

Landing and Keeping Government Legal Work: How About a Sports Podcast?

by Catherine Wilson

Bryant Miller Olive litigation co-chair Michael Elkins practices at a law firm that generates upwards of three-quarters of its business from the public sector.

The firm's clientele is relationship-driven. But when it comes to business development, Elkins has taken an unusual tack. He carves out time to make weekly podcasts.

The newest one rolling out soon is with co-host Ellis Hobbs, a former New England Patriots cornerback. That follows Sports Talk With Jeff and Mike, which he wrapped up after 34 episodes in February with Burr Forman attorney Jeff Kamenetsky in Fort Lauderdale. And Elkins is active on Instagram, Facebook and LinkedIn.

His social media campaign is an offbeat example of how law firms get and keep their public clients.

"I meet people, and they say, 'Oh, you've got a podcast,'" Elkins said. "I have a certain audience. In my audience is potential clients for sure."

Colleague David Miller, the firm's risk management shareholder, is quick to point out Elkins' social media work falls



Bryant Miller Olive attorney Michael Elkins, who creates sports podcasts, attended the Super Bowl in Minneapolis this year, covering the New England Patriots' 10th appearance.

within the Florida Bar's strict attorney advertising rules.

"There is a line. There's a definition in the Florida Bar rules on advertising, and we stay very firmly on the side of this is not advertising," Miller said. "Michael is very careful in his marketing on social media, which of course is blasted to the world."

The 70-attorney Weiss Serota Helfman Cole & Bierman serves as city attorneys in about 20 communities. The firm placed a priority on public representation when it was

founded in 1991, and most of its work is municipal-related.

Founding member Richard Weiss said the firm serves as outside counsel on labor, construction litigation, land use and eminent domain issues when public agencies need specialized expertise.

The firm also represents companies doing business with public agencies, but not in the cities where it serves as city attorney. It's a firing offense to contribute to political campaigns where the firm serves as city attorney, and

the policy has never been violated or applied.

“When we started our firm, we felt that there was a place in the market for a private firm to do work for cities at the same level that private clients were getting, and we felt that while there are many many excellent municipal government attorneys, that some of the governments were under-represented whether in litigation or negotiations with private parties,” Weiss said. “When, for instance, cable regulation came in, we started doing some of that. When the ADA came in, we started doing that. When the Fair Labor Standards Act became applicable to local governments, we started doing that.”

The firm placed a priority on providing top-quality work at heavily discounted rates.

“Understand that we operate in a very political environment. We try very hard not to be political,” he said. “I think the elected officials that we represent understand ... that the advice is straightforward legal advice that it is not politically shaded.”

At the Fort Lauderdale-based Becker firm, Bernie Friedman chairs the government law and lobbying practice group, one of the firm’s five core practice areas. He has been a lawyer-lobbyist for almost 35 years after serving as chief of staff to U.S. Rep. Larry Smith in the 1980s.

The firm represents more than 30 government bodies before the state and federal government and local governments before county commissions.

“Most city attorneys and county attorneys and school board attorneys know of our prowess in that arena,” Friedman said.



Becker’s Bernie Friedman came to the firm after working in a congressman’s office.

Procurement is a major element of the practice with the firm representing dozens of contractors, architects, engineers and large companies bidding for contracts and challenging or defending contract awards.

Exposure to firm attorneys often comes from service on nonprofit boards ranging from United Way to the Urban League.

The firm benefits from being “very nimble and hands on,” Friedman said. “We don’t have this whole corporate structure where there’s 20 people on this board in Ohio or Pennsylvania” who need to be consulted before making a decision.

With so many government clients, the firm has grown organically by expanding its lobbying work, for instance, from the state to federal level.

“Each pursuit has its own playbook, and there are different strengths and weaknesses for each pursuit, and there’s no set formula or magic sauce,” he said.

One of the common denominators for firms with a government

practice is adapting to the regular changes in elected officials.

“In addition to the personal rapport that you may have with a top decisionmaker for a client, you have to rebuild those relationships regularly because that top decisionmaker is constantly changing,” Miller said. “You’re constantly proving yourself again and again. And you are not just tending an individual relationship. You are tending relationships on all that collegial board.”

Accepting, even anticipating, change in political leadership is part of the job.

“If there’s a new mayor in town, there’s a new mayor in town. We will meet with the new mayor — dutch treat” in compliance with Florida’s tough lobbying rules, Friedman said. “I don’t buy coffee, not even a bottle of water.”

“We’re governed by whatever priorities the mayor and the commission ultimately determine are the priorities,” he said. “We’re really mercenaries that go off to battle, and the city gives us our marching orders.”

Becker has about 25 board-certified construction lawyers, probably the most in the southeastern U.S. and “for sure Florida,” said Friedman.

Friedman sees an advantage in the group’s diversity along racial, ethnic and partisan lines.

“I don’t even think we did it deliberately,” he said. “I don’t think it was a strategy. It happened organically because it was the right thing to do.”

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