

Profile

By Patti Martin Bartsche

Doing It Her Way



Wendy Russell Wiener launched her law firm, WRW Legal, earlier this year.
(Photo credit: Kira Derryberry Photography)

In many ways, the phrase “to take control of your legal career, you must become the CEO of your own firm” fits Wendy Russell Wiener to a T.

For more than 25 years, the 52-year-old Wiener has been practicing regulatory death-care industry and regulatory insurance law, representing entities and individuals who interact with the administrative agencies that regulate all aspects of the death-care and insurance industries. She represents clients as counsel in Florida and serves as a regulatory consultant nationwide.

Her career has been spent at both small and large firms where her specialty practice area needed to find a way to integrate into a firm. In the simplest of terms, a square peg met a round hole.

And while that worked for a number of years, Wiener began to feel increasingly unsettled.

Finally, in what she laughingly calls her “V8 moment,” Wiener admitted to herself, “This is not for me ... I want to be in charge of my own practice.”

WRW Legal opened its doors in January. Based in Tallahassee, Florida, the firm is focused on serving the death-care profession through a broad variety of services, including licensure; forms preparation; policy and procedures preparation; regulator liaison; and compliance review. As the firm’s website explains, “The families you serve come first for you. You come first for us.”

Wiener is exactly where she wants to be – and ahead is the only place she’s looking.

The Early Years

Wiener was born right outside of Chicago, at the Great Lakes Naval Hospital in Waukegan. “Since most people don’t know where Waukegan is, I simply say I was born in Chicago,” she laughed.

Her father was in the Navy during her early childhood years, later becoming a hotel manager. “We moved around a *lot!*” Wiener said. “My mother used to say, ‘Well, the house is dirty, guess it’s time to move.’”

As an only child, Wiener was very close with her parents, Tommy and Peggie Russell, who are now deceased. Her mother was a hospital administrator for the Veterans Administration, spending the last 20 years of her career at the VA in Miami.

Her father, who later in life discovered he was an entrepreneur (and not often a great one, according to Wiener) spent much of his time fishing for tarpon in Biscayne Bay while her mom was at work.

And Wiener? She attended high school in Brevard County, where her family owned a boarding stable for horses and a horse show venue. She rode horses until she left for college, selling her last horse to buy a car.

When she set off for the University of South Florida, Wiener had no intention of becoming a lawyer. In fact, she wanted to follow in the footsteps of then “Good Morning America” host Joan Lunden.

“I’m obsessed with ‘Good Morning America,’” Wiener laughed. “A superfan, really.”

Her parents were big TV people, Wiener said, and it wasn’t unusual for the television to be on from first thing in the morning until bedtime. “We were an ABC family, and GMA was a part of my life growing up,” she said. “I loved Joan Lunden so much, so of course, I went off to college to become a broadcaster.”

Even after she graduated from USF with a degree in mass communications and broadcasting, Wiener’s father still held out hopes that she would reconsider switching career paths.



“My dad always wanted me to be a lawyer,” she said. “He said the lawyers knew where all the good deals were – it appealed to his entrepreneurial spirit!”

It took a little real-world post-graduate work experience for Wiener to reconsider her future.

Shortly after graduating from USF, Wiener was working for a large hotelier as a caterer. She had worked for the company throughout college and a career in hospitality seemed more lucrative than one in broadcasting, and she was assigned by the company to a job in northern Virginia, just outside of Washington, D.C.

“Within weeks of beginning what I thought would be the start to a great career, my boss began to engage in ‘me too’ behavior, and I quit without even so much as a one week’s expenses safety net,” Wiener said. “I knew then that I needed a profession and not a job.”

The experience left an indelible mark on Wiener. “It was literally 30 years ago, I was 22 years old,” she said. “Alarms weren’t going off, I couldn’t put a name to it, but I knew I

was not comfortable in the situation. Maybe it was because I was an only child, but my parents – especially my father – raised me not to be afraid. So, I did the only thing I could ... I threw the keys on the boss’s desk and walked out.”

Law School

Wiener promptly bought a prep book for the LSAT, took the test on a whim two weeks later, scored well enough and returned to Florida to attend Florida State University College of Law.

Heading off to law school, Wiener hadn’t chosen a particular concentration or specialization – that decision would come after her first summer in school.

“I went to work for a friend of my next-door neighbor – my neighbor’s fellow Rotarian. He was the former general counsel to the Florida Department of Insurance and then had a regulatory insurance practice,” Wiener said. “Among his clients were insurance companies that sold final expense insurance policies and those that fund preneed contracts.”

The WRW Law team, (from left) attorney Lauren R. Pettine, Wendy Russell Wiener and paralegal Kellie J. Hoover. (Photo credit: Kira Derryberry Photography)

Just as she was graduating law school in 1993, the regulation of preneed contracts was transferred from the Insurance Code to the Finance Code, Wiener explained, adding that it was made a part of the cemetery law, Chapter 497, Florida Statutes.

“Appearances before the Board of Funeral and Cemetery Service for our insurer clients were required,” she said. “As I made those appearances, other persons with interest in and matters before the board began to ask me for my card. Over time, representing death care became nearly all I did ... and it remains so today.”

As regulation of preneed transitioned from the Insurance Code to the cemetery law, Wiener followed. Appearances before the regulatory board in Florida resulted in the expansion of the client base she

represented in Florida from insurers to cemeteries, funeral homes, industry professionals, financial institutions and others.

She flourished in the death-care sector, working at the same firm where she did her first summer law job for “18 great years.” In 2009, she transitioned her practice to her husband, Bruce Wiener’s firm, a Tallahassee full-service firm.

The couple would later move to Tallahassee-based Broad and Cassel, which Wiener anticipated would bring a broader group of law practices to her clients who often needed services beyond the regulatory assistance she could provide.

“It was a good fit,” said Wiener, who became a partner in the firm in 2015.

Three years later, Broad and Cassel merged with Nelson Mullins Riley & Scarborough LLP. The merger with an Am Law 100 firm was both interesting and enlightening.

“While my clients had exposure to an even more diverse group of lawyers around the country, I soon learned that sometimes a boutique practice is aptly called a boutique practice and I could serve my clients best within a boutique firm,” Wiener said.

Her practice, Wiener said, is not one to which other lawyers often refer work, but instead, she routinely referred work to other lawyers at the firm.

“My clients buy and sell businesses, need corporate representation, require assistance with tax matters and sometimes litigate,” she said. “But, a problem for me with such a large firm is that I was beginning to face too many conflicts of interest – which a regulatory lawyer really shouldn’t have. As a regulatory lawyer, the ‘other side’ is always the regulator, but since I represent many of the national and regional death-care interests I was, too often, having to seek a conflict waiver in order to properly represent my clients.”

“Boutique” means something, and Wiener came to realize that over the

last of her months of 2019 with Nelson Mullins Riley & Scarborough.

Returning to Her Roots

“I came to understand that I could best serve my clients, without the restraints of a large firm (both as to conflicts and hourly rates) by returning to my roots – practice within a boutique regulatory firm,” she said.

Wiener left the large firm on good terms. “Of course, I remain close to many of my colleagues at the large firm, all of whom will continue to represent my clients and many others there can expect to receive referrals from me when my clients need help I cannot provide,” she said.

WRW Legal officially opened for business in January. Joining managing member Wiener at the firm are attorney Lauren R. Pettine and paralegal Kellie J. Hoover.

Wiener didn’t have to go far to put together her dream team – the three women worked together at Nelson Mullins Riley & Scarborough. In fact, Pettine and Hoover were among the first people Wiener spoke to after deciding to open her own firm.

“That morning I had that V8 moment, the first person I spoke to after my husband was Kellie. The conversation went something like, ‘This is what I’m thinking of doing ... will you do this with me?’” Wiener recalled.

Wiener didn’t immediately reach out to Pettine, who was awaiting the results of her bar exam. Shortly after Pettine passed the bar, Wiener invited her out for a drink on a Friday night. “I think she thought it was about something negative,” Wiener said, “but as I started talking about the next months, years and decades, she was immediately excited ... there was no question she wanted to be a part of this new endeavor.”

Nelson Mullins has been extremely supportive of Wiener’s new venture. “They will continue to handle all of my nonregulatory work ... many of their lawyers are working for many of my clients ... and that won’t change. My clients will have access to a large, full-service firm and at the same time, a boutique firm,” she said.

As the owner of her own firm, Wiener now has the freedom to represent her clients without the worry of conflicts of interest. “My policy is never to represent one client against another. I simply will not do it,” she said. “Because the other side is always the regulator, I do not have to worry over conflicts.”

Some of her clients, Wiener added, cannot afford the rates of a large firm, and now, “in my own business, I will be able to determine what my rates are and ensure that I can help the members of the death-care industry that need me.”

Wiener is also committed to mentoring young female lawyers. “I don’t think there’s enough of it going on,” she said. “And there should be.”

While it’s hard to come by women-owned law firms across the country, Wiener offered this observation: “I have heard it said that women lawyers who have a ‘book of business’ (the collection of clients a lawyer has assembled) are like unicorns.”

There is little doubt, though, that female professionals like Wiener are founding their own firms. “I’m proud to hear that women are discovering their entrepreneurial spirit and that I’m fortunate enough to contribute to the trend,” she said. “There are so many capable women in our industry that make a difference every day.”

Always Being There

Making a difference is what drives Wiener day and night.

“The most challenging part of my job is time management,” she said. “I understand the death-care industry and I am available to my clients when they need me – sometimes that means the wee hours of the morning or on the weekends. My clients are on call for their families, and I feel compelled to be on call for my clients that same way.”

And given the heightened emotional state of the death-care profession’s customer, Wiener believes that the profession is constantly exposed to legal vulnerability.

“People, when emotional, are often

more easily offended and that feeling often finds an outlet with a regulatory complaint or worse, a lawsuit," she said. "I am especially focused, lately, on working with clients to ensure that their policies and procedures (especially their authorization forms and releases) do the best job of warding off those complaints and litigation."

One of Wiener's longest-serving clients is Funeral Services Inc., a Tallahassee-based firm that specializes in the administration and record-keeping of funeral and cemetery trusts and preneed programs.

FSI president and CEO Bill Williams said choosing Wiener as its counsel was a no-brainer. "One of FSI's founding principles and the one thing we strive for every day is to be the absolute best at what we do. You can only accomplish that with the absolute best team of dedicated individuals," Williams said. "Wendy fit the mold. At the time Wendy joined the FSI team, she was the best death-care regulatory attorney in Florida. She has since grown that reputation nationwide."

As Williams tells it, the two met long before Wiener became FSI's counsel.

"The first time we actually met was in an airport almost 20 years ago. We happened to be on the same flight traveling to a Florida death-care regulatory board meeting in Miami. I recognized her as she was waiting to board, and I walked up and introduced myself," he said.

"Several months prior to that, Wendy was seeking approval of a

client issue in front of the same regulatory board – an issue that I happened to be opposed to. We both presented our sides to the board – you can assume who won," Williams laughed. "When I introduced myself to her in the airport that day and reminded her of our previous encounter, she said she didn't remember me. I obviously didn't make much of an impression."

It's important to understand that the area of law that Wiener practices is very specific, Williams pointed out.

"She has dedicated her entire practice and career to our profession; it's all she does," Williams said. "Let's face it, if you are a death-care licensee and have an issue with a regulator, would you want an attorney representing you that has a complete understanding of death-care laws, rules and regulations, as opposed to say, your corporate attorney that probably has little-to-no understanding of death-care laws?"

In addition to representation of her clients, Williams said Wiener has been proactive in several issues that affect death care, most notably unitrust and unclaimed property laws.

Wiener assisted FSI in writing legislation to bring unitrust – a method of allowing greater withdrawals from cemetery care and maintenance trusts while also building principal at a better potential rate – to Florida cemeteries, Williams said. Also known as the Total Return Method, Unitrust is used to invest endowments and

grants for universities, hospitals, religious institutions and others across the country. "Since the unitrust legislation was passed in Florida, nine other states have followed suit," Williams noted.

Wiener has also been in the forefront of unclaimed property laws, according to Williams. "Numerous states are on the verge of requiring death-care trusts to come under the umbrella of unclaimed property laws," he said. "Wendy has made solid arguments as to why these trusts shouldn't be considered unclaimed property. She is currently assisting members of the profession, including FSI, with drafting legislation that will have a positive impact on the consumer and the preneed seller, and also will satisfy the state's desire to reunite consumers with assets that may be deemed abandoned under the state's unclaimed property laws."

Wiener said she has been lucky to have worked with so many great lawyers during her career, including her husband with whom she worked for the last 10 years. But, when asked to narrow it down to one, Wiener is quick to reply, "Doug Mang," her first boss.

"He taught me so much about how to be a working lawyer and to build a practice," she said. "He began to expose me to his clients even before I had graduated, while I was a law clerk. It was that experience that led me to choose my associate (Pettine) with a promise to her to make her into one of those unicorns, a female attorney with a practice."

So, what does the future hold for Wiener at WRW Legal?

"If all goes well, it still looks busy and happy!" Wiener said. "I am very lucky to have my paralegal of 16 years with me at the new firm and my 'new' associate who has worked with me for two years but just recently graduated from law school and passed the Florida bar. I want to continue to grow our client base and make a difference for the death-care clients that we work with." •

DIGITAL BONUS

What's the best piece of business advice Wendy has received? Read "5 Questions with Wendy Russell Wiener" at:

www.afd-digital.com

