

## Article of Note

# A Digital Conversation with Author, Speaker, Podcast Host, Attorney Mentor and Educator, and High-Stakes Litigator Frank Ramos

By Larry Ebner



[Francisco “Frank” Ramos, Jr.](#), is incredibly dedicated to mentoring, educating, and promoting his fellow attorneys throughout the United States and globally, and in so doing, advancing the legal profession. Frank’s service as managing partner at [Clarke Silverglate PA](#) in Miami, where he participates in the firm’s high-end litigation practice, is just the beginning. He posts daily [LinkedIn practice and business pointers](#) for his more than 50,000 followers. He also has authored more than a dozen books, and edited others, on topics ranging from the legal process, to attorney marketing, to professional development of young lawyers, as well as published hundreds of articles for lawyers and business professionals. And Frank has recorded more than 90 podcasts in his [“A Conversation With...”](#) series with members of [DRI—The Voice of the Defense Bar](#).

Frank recently recorded [“A Conversation With...Larry Ebner”](#) about my 48-year legal career in Washington, D.C., why and how I launched my solo-practice, nationwide appellate litigation boutique, [Capital Appellate Advocacy PLLC](#), and my other professional interests, particularly my leadership roles with DRI’s Center for Law and Public Policy, Amicus Committee, and Appellate Advocacy Committee. I was anxious to reverse the flow of questions by asking Frank about his myriad activities on behalf of the defense bar and the broader legal profession. So I asked Frank to join me in the following “digital conversation.”

**Larry Ebner:** Frank, let’s start with the many podcasts that you have recorded with DRI members. How did you develop the idea for the podcasts?



**Frank Ramos:** Thank you Larry, for the kind words.

The birth of my DRI podcast, “A Conversation With...,” would be impossible to guess. When my boys, who are now in college, were younger, we’d be in the car Saturday afternoons and would listen to a podcast titled *Here’s the Thing*, wherein Alec Baldwin was the host. The podcast began and ended with Miles Davis’s classic, [“So What,”](#) which may be one of the most iconic jazz tunes from arguably the most iconic jazz album ever, *Kind of Blue*. Whenever the horns in “So What”

blared in our car, I would tell my boys, both who wanted careers in music, that one day one of their tunes would be featured on a podcast. Years later I took my prediction as a promise and had my younger son, Michael, provide me the music from his original jazz tune, [“Leaves,”](#) and used his song for the podcast. So you see, it was never about the podcast for me. The podcast was a vehicle for my son’s music and to make a prediction into reality.

**Larry Ebner:** Nonetheless, the podcasts provide many insights by a terrific and varied collection of attorneys.

You also have authored more than a dozen books, and more than 300 articles. How did you develop your writing skills, where do you get your ideas for topics, and how did you become so prolific?

**Frank Ramos:** I started writing early in my legal career to prove to myself that I actually knew a thing or two about the practice. I was suffering from imposter syndrome, and I started writing “how-to” articles to see if I actually knew how to do things in the practice. Over the years, most of my writing has been process oriented—I define an issue, problem or concern, and then define the process to address it. All of my books are basically how-to or check-list-type books that address everything from personal strategic planning, to leadership, to marketing, to trying a case.

**Larry Ebner:** Where can I find a list of your books and essays, most of which I understand can be downloaded for free?

**Frank Ramos:** Right here:

- [Getting Published for Lawyers](#)
- [Social Media Musings—Part Two: My Reflections on the Practice and Life](#)
- [LinkedIn for Lawyers](#)
- “Mentoring Leaders,” in [Leadership for Lawyers](#)
- “Frank Ramos,” in [Owning the Room](#)
- [Be Your Own Life Coach](#)

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- [\*Social Media Musings: My Reflections on the Practice and Life\*](#)
- [\*The Future of Law\*](#)
- [\*A Guide to Strategic Planning for State and Local Defense Organizations\*](#), co-authored with John C. Trimble
- [\*Go Motivate Yourself: Stop Chasing Gurus and Do the Hard Work\*](#)
- [\*Attorney Marketing 101\*](#), coauthored with John Remsen, Jr.
- [\*Training Your Law Firm Associates: Transforming Your Associates into Trial Lawyers\*](#)
- [\*The Associate's Handbook: A Resource for Aspiring Trial Lawyers\*](#)

**Larry Ebner:** I know that you particularly enjoy mentoring younger attorneys. What are some of the best ways for us more senior lawyers to do that?

**Frank Ramos:** All senior lawyers should carve out time to mentor young lawyers. Mentor someone at your firm and find at least one lawyer outside your firm to mentor too. Speak with them monthly, either in person over coffee or via Zoom or by phone. It'll help them immensely.

**Larry Ebner:** I also am fascinated by your extensive use of LinkedIn. You even have written a book titled [\*LinkedIn for Lawyers\*](#). I myself recently interviewed digital marketing consultant [Nick Kosar](#) on [\*How Lawyers Can Use LinkedIn to Promote Their Practices\*](#). In what ways do you use LinkedIn, and how did you garner more than 50,000 LinkedIn followers?

**Frank Ramos:** I had tinkered with LinkedIn since 2007, but didn't get serious about the platform until the fall of 2016, when DRI released my book, [\*The Associate's Handbook\*](#), which was my advice about the practice for young lawyers, specifically how to prepare for and try a case. In the fall of 2016 I decided I was going to post every day—including weekends and holidays—and except on the rare occasion, I've stuck to that promise. When I started on this journey, I had about 2,000 followers. Now I have over 51,000. Posting daily over a long period of time will get you there.

**Larry Ebner:** You and I became acquainted through [DRI](#), which has nearly 18,000 civil defense bar members from around the United States and internationally. In addition to serving on DRI's board, you have contributed to that organization and its members in many ways. How have you

benefitted from your involvement with DRI, and also your prior service as president of the [Florida Defense Lawyers Association \(FDLA\)](#)?

**Frank Ramos:** I have made lifelong friends and have developed my skill set. DRI and FDLA have made me a better lawyer, better writer, better speaker, and just generally a better person.

**Larry Ebner:** We haven't yet discussed your legal practice. What does it entail?

**Frank Ramos:** My firm, [Clarke Silverglate](#), is firm focused on high-end litigation and bet-the-company cases. I practice in the areas of product liability, commercial, and employment litigation.

**Larry Ebner:** I understand that you serve as your firm's managing partner. Do you enjoy law firm management, and what trends do you see, especially in view of the pandemic?

**Frank Ramos:** I love serving as managing partner. I took over from [Spencer Silverglate](#), who now serves as the firm's president and chair. I think the pandemic taught us to embrace technology and has pushed all of us toward embracing the use of technology in our practices. That trend has been occurring for a while. The pandemic pressed the fast-forward button on that process.

**Larry Ebner:** Finally, how do you and your family enjoy spending your time outside of the legal world?

**Frank Ramos:** Both our boys are in college. Our older son, David, is graduating from Florida State University (FSU) in the fall with a degree in Music Education. He is laying the foundation to be an orchestral conductor. Our younger son, Michael, is a freshman at the University of Miami, where he is studying jazz performance. Before the pandemic, my wife, Ana, and I would spend evening watching him perform at local jazz joints.

**Larry Ebner:** Frank, thanks so much for participating in this digital conversation. What is the best way for readers to get in touch with you?

**Frank Ramos:** They can email me at [framos@cspalaw.com](mailto:framos@cspalaw.com) or [follow me on LinkedIn](#). There, they can scroll down on my profile and download my publications for free.

Thanks so much for the opportunity, Larry. Stay well.

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## COVID-19

## Litigating in the Age of COVID

By John S. Guttmann, DRI National Director

In these uncertain and taxing times, litigation has changed temporarily. Has it slowed down? Not much, from what I have seen in my practice and those of colleagues at my firm. Our practice is national in scope, so we can see what is happening in a variety of federal and state courts across the country. Despite many changes, things have stayed the same in important respects. Courts are taking different approaches, but there are common elements. Here are a few observations on how judges, lawyers, and even court reporters are adopting to changed circumstances.

In general, as in normal times, most judges want counsel to do everything possible to keep moving cases along. Proactive judges are using the case management tools at their disposal to be sure that happens. Judges recognize that the virus is affecting the ability of parties to move forward with all discovery. In many cases, it is literally impossible for the parties to continue production of paper documents. As a result, some courts are focusing the parties' attention on electronic discovery and permitting them to defer production of paper files if necessary. This may require postponement of some or all depositions in a case, and result in an extension of overall discovery deadlines. Nevertheless, by phasing discovery and directing the parties to concentrate on the production of electronic files, the judge keeps the case moving. Doing so may shorten the overall extension that is ultimately required.

Proactive judges seem to be requiring more frequent check-ins by counsel. Judges who generally held status conferences in a particular case every six months may be holding them telephonically every four months. In other cases, we have seen judges who were scheduling conferences at three-month intervals, holding them every sixty days instead. In some instances, the courts are stating explicitly that the scheduling changes are intended to help them keep closer tabs on the cases to be sure they are moving forward. In others, that is not stated but the purpose seems clear nonetheless.



Depositions present particular challenges because of the understandable reluctance of both witnesses and counsel to appear. How big an impediment this reluctance is varies from place to place and over time. Some depositions are taking place via Zoom or on other electronic platforms. Many attorneys are resistant to such approaches. One concern is the need to provide the reporter and the deponent's counsel with exhibits in advance of the deposition. Court reporters recognize this issue. They are beginning to adapt. Some of the larger reporting companies now have technologies that enable them to hold exhibits back until the examining counsel is ready to show them to a witness. Here

is how it works. The attorney taking the deposition provides the complete set of exhibits to the reporter in advance of the deposition. Upon request, the reporter transmits a specific exhibit to the deponent's counsel and puts the exhibit up on a computer screen in front of the witness. While I personally have not employed this approach, reports are good. This is a technological adaptation that seems likely to continue post-COVID, at least to some degree, because it increases the

ability to take depositions without incurring the time and costs of travel. On the other hand—at least until people become familiar with using such an approach—it will take extra time, and lawyers operating under time limitations for depositions may be hesitant to use it absent stipulations to account for delays. Another obvious issue that can arise is the need for an additional exhibit that was not in the examining counsel's original plan for the deposition. Lawyers and court reporters are no doubt already figuring out how to work through these issues and others.

The courts are operating under the same constraints as counsel, their clients, and witnesses. As a result, status conferences, arguments, and even evidentiary hearings and a few trials are taking place via Zoom. To eliminate background noise, some judges are requiring counsel making argument to wear headphones equipped with microphones. In addition, some courts have one access