



# **Attorneys Are From Mars & Realtors® Are From Venus:** **Serving the Unique Legal Needs of Real Estate Agents**

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# The Challenges

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- Real estate agents are trained early-on to avoid real estate attorneys which limits opportunities to provide support
- Real estate agents receive limited LEGAL education
- Many real estate brokerages now own their own affiliated title companies and offer incentives to agents for referring business
- Real estate agents actively steer clients away from attorneys even when they ask for one
- The “deal-breaker/too expensive” label

# Protect

# Protect

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- Department of Business & Professional Regulation (DBPR)  
Licensing Issues & Complaints
- Violations of Chapter 475
  - Not following proper signage requirements
  - Deal falls through
  - Latent defect was not disclosed
- Agent Moves to New Broker

# Protect

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- Escrow Disputes
  - Practical solutions
- Who Should Hold the Escrow Deposit - the Broker or the Settlement Agent?
  - Less flexibility with Broker-held deposits
  - More options with Settlement Agent-held deposits

# Protect

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- Surveillance Devices
  - Two-party consent
  - What constitutes a surveillance device
  - Video vs. video and/or audio
  - Reasonable expectation of privacy
  - Disclosures

# Translation

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- Familiarize yourself with DBPR rules
- Take advantage of speaking engagements
- Provide practical solutions
- Be a resource they can turn to keep them on the right side of the rules
- Legal support activities also generate closing referrals



# Educate

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- Local Realtor® Association Schools
- DBPR/Florida Real Estate Commission (FREC)
  - Education Course Approval DBPR RE-18
  - Education Provider Approval DBPR RE-19
  - Request for Instructor Evaluation Form DBPR RE-20
  - <http://www.myfloridalicense.com/DBPR/real-estate-commission/education>

# Educate

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- Florida Realtors® Approved Instructor
  - Two-day *Learning Centered Instructor Workshop*
  - Audition before a panel for each new program you present
  - Access to Florida Realtors® library of over 100 programs
  - Approved events are held exclusively at Local Associations
  - If interested, contact Joann Casiano [joannc@floridarealtors.org](mailto:joannc@floridarealtors.org)

# Educate

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- Benefits of providing legal education to agents
  - Help agents serve the public more competently and professionally
  - Establish yourself as an expert and resource they seek out
  - Demonstrate that real estate attorneys are not scary or expensive
  - Develops a collaborative relationship
  - Improves understanding of the challenges real estate agents are facing

# Educate

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- Other Opportunities
  - Collaborate early in the contract process so you can address any obstacles to closing, *e.g. Probate, Powers of Attorneys, Trusts, etc.*
  - Get involved in your local Real Estate Council
  - Become an Affiliate Member of your local Realtor® Association
  - Take advantage of the Florida ARECS Realtor® Education Library of ready-to-use presentations created by The Fund

# Translation

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- Take advantage of opportunities to present yourself as an expert
- Demonstrate that real estate attorneys are not scary & expensive
- Help them serve the public more competently
- Educational activities also generate closing referrals

# Build

# Building Success: Yours & Theirs

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- How do I get more Realtor® business?
  - Help them be more successful
  - Build trusting and collaborative relationships
- What are my arguments?
  - What is my *Value Proposition*?
  - “Differentiate yourself by sending your clients to a lawyer”



# Building Success: Yours & Theirs

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- How do I help them protect themselves?
  - Call me if they think they made a mistake
  - “Scary bits!”
- How do I make transactions easier?
  - Realtors® work 24-7 so they require a lot of flexibility
    - After-hours closings
    - Cell phone access
    - Last minute contract addenda or agreements
    - Closing fee flexibility

# Building Success: Yours & Theirs

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- Provide them tools that help them do their job better
  - *Critical Seller Dates with Explanation*
  - *Critical Buyer Dates with Explanation*
  - *How to Distinguish Yourself by Having a Real Estate Attorney on Your Team*

# Translation

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- Collaborative approach
- You are a team working together
- Accessibility
- Flexibility
- Communication
- Responsiveness
- Know your *Value Proposition* and make sure they do too
- Provide Tools

# Conclusion

# Conclusion: Top 10

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1. Familiarize yourself with the DBPR Rules governing their business
2. Educate them by presenting seminars on your own and/or getting involved in the Realtor® education opportunities provided by your Real Estate Council
3. Take advantage of opportunities to present yourself as an expert
4. Make sure you understand your ***Value Proposition*** - and they do too!
5. Help them make more money

# Conclusion: Top 10

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6. Protect them from “Scary Bits!”
7. Educate your staff to ensure they are prepared to provide the service you have promised
8. Show them how they can differentiate themselves by sending their clients to a real estate attorney
9. Provide them tangible tools they can use to be more successful
10. Be responsive, available and flexible



*Thank You!*  
for attending