

**The Florida Bar Board of Governors
January 29, 2010
Florida Bar Headquarters
Tallahassee, Florida**

1. Roll Call

Jesse H. Diner, President
Mayanne Downs, President-elect
Stephen H. Echsner, 1st Circuit
Lawrence E. Sellers, Jr., 2nd Circuit
Dominic M. Caparello, 2nd Circuit
Clay A. Schnitker, 3rd Circuit
S. Grier Wells, 4th Circuit
John J. Schickel, 4th Circuit
Andrew B. Sasso, 6th Circuit
Murray B. Silverstein, 6th Circuit
Charles Chobee Ebbets, 7th Circuit
Carl B. Schwait, 8th Circuit
Mary Ann Morgan, 9th Circuit
Daniel L. DeCubellis, 9th Circuit
Scott M. McMillen, 9th Circuit
Robert M. Brush, 10th Circuit
Ramon A. Abadin, 11th Circuit
David Rothman, 11th Circuit
Michael J. Higer, 11th Circuit
Dennis G. Kainen, 11th Circuit
Juliet Roulhac, 11th Circuit
John H. Hickey, 11th Circuit
Dori Foster-Morales, 11th Circuit
L. Norman Vaughan-Birch, 12th Circuit
Gwynne Alice Young, 13th Circuit
Clifford W. Sanborn, 14th Circuit
David C. Prather, 15th Circuit
Gregory Coleman, 15th Circuit
Scott G. Hawkins, 15th Circuit
Edwin A. Scales, 16th Circuit
Walter G. Campbell, Jr., 17th Circuit
Nancy W. Gregoire, 17th Circuit
Eugene K. Pettis, 17th Circuit
Jay Cohen, 17th Circuit
Timothy A. Bailey, 17th Circuit
Clifton A. McClelland, Jr., 18th Circuit
John M. Stewart, 19th Circuit

Ian M. Comisky, Out of State
Eric L. Meeks, Out of State
Brian D. Burgoon, Out of State
Roger J. Haughey II, Young Lawyers Division President
Renée Thompson, Young Lawyers Division President-elect
Arnell Bryant-Willis, Public Member
Alvin V. Alsobrook, Public Member

Members Absent:

Denise A. Lyn, 5th Circuit
Ervin A. Gonzalez, 11th Circuit
William J. Schifino, Jr., 13th Circuit
Lansing C. Scriven, 13th Circuit
Lisa S. Small, 15th Circuit
Laird Lile, 20th Circuit
Scott W. Weinstein, 20th Circuit
Richard Arthur Tanner, Out of State

2. Guests

Tasha K. Dickinson, President, Florida Association for Women Lawyers
Kenneth D. Pratt, President, Virgil Hawkins Florida Chapter, National Bar Association
Ron Kalapp, Marilyn Baldwin, Shirley Gooding-Butler, Connie Bookman, Margaret Perry, and Nancy Beisinger, members of The Florida Bar Citizens Forum

3. Staff Attending

John F. Harkness, Jr., Executive Director
John T. Berry, Division Director, Legal Division
Paul F. Hill, General Counsel
Allen Martin, Director, Finance and Accounting
Mary Ellen Bateman, Division Director, Ethics and Advertising, UPL, and Special Projects
Ken Marvin, Director, Lawyer Regulation
Elizabeth Tarbert, Ethics and Advertising Counsel
Lori Holcomb, Unlicensed Practice of Law Counsel
Kathy Bible, Advertising Counsel
Francine Walker, Director, Public Information
Terry Hill, Director, Programs Division
Rosalyn A. Scott, Assistant to the President
Gary Blankenship, Senior Editor, Florida Bar *News*

4. Invocation and Pledge of Allegiance

Board member Dominic Caparello performed the invocation and led the board in the Pledge of Allegiance.

5. Local Bar Members

President Diner recognized the presence of Kelly O'Keefe, president of the Tallahassee Bar Association, Angelique Know, president of the Tallahassee Barristers Association, and Gigi Rollini, president of Tallahassee Women Lawyers.

6. Reappointment of Public Member

President Jesse Diner announced that Alvin Alsobrook had been reappointed to a second term as a public member of the Board of Governors

7. Non-Roll Call Items

Board member Carl Schwait announced the non-roll call items were 20 and 27 for the Executive Session grievance agenda.

8. Minutes Approval

The board approved the minutes from its December 11, 2009, meeting.

9. Consent Calendar

The board approved the consent calendar after board member David Prather announced that item 5b(i) had been withdrawn and moved to the regular agenda. That approval included:

- Appointment of Andrew Ben Demers and Jennifer Martinez Mooney as attorney members of UPL Circuit Committee 13"B".

- The Board Review Committee on Professional Ethics voted 7-0 to affirm the Standing Committee on Advertising decision in Advertising Appeals 10-00780, 10-00805, and 10-00806 (item 5b(ii)) that uses of plural pronouns to describe the work performed by the law firm are misleading in violation of Rule 4-7.2(c)(1) because the filer is a sole practitioner. The Board of Governors voted to affirm the Standing Committee on Advertising decision on the consent calendar.

- Relative to item 5b(ii), which was approved on the consent calendar, the Board Review Committee on Professional Ethics voted 7-0 to have the appropriate entity review the issue of publicizing decisions of the Standing Committee on Advertising and Board of Governors on advertising issues. No Board of Governors action was required.

- Approving an amendment to Bar Rule 1-3.6, Delinquent Members: Within subdivisions (d) and (f), deletes the provision that permits an extension of deadlines by the Board of Governors for restitution or an award in fee arbitration proceedings.

- Approving an amendment to Rule 4-7.10, Lawyer Referral Services: Creates new subdivision (b)(11) which requires for-profit lawyer referral services to include in all advertisements that lawyers to whom cases are referred pay to participate in the lawyer referral service.

- Approving amendments and changes to Rule 10-2.1, Generally, and 10-2.2, Form Completion by a Nonlawyer: Rule 10-2.1 Generally Summary: Moves subdivision (a)(1) of rule 10-2.1 to subdivisions (a) and (c) of new rule 10-2.2; moves subdivision (a)(2) to subdivision (b); moves subdivision (a)(3) to subdivision (c); makes minor editorial changes throughout. Rule 10-2.2 Form Completion by a Nonlawyer Summary: Creates new rule to clarify and define the unlicensed practice of law when a nonlawyer is assisting with completion of forms; subdivision (a) contains language

moved from subdivision (a)(1) of rule 10-2.1 to define what a nonlawyer is allowed to do when assisting with completion of a Supreme Court Approved Form and further clarify that a nonlawyer cannot give legal advice; subdivision (b) codifies case law explaining what a nonlawyer can and cannot do when completing a form that has not been approved by the Supreme Court of Florida; subdivision (c) contains language moved from subdivision (a)(1)(A)–(C) of rule 10-2.1 to define language that must be on each form or included in the disclosure statement.

- Approving an amendment to Rule 20-2.1, Generally: Within subdivision (d), clarifies that membership in the American Association for Paralegal Education shows substantial compliance in relation to the definition of an approved paralegal program.

- Approving an amendment to Rule 20-7.1, Generally: Within subdivision (a), clarifies language that can be used to meet the disclosure requirement.

- Approving an amendment to Standing Board Policy 6.30, Fees for CLE Courses: Increases the non-member surcharge for CLE courses from \$25 to an amount equal to section dues.

- Approving an amendment to Appellate Practice Section bylaws: Within Article II, creates affiliate membership status for law students and law professors who are not members of The Florida Bar.

- Approving an amendment for the Florida Lawyers Assistance, Inc., bylaws allowing it to designate retired directors as emeritus directors.

- Confirming Joan Anderson, nominated by the Tallahassee Bar Association, and Mark Bednar and Michael Guttmann, both nominated by the Escambia Santa Rosa Bar Association, to seats on the Legal Services of North Florida, Inc., Board of Directors.

- Agreeing not to prohibit this legislative position taken by the Trial Lawyers Section: Opposes Senate Bill 712 and House Bill 437 relating to contingency fee agreements between the Department of Legal Affairs and private attorneys. The legislation would limit the choices of citizens of Florida to retain competent and well-qualified attorneys to represent and defend the rights of Florida citizens.

10. Public Reprimand

President Diner administered one public reprimand.

11. Swearing In New Board Member

President Diner swore in Walter G. Campbell, Jr., to fill an unfinished term for Seat 1 in the 17th Circuit. He replaced Allison Bethel who resigned after moving out of state.

12. Actual Innocence Commission

The board heard a report from Talbot D’Alemberte, Mark Schlakman, and Seth Miller, representing the Innocence Project, and Florida State University student Chelsea Enright, on the petition filed with the Supreme Court asking it to create a commission to study Florida’s 11 DNA exonerations and 22 Death Row acquittals. The petition asks that the commission look for breakdowns in the justice system that led to these wrongful convictions. The board voted unanimously to support the petition.

13. Report from the Administrative Law Section

Section Chair Seann Frazier reported on section activities, which include education activities and legislative advocacy to ensure that due process is maintained in the administrative process, even for members of the public. He noted the section is made up equally of private and government attorneys, and that there are about 100 lawyers certified in State and Federal Government and Administrative Practice. In the next year, the section plans to update the uniform rules of administrative procedure.

14. Report of the Government Lawyer Section

Chair Keith Rizzardi said the section is interested in becoming more involved in Bar activities, including service on the Board of Governors. The section is continuing to advocate for improved protections for the attorney-client privilege between government lawyers and their clients and is monitoring questions about whether lawyers who sue government agencies can still talk directly with some agency officials about other issues without notifying agency counsel.

15. Legislation Committee Report

Chair Larry Sellers presented several last-minute section legislative position requests, which he said could not be handled on the consent agenda because of the timing. On the committee's recommendation, the board voted not to prohibit the following section positions based on them being within each section's subject matter jurisdiction, not potentially divisive among a substantial segment of the general Bar membership, and either not inconsistent with any existing Florida Bar positions or outside the Bar's authorized scope of advocacy altogether:

- The Entertainment Arts and Sports Law Section supporting the passage of HB 697 which would provide corporate income tax sales and use tax credits to qualified entertainment entities instead of reimbursements from appropriations.
- The Real Property, Probate and Trust Law Section supporting amendment of the Florida Probate Code and the Florida Trust Code to add new provisions in each to permit a court to construe provisions in wills and trusts that relate to the federal estate and generation-skipping transfer taxes in light of the unexpected suspension of these taxes for 2010 only, so as to give effect to the intent of the trust settlor or decedent.
- The Real Property, Probate and Trust Law Section opposing the adoption of the Uniform Adult Guardianship and Protective Proceedings Act.
- The Real Property, Probate and Trust Law Section supporting legislation to allow a parent, legal guardian or legal custodian of a minor child to designate a health care surrogate to make health care decisions for the minor if the parent, legal guardian, or legal custodian is not reasonably available.
- The Real Property, Probate and Trust Law Section opposing any amendment to existing Florida law governing real property foreclosures unless those amendments carefully preserve and protect the property rights and due process rights of the holders of interests in or affecting Florida real property.
- The Real Property, Probate and Trust Law Section supporting legislation that would permit a self proving affidavit or oath of an attesting witness to a will to be admitted into evidence in a will contest to establish prima facie evidence of due execution and attestation of a will.

- The Real Property, Probate and Trust Law Section supporting amendment of F.S. §718.203, Florida Statutes, amending to add electrical elements to three-year warranty, extend subcontractor and supplier warranties to the contractor, and to clarify start date for five-year warranty deadline set forth in F.S. §718.203(1)(e).
- The Business Law Section supporting revised Article 7 of the UCC developed by NCCUSL relating to electronic documents of title, warehouse receipts, and bills of lading.
- The Business Law Section offering technical assistance on SB 130 and HB 13 which relate to civil procedures on using senior judges.
- The Business Law Section offering technical assistance on SB 1108 and HB 449 which address court sanctions for frivolous or malicious court filings.

The Bar's Chief Outside Legislative Counsel Steve Metz provided the board with a brief preview of the upcoming legislative session.

16. Investment Committee Report

Chair Ian Comisky reported that the Bar's investments continued to perform well in the fourth quarter of 2009 and had come within 6 percent of their all-time high, compared to broader market indexes which were still considerably lower. He said the committee is continuing to study recommendations from its investment advisors on changing the Bar's investment mix. The committee recommended and the board approved waiving the third paragraph of Standing Board Policy 3.12(d). This policy was last amended in May 1998. The committee's short-term investment policy was last amended in February 2006. Its section on "custodial risk" conflicts with the SBP 3.12(d). After discussion the committee decided that no bank would comply with SBP 3.12(d) so a waiver was required.

17. Budget Committee Report

Chair Jake Schickel reported that because of improved returns on investment, the Bar 2009-10 budget should end up in the black, after initially being projected to have a slight deficit. Incoming Chair Dan DeCubellis reported that the 2010-11 budget, which will be presented to the board at its March 26 meeting, also is expected to have a surplus. Both said a feature of the next budget will be the elimination of the Bar *Journal* directory issue.

18. Florida Bar Center Commission Report

The board unanimously adopted the recommendation from commission Chair S. Austin Peele to place a plaque in memory of long-time commission Chair Tom Ervin in the lobby of the Bar headquarters annex building. Peele noted that Ervin was instrumental in the purchase and renovation of the annex.

19. Appearance by ABA President-elect Steve Zack

Zack outlined his goals for his year as ABA president during 2010-11. Those include a civics education program, an "opening of the legal year" ceremony similar to those in Canada, France, Australia, and England, creating a commission on Hispanic civil rights, and improving the legal preparation for disasters, both manmade and natural.

20. Executive Session

The board went into executive session to consider grievance and other confidential matters.

21. Appearance by Chief Justice Peggy Quince

The board heard from Chief Justice Quince, who talked about getting adequate funding for the court system, especially since its budgets have been cut in the past three years even as its workload increased. She called for protecting money in the court operating trust fund created by the Legislature last year, and for revamping the state's mental health system, both of which could save money and provide better treatment for the mentally ill. Chief Justice Quince noted the electronic filing system that is being set up by the clerks and the courts under a mandate from the legislature. She also encouraged Bar members to participate in the "One" pro bono campaign. After the chief justice's talk, President Diner acknowledged the presence of Justices Ricky Polston, Jorge Labarga, and Charles Canady, and Clerk Tom Hall.

22. Program Evaluation Committee Report

Chair Gwynne Young presented the committee's recommendation on the Bar's Legal Publications Department, including that the number of employees be reduced and that LexisNexis take a greater role in preparing Bar legal publications. The board unanimously approved that motion. The committee also recommended, and the board approved, that the Bar president-elect, or a designee, be made a liaison between the procedural rules committees and the Supreme Court. The committee recommended and the board approved removing any corporate connection between the Bar and Florida Lawyers Support Services, Inc., which publishes trust, estate, guardianship, and real estate forms. Young noted the change in the FLSSI charter was supported by the Real Property, Probate and Trust Law Section, which created the entity in 1981. The PEC, Young said, is continuing with its reviews of the Bar's diversity programs, the Member Outreach Committee, and Florida Lawyers Assistance, Inc., and has begun a review of the Entertainment, Arts and Sports Law Section.

23. Young Lawyers Division Report

YLD President R.J. Haughey reported on several division activities, including its recently held Affiliate Outreach Conference, a planned February 28 community service day for young lawyers and law students, its annual Government Symposium on electronic filing held at the Midyear Meeting, and a long-range planning meeting, also at the Midyear Meeting. He noted the division has added a section on mentoring to its Internet website. He also announced that Sean Desmond has become the division's president-elect designate.

24. Communications Committee Report

Chair Juliet Roulhac reported that the Citizens Forum had reviewed two issues. One was the emeritus status for long-time certified lawyers who were no longer certified but still practice. Roulhac said forum members expressed skepticism about proposed amendments

to the program. The forum also reviewed the Bar's policy of making documents related to a grievance available by request from its website, and recommended no changes. The Bar conducted a study on the usability of its website during the Midyear Meeting and the committee will be getting the results on that, Roulhac said. The Find a Lawyer search service is getting about 80,000 hits a day, she said. The committee also is looking at of eliminating the Bar *Journal* directory issue and also about possible changes to the Bar's consumer pamphlet series, as suggested by the Budget Committee. Roulhac reported that the Consumer Protection Law Committee is broadening its previously approved public service campaign to include warning about loan modification companies that want illegal up-front fees and credit card debt reduction companies that claim they can renegotiate substantial reductions of credit card debt.

25. Special Appointments

The board appointed Dominic C. MacKenzie of Jacksonville and Kathryn D. Weston of Daytona Beach to three-year terms on The Florida Bar Foundation Board of Directors.

26. Board Review Committee on Professional Ethics Report

On item 5b(i) (removed from the consent calendar), advertising appeal 09-03179, the Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors determine that the "Consent to Become a Party Plaintiff" in a direct mail advertisement in Advertising Appeal 09-03179 as revised is not a contract under Rule 4-7.4(b)(2)(E) and therefore does not require the word "Sample" at the top of each page and the words "Do Not Sign" in the signature line. The "Consent to Become a Party Plaintiff" was revised to add statements that the consent form is not a contract for legal services, that the recipient understands that the recipient is not obligated in any way by signing the consent, that the firm must notify the recipient if the firm determines to go forward, that the recipient will have a chance to notify the firm that the recipient no longer wishes to participate, and that the court must approve the representation and set the terms of the representation. The Board of Governors approved the Board Review Committee on Professional Ethics recommendation on voice vote.

At its May 28, 2009, meeting, the Board Review Committee on Professional Ethics voted 4-0 to reconsider Florida Ethics Opinion 07-2 regarding outsourcing of legal support services. At the December 11, 2009, Board of Governors meeting, the Board Review Committee on Professional Ethics reported to the Board of Governors that it voted 6-0 to direct staff to draft for the consideration of the Board Review Committee on Professional Ethics at the January meeting amendments to Florida Ethics Opinion 07-2 that would require the informed consent of clients before outsourcing confidential information and amendments to the Rules Regulating The Florida Bar (Rule 4-3.4) requiring either notice to third parties or redaction before outsourcing sensitive financial or medical information. The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors adopt no changes to Florida Ethics Opinion 07-2 at this time. No Board of Governors action was required.

The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors adopt no changes to Rule 4-3.4 to require that lawyers either provide

notice to third parties or redaction before outsourcing sensitive financial or medical information until such time as there is some evidence that problems have arisen because of outsourcing. No Board of Governors action was required.

At its December 11, 2009, meeting, the Board of Governors voted to approve the goals in the regulation of lawyer advertising. The Board Review Committee on Professional Ethics continues to study the lawyer advertising regulation program, and will hold a conference call between regular Board of Governors meetings to continue to address these issues, using the above goals as guidelines. No Board of Governors action was required at this meeting.

At its September 2009 and December 2009 meetings, the Board Review Committee on Professional Ethics voted 6-0 to recommend that the Board of Governors affirm Florida Bar Staff Opinion 28724 as revised by the Professional Ethics Committee, which concludes that handling medical lien negotiation in the specific written proposal by the inquiring lawyer would likely result in an excessive fee, because the inquirer would receive the reverse contingent fee for performing the service of lien resolution, which is customarily done as part of the personal injury case, in addition to the original personal injury lawyer receiving a full contingent fee under his or her contract. On December 11, 2009, the Board of Governors voted to defer the matter and refer it back to the BRC to consider an amendment to the Rules Regulating The Florida Bar addressing the subject. The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors defer this issue based on President Diner's proposal to, jointly with President-elect Downs, appoint a special committee to study the issue. No Board of Governors action was required.

At the December 11, 2009, Board of Governors meeting, the Board Review Committee on Professional Ethics chair reported that the Board Review Committee on Professional Ethics voted 6-0 to recommend that the Board of Governors affirm Florida Bar Staff Opinion 28884 as written. The staff opinion concludes that the inquirer should not compensate a witness who is retired and not otherwise employed for time spent preparing for deposition and testimony because Rule 4-3.4(b) permits only "reasonable compensation to reimburse a witness for the loss of compensation incurred by reason of preparing for, attending, or testifying at proceedings." The Board Review Committee on Professional Ethics also voted to refer the issue to the appropriate committee to consider an amendment to Rule 4-3.4(b) to adopt the ABA Model Rule which allows payments to witnesses as permitted by law. The Board of Governors voted to approve the BRC recommendation. This item was deferred at the January 28, 2010, Board Review Committee on Professional Ethics meeting due to lack of time and will come back to the Board of Governors at an upcoming meeting.

27. Clients' Security Fund Review Committee II Report

Chair Greg Coleman presented several rule and policy changes on first reading (these are detailed under the Rules Committee Report, see item 31). Coleman also reported that the committee is continuing to review ways to reduce claims on the fund resulting from trust account thefts. That could include having random audits of attorney trust accounts or

requiring a surety bond. He said the committee could have a recommendation by the board's March meeting.

28. Disciplinary Procedure Committee Report

Chair Andy Sasso presented one rule and one Standing Board Policy amendment on first reading:

- Rule 3-5.2 Emergency Suspension and Interim Probation: Within subdivisions (a) and (b), clarifies that the petition for emergency suspension or interim probation constitutes a formal complaint and allows the respondent a specific amount of time to file an answer to the bar's petition; adds new subdivision (f), Appointment of Referee, to clarify when a referee is appointed; redesignates and adds titles and language to subsequent subdivisions to clarify the process for handling emergency suspensions and interim probations.

- SBP 15.92 Policy on Public Reprimands: Throughout the policy, refines and defines the circumstances under which a respondent shall be required to appear for an in-person public reprimand; also requires that all public reprimands be published in the Southern Reporter and requires that the president of The Florida Bar administer all in-person public reprimands before the Board of Governors.

Sasso reported the committee continues to work on a rule that would require all trust account checks to be signed by an attorney, and prohibiting the issuance of blank checks and checks that are signed with a stamp. The rule could be presented to the board at its March meeting.

29. Certification Plan Appeal Committee Report

Chair Norman Vaughan-Birch reported the committee considered an appeal for a denial of recertification in Elder Law based on adverse peer review, and voted to uphold the decision of the Board of Legal Specialization and Education.

30. Workers' Compensation Rules Advisory Committee Report

Board member Jake Schickel, liaison to the committee, presented a package of rule amendments which will be presented to the Department of Administrative Hearings, which has jurisdiction over those rules. The board unanimously recommended approval of the amendments.

31. President's Report

President Diner asked board members to consider having their firms sponsor the Judicial Luncheon at the Annual Convention. He also urged them to assist with the Bar's Haiti relief efforts and make donations to the Red Cross through a link on the Bar's website. The president asked Bar members to find qualified and diverse applicants for judicial nominating commissions, noting the Bar must nominate six lawyers for two upcoming vacancies on each of the 26 JNCs. Diner reported on recent meetings with newspaper editorial boards, some done in conjunction with Chief Justice Quince, and reported a favorable reception.

32. Rules Committee Report

The Rules Committee submitted several rule and Standing Board Policy amendments on first reading:

- Rule 1-3.3, Official Bar Name and Address: Adds e-mail address, if the member has one, to the list of information a member must designate and submit to The Florida Bar; changes title from "Name and Address" to "Name and Contact Information"; rewords language and adds titles for subdivision designation for editorial grammar preference.

- Rule 1-12.1 Amendment to Rules; Authority; Notice; Procedures; Comments: Within subdivisions (d), (g), and (h), adds that publication of proposed amendments, submissions to the Court, and final action by the Court may be on the Bar's website or in the Bar *News*.

- Rule 7-2.3 Payments (Clients' Security Fund): Within subdivision (a), codifies current practice that final action of the board is not subject to appeal; adds new Comment to specify what sums are reimbursable.

- Rule 7-2.4 Prerequisites to Payment (Clients' Security Fund): Within subdivision (a), simplifies language stating that claims will not be paid while the attorney is a member in good standing.

- Regulations of the Clients' Security Fund: a.1.A. raises the amount from \$500 to 1,000 on claims that staff can investigate, gives staff authority to close, as opposed to recommend denial, claims clearly not covered by the rule, when no discipline has been imposed and when the attorney remains in good standing; new a.1.C. added to clarify that claims against members in good standing will be held pending final action in their disciplinary matter and to clarify how claims for fees paid to a suspended or disbarred attorney will be processed; a.2.A. adds comment language to give examples of events that may toll the 2-year limitation period and adds a 4-year statute of repose; a.2.B. adds comment language to give examples of factors to consider when determining whether claimant exhausted remedies; new a.2.D. codifies current policy that discipline at the time of death is not a prerequisite to a claim; a.3.E. deletes redundant language – similar language appears in a.1.A.; renumbered a.3.E. clarifies when the difference between recovery and the claim amount may be paid; renumbered a.3.F. clarifies what factors may be considered when determining whether the attorney provided useful services; b.1. raises cap on attorneys' fee claims from \$2,500 to \$5,000; new b.5 codifies existing policy regarding payment when there is an outstanding claimed lien.

- SBP 5.40 Sections of The Florida Bar: Housekeeping - Conforms list of section titles due to a merger between the Practice Management and Development Section and the General Practice, Solo and Small Firm Section, reletters accordingly.

- SBP 1.60 Board Action on Proposed Rule or Policy Amendments: Within subdivision (a), adds section bylaws to the list of items that requires amendments be approved by the board of governors; also within subdivision (a) adds fiscal and planning to the types of review that require notice of proposed amendments; within subdivisions (b) and (e), allows publication and notice of proposed amendments to be on The Florida Bar website or in the Bar *News*; within subdivision (d), redirects the sponsor as responsible for redrafting amendments that the Board of Governors substantively edits.

- SBP 1.64 Petitions to Amend Rules Regulating The Florida Bar: Changes filing of petitions to amend the Rules Regulating The Florida Bar from January on an annual

basis to October on a biennial basis in even-numbered years and requires that proposed amendments be submitted to and approved by all appropriate committees and the board of governors no later than the June 30 immediately preceding the October filing date.

33. Time and Place of Next Meeting:

There being no further business before the board, President Diner adjourned the meeting at 3:02 p.m. The board's next meeting will be March 26 at the Marriott Marquis in New York City.

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