contempt of the Supreme Court of Florida as well as a third degree felony under the Florida Statutes for an unlicensed individual or business entity to engage in the practice of law and/or hold himself or itself out as authorized to practice law in Florida.

It constitutes the unlicensed practice of law for a nonlawyer to hold himself out to the public as qualified, licensed, or able to practice law in this state. *The Florida Bar v. Warren*, 655 So. 2d 1131 (Fla. 1985). Holding out as an attorney can be express or implied and occurs when the nonlawyer uses any title, addition, or description that is designed to lead a member of the public into believing that he is licensed to practice law in Florida and able to render assistance with legal matters. *Id.* at 1132. Further, holding oneself out to be an attorney licensed to practice law in Florida in and of itself constitutes the unlicensed practice of law. *The Florida Bar v. Matus*, 528 So. 2d 895, 896 (Fla. 1988).

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In regard to a paralegal working in a law office, be advised that a paralegal is prohibited from holding himself out as an attorney in dealings with others, participating in settlement negotiations as if he were legal counsel for one of the parties, discussing case law and legal strategy with clients, speaking on behalf of clients, and arguing the legal merits of cases. *The Florida Bar v. Neiman*, 816 So. 2d 587 (Fla. 2002). Similarly, a nonlawyer may not place himself in a position where the public is relying on him to properly prepare legal documents. *Florida Bar v. Brumbaugh*, 355 So. 2d 1186 (Fla. 1978.) Please be further advised that it constitutes the unlicensed practice of law for a person to use the title "paralegal" if he is providing services directly to the public.

You are not licensed to practice law in Florida. It is the Committee's understanding that you currently share office space with a Florida licensed attorney. To avoid any future unlicensed practice of law complaints, the Committee cautions you to be careful in your interactions with others not to use any title or present yourself in any way that may mislead another person to believe that you are licensed to practice law in Florida. You must make it clear that you are not an attorney and may not dispense legal advice.


Your signature on this letter serves as an acknowledgment that you have reviewed the letter and agree to abide by its contents. As stated previously, it does not require you to admit to any wrongdoing. Please sign and return the original Letter of Advisement in the enclosed self-addressed, stamped envelope by **April 1, 2011**.

Once I receive your signed letter, I will close my file in this matter. If this letter is not returned by the day requested, I will refer this matter back to the Twelfth Circuit Unlicensed Practice of Law Committee for further action. The Committee's powers include the ability to subpoena you to testify before it and to produce any documents or evidence relevant to the investigation.

Please be further advised that the closing of this matter will not preclude future investigations in the event that we receive any additional unlicensed practice of law complaints.

The following cases are enclosed for your review:
The Florida Bar v. Flowers, 672 So. 2d 526 (Fla. 1996)
The Florida Bar v. Warren, 655 So. 2d 1131 (Fla. 1995)
The Florida Bar v. Matus, 528 So. 2d 895 (Fla. 1988)

Sincerely,


Maria L. Torres
Bar Counsel
UPL Department, Tampa Office


MLT:lm/ts

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CERTIFICATE OF ACCEPTANCE OF
LETTER OF ADVISEMENT

I, **Michael Barfield**, hereby certify that I have read the above Letter of Advise ment and agree to abide by its contents.

Date: March 29, 2011.

A handwritten signature in black ink that reads "Michael Barfield". The signature is written in a cursive style with a large, looping initial "M".