

The Florida Bar Board of Governors
April 3, 2009
The Biltmore Hotel
Coral Gables, FL

Pursuant to notice, the regular meeting of the Board of Governors of The Florida Bar was called to order at 8:30 a.m., Friday, April 3, at The Biltmore Hotel, in Coral Gables, Florida, with President Jay White presiding.

1. Roll Call

John G. White, III	President
Jesse H. Diner	President-elect
Stephen H. Echsner	First Circuit
Clay A. Schnitker	Third Circuit
S. Grier Wells	Fourth Circuit
John J. Schickel	Fourth Circuit
Denise A. Lyn	Fifth Circuit
Andrew B. Sasso	Sixth Circuit
Murray B. Silverstein	Sixth Circuit
Charles Chobee Ebbets	Seventh Circuit
Carl B. Schwait	Eighth Circuit
Mayanne Downs	Ninth Circuit
Daniel L. DeCubellis	Ninth Circuit
Scott M. McMillen	Ninth Circuit
Ramon A. Abadin	11th Circuit
David Rothman	11th Circuit
Ervin A. Gonzalez	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
William J. Schifino, Jr.	13th Circuit
William Kalish	13th 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
Lisa S. Small	15th Circuit
Edwin A. Scales	16th Circuit
Allison K. Bethel	17th Circuit
Nancy W. Gregoire	17th Circuit
Eugene K. Pettis	17th Circuit
Jay Cohen	17th Circuit

Frank C. Walker, II	17th Circuit
Clifton A. McClelland, Jr.	18th Circuit
John M. Stewart	19th Circuit
Laird Lile	20th Circuit
Richard Arthur Tanner	Out of State
Ian M. Comisky	Out of State
Eric L. Meeks	Out of State
Brian D. Burgoon	Out of State
Jewel White Cole	Young Lawyers Division President
Roger J. Haughey, II	Young Lawyers Division President-elect
Arnell Bryant-Willis	Public Member
Alvin V. Alsobrook	Public Member

Members absent:

Lawrence E. Sellers, Jr.	Second Circuit
Dominic M. Caparello	Second Circuit
Robert M. Brush	10th Circuit
A. Lawrence (Larry) Ringers	20th Circuit

2. Guests

Rebecca Steele, Florida Association for Women Lawyers
Roland Sanchez Medina, Cuban American Bar Association
Citizen Forum members: Ron Kalapp, Giselle Carson, Marilyn Baldwin, Connie Bookman, and Sam Stark
Marva L. Wiley, Gwen S. Cherry Black Women Lawyers Association
Timothy Ravich, President, Dade County Bar Association
Steven P. Befera, President-elect, Dade County Bar Association
Richard Hersch, Florida Association of Criminal Defense Lawyers
Deana Holiday, Virgil Hawkins Florida Chapter of the National Bar Association

3. Staff Attending

Mary Ellen Bateman, Director of Ethics, Advertising and Special Projects
Elizabeth Tarbert, Ethics Counsel
Lori Holcomb, Unlicensed Practice of Law Counsel
Ken Marvin, Director, Lawyer Regulation
Francine Walker, Director, Public Information and Bar Services
John F. Harkness, Jr., Executive Director
Rosalyn Scott, Assistant to the President
Gary Blankenship, Florida Bar *News*

4. Invocation and Pledge of Allegiance

Board member Dori Foster-Morales gave the invocation and Board member Michael Higer led the Pledge of Allegiance

5. Appearance by Don Slesnick

Coral Gables Mayor Don Slesnick welcomed the board to The Biltmore, and gave some history

of the landmark hotel.

6. Appearance by 11th Circuit Chief Judge Joseph Farina

Judge Farina welcomed the board to the Miami area and asked the board for its support in obtaining adequate funding for the court system from the Legislature, and also for stricter oversight of court clerks' budgets.

7. Appearance by Former Bar President Herman Russomanno

Former Bar President Herman Russomanno welcomed the board to the Miami area, and agreed with Judge Farina that the courts need more funding from the state.

8. General Practice, Solo and Small Firm Section Report

Chair Ana Veliz reported the section in the past year completed its merger with the Practice Management and Development Section, and has grown to 2,458 members. The section conducts several annual CLE programs including its recent Third Annual Solo and Small Firm Conference, held in Orlando, and a yearly ethics seminar. The section maintains an outreach with all 10 of the state's law schools, and continues annual awards for pro bono and its Tradition of Excellence Award. The section is also continuing the PM&D Walter Crumbley Award recognizing excellence in law firm management.

9. Non-Roll Call Items

Non-roll call items from the grievance agenda were items 20, 22, 26 and 31. Clients' Security Fund items from the supplemental agenda were 3, 5, 6, and 8. Advertising appeal agenda item 5b(i) was also taken off the consent agenda.

10. Public Reprimands

Bar President Jay White administered six public reprimands.

11. Approval of Minutes

The board approved minutes from its January 30 meeting in Tallahassee. The vote included endorsing actions taken by the Executive Committee since the board's January meeting:

- At a February 10 meeting, approving a Budget Committee amendment for funds to cover the cost of surveying the public on its attitude toward lawyer advertising, complying with a Supreme Court directive to review advertising rules including a public survey.

- At a February 11 meeting, agreeing not to prohibit the Family Law Section from taking two new legislative positions. One supports the current language of HB 679 and SB 1018: To allow not-for-profit legal aid associations to certify guardians ad litem who have taken a uniform statewide training program for cases under F.S. Chapter 61 where there are no well-founded allegations of abuse, abandonment or neglect; to not require such legal aid associations to certify guardians ad litem; and to penalize for false statements or omissions on a guardian ad litem application. Opposes legislation allowing law guardians ad litem without the foregoing safeguards. The second position supports an amendment to F.S. § 744.301(1) (2008) to specify the designation of natural guardianship for parents whose marriage has been dissolved.

- At a February 23 meeting, approved two new Bar legislative positions as follows:

- Supports the State Courts System's *Seven Principles for Stabilizing Court Funding* (January 2009) which specify:

- a) The elements of the State Courts System codified in section 29.001, Florida Statutes, should be adequately funded by the State to ensure the guarantee of court access by Florida's citizens.
- b) Court fees assessed and paid by Florida's citizens to access their court system should be dedicated to the court system, as already provided for by state law.
- c) Unless adequate safeguards are in place, court-related revenue other than filing fee revenue (revenue derived from fines, service charges, and costs) should not be dedicated to court funding but used to support other justice system partners.
- d) All current court-related revenue being collected should be re-evaluated to determine what portion of current filing fee revenue should be dedicated to court funding.
- e) Additional or increased filing fees should be considered, but only after an adequate review of the distribution of the current filing fee revenue has been made.
- f) Some components of the State Courts System are more appropriately funded from the general fund and should remain so.
- g) State Court Trust Funds are the appropriate depositories for court filing fee revenue.
 - Supports further legislative review of court-related functions now provided by Florida's clerks of court.

Also at the February 23 meeting, the committee approved the appointment of Debora A. Haring as a public member to the UPL 20th Circuit Committee.

- At a March 9 meeting, referring to the Professional Ethics Committee and the Standing Committee on Advertising a Supreme Court-referred issue on retired judges using the honorific title in their practice of law. The PEC will consider withdrawing old ethics opinions on the matter since the rules on which those opinions were based have changed and the Standing Committee Advertising will consider a formal advertising opinion on the issue.

12. Consent Agenda

The board approved the consent agenda, after item 5b(i) was removed.

That action included appointing C.C. Abbott, Gil Rogelio Brito, Samantha Schosberg Feuer, Jay Alan Martus, and Martin Jay Sperry as new attorney members, and Stephen J. Potter as a new public member to the Standing Committee on the Unlicensed Practice of Law. Maria del Carmen Cifuentes Marrero, James Edward McDonald, Mark James Ragusa and Marcia Carrie Tabak were reappointed to the committee as attorney members. John Chaves, Herbert Milstein, and Henry Prior were reappointed as public members. Amy Elizabeth Osteryoung was removed as a member.

Janis J. Brothers was appointed as a public member to the Third Circuit UPL Committee. Linda A. Osmundson was appointed as a public member to the 6 "A" Circuit UPL Committee. Joseph Martin Dobkin was appointed as an attorney member to the 11 "C" Circuit UPL Committee.

The board agreed not to prohibit the Real Property, Probate and Trust Law Section from opposing the adoption of a "file and use" system for the determination of title insurance rates in the State of Florida, supplanting a promulgated rate system in which the state regulatory agency determines rates based on actuarial analysis of statutorily determined criteria.

13. Public Interest Law Section Report

Chair Maria Elena Abate noted the section was formed for attorneys who wished to advocate for the rights of the public. A membership drive in the past year has succeeded in adding about 120 members to the section, after membership declined following a dues increase. The section has compensated for the difficulty members have in traveling to meetings by offering more online and telephonic meetings and CLE programs. The section has begun a lunchtime learning program for CLE which has been successful and also attracted new members. Another priority is increasing committee activity within the section. The section is also exploring a new certification area for children's law.

14. Executive Session

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

15. Judicial Administration and Evaluation Committee Report

Program Evaluation Committee Chair Frank Walker on behalf of the PEC moved the board conceptually approve a proposal from the Judicial Administration and Evaluation Committee to have a Bar-sponsored "self-disclosure" form for trial court judicial candidates to help educate the public about the candidates. Walker said the PEC is continuing to review a proposed questionnaire from the JAEC and will report on that later. JAEC Chair and Ninth Circuit Judge John Kest reviewed his committee's work on the project and noted the form had the strong support of the Citizens Forum. The board approved the PEC motion.

16. Investment Committee Report

Chair Ian Comisky reported that the stock market rally in March and for the first couple days of April had restored most if not all of the Bar's investment losses since the first of the calendar year. The committee moved and the board approved three actions with regard to the Bar's investments:

- Approval of the cash percentage in the portfolio being over the maximum amount because of the stock market volatility.
- Increasing the maximum percentage in the Bar's portfolio for treasury inflation-protected securities.
- Ending the overnight repurchase agreements of cash. Comisky reported the earnings frequently were less than the fees for buying the repurchase agreements, and the change also means that the Bar's cash would be in government-guaranteed accounts at all times.

Comisky also reported the Investment Committee has undertaken a review of the Bar's investment strategies to see if they will address changes likely brought by recent market turmoil.

17. Budget Committee Report

2009-10 Budget Committee Chair Jake Schickel presented the Bar's 2009-10 budget, reporting that it will be around \$38 million, with a \$290,000 deficit. He said the Bar has more than adequate reserves to cover the deficit. The budget has no new programs, but does reserve funds to redesign the Bar's website and increases the allocation from each member's annual membership fees for the Clients' Security Fund from \$20 to \$25. The committee moved approval of the budget and the board approved.

18. Report from the Supreme Court Historical Society

Society President Alan Greer noted the goal of the society is to preserve the history of the Supreme Court and judicial system in Florida, and educate the public about the court and the state's legal history. The society is working to publish its third volume of the state's legal history, which will include the historic litigation of the contested 2000 presidential election. Greer urged board members to become members of the society, which costs \$100 per year.

19. Attorney-Client Privilege Task Force Report

Legislation Committee Chair Greg Coleman presented the recommendations from the Attorney-Client Privilege Task Force on the attorney-client privilege between public agencies and their attorneys. The task force recommended keeping attorney work and opinion product confidential after the end of a legal proceeding, allowing more employees and experts to attend closed-door meetings between public agencies and their attorneys, allowing those meetings to be held for anticipated as well as pending litigation, and keeping transcripts of those meetings confidential after the litigation ends. Those transcripts could be made public if a judge finds the public agency discussed inappropriate or public issues at the meeting. Coleman said the Legislation Committee moved approving all the recommendations as Bar positions, except the last one on keeping the meeting transcripts confidential. He said the Legislation Committee is continuing to study that issue. The board approved the committee's motion. Marion Radson, chair of the task force's Public Service Subcommittee, said government attorneys face severe handicaps in advising their clients as they effectively have little attorney-client privilege, because fact work product and transcripts from closed meetings sooner or later become public. The limitations don't benefit the public, he said, but rather those who sue government agencies. After the vote, board member Jack Hickey moved to reconsider the issue, but the motion failed.

20. Board Review Committee on Professional Ethics Report

On item 5b(i), which was removed from the consent calendar and dealt with advertising appeals 09-01175 and 09-01195, the Board Review Committee on Professional Ethics voted 3-0 to move that the Board of Governors affirm the staff opinion in both cases. Staff held that a spoken disclosure that the speaker is a nonlawyer spokesperson is required in radio sponsorships of National Public Radio under Rule 4-7.5(b)(1)(B). The Board of Governors approved the Board Review Committee on Professional Ethics motion on voice vote.

On other items:

- The Board Review Committee on Professional Ethics voted 3-0 to move that the Board of Governors suspend enforcement of Rule 4-7.5(b)(1)(B) as applied to sponsorships of National Public Radio and Television only. The Board of Governors approved the Board Review Committee on Professional Ethics motion on voice vote.
- The Board Review Committee on Professional Ethics and Board of Governors deferred action on the ethics appeal of Proposed Advisory Opinion 90-6.
- The Board Review Committee on Professional Ethics voted 3-0 to move that the Board of Governors approve offshoring guidelines recommended by the Professional Ethics Committee to be posted on the Bar's website to provide guidance to Florida Bar members. The Board of Governors approved the Board Review Committee on Professional Ethics motion on voice vote. The guidelines point out that geographical, legal and cultural differences of other countries are

major factors affecting offshoring of services and provide practical suggestions for lawyers who decide to offshore services.

- The Board Review Committee on Professional Ethics voted 3-0 to move that the Board of Governors rescind its prior decision in the radio advertisement in file 02-01325, and instead determine that the following statements do not characterize the quality of legal services under Rule 4-7.3(c)(2) and are therefore permissible: “For almost twenty years, I have the opportunity to represent thousands of families who have trusted me and my firm during their time of need. Thank you for your trust.” The Board of Governors approved the Board Review Committee on Professional Ethics motion on voice vote.

- The Board Review Committee on Professional Ethics voted 3-0 to move that the Board of Governors rescind its prior decision regarding the print advertisement in file 00-01283, and instead determine that the following statements do not characterize the quality of legal services under Rule 4-7.3(c)(2) and are therefore permissible: The Ones You Trust. . . . The relationship you develop with Rogers Towers Bailey will endure through all the complexities of your personal and business life. It's been that way since we opened our doors. . . . The law firm Northeast Florida has trusted for nearly a century. . . . Trusted Counselors since 1905. The Board of Governors approved the Board Review Committee on Professional Ethics motion on voice vote.

- The Board Review Committee on Professional Ethics gave an informational report that it has begun discussion of the issue of the goals of advertising regulation in response to the Supreme Court of Florida’s December 2007 order addressing The Florida Bar’s petition to amend the attorney advertising rules, in which the Court requested that the Bar “undertake an additional and contemporary study of lawyer advertising, which shall include public evaluation and comments about lawyer advertising, as recommended by Mr. Bill Wagner in his written and oral comments to the Court.” *In re: Amendments to the Rules Regulating the Florida Bar - Advertising*, 971 So. 2d 763 (Fla. 2007 Case No. SC05-2194).

21. Board of Legal Specialization and Education Report

Chair Joni Coffey reviewed BLSE operations, which include overseeing basic skill course requirements for new Bar members, member compliance with CLE requirements, granting course credit for CLE programs, and running the certification program. She noted more than 4,000 Bar members are now certified in 22 different areas, and a disproportionate share of Bar and section leaders have certifications. The BLSE is continuing with its public education program about certification and two new certification areas are pending at the Supreme Court on education law and adoption law, Coffey reported.

22. Disciplinary Procedure Committee Report

Chair Murray Silverstein presented two rule amendments on first reading:

- Rule 3-7.5(g) Procedures Before the Board of Governors (Bar Records Custodian): Within subdivision (g), adds language to include the executive director's designees as records custodians of official Bar records.

- Rule 3-7.9 Consent Judgment: New subdivision (e), moves language regarding disbarment on consent from subdivision (j) of rule 3-5.1. It also adds the option of a disbarment on consent without admission of guilt by the respondent to the Bar's charges.

Silverstein reported on two other items the committee is working on which will come to the

board at a future meeting. One is a change to Standing Board Policies to drop the requirement for a designated reviewer to review a Bar counsel dismissal of a grievance complaint. The second, being done at the request of the Supreme Court, is a rule to guarantee that lawyers being reinstated after long suspensions are current on their CLE requirements.

23. Special Appointments

The board appointed Gary E. Frazier of St. Petersburg and Jonathan T. Levy of West Palm Beach to the Statewide Nominating Commission for Judges of Compensation Claims, and appointed Gregory S. Weiss of Palm Beach Gardens to the Supreme Court's Bar Admissions Committee.

24. Certification Plan Appeals Committee

Chair Norman Vaughan-Birch reported on an appeal that was a case of first impression. A veteran lawyer applying for recertification had only 11 of the 15 appellate matters required and consequently was denied recertification. The lawyer appealed which kept his certification valid during the appeal. While the appeal was pending, the rules were changed to allow "substantial experience" to be substituted for some appellate matters and hence he qualified for recertification. The committee referred the matter back to the Board of Legal Specialization and Education for further action.

25. Rules Committee Report

Chair Nancy Gregoire presented on first reading three rule amendments pertaining to the Florida Registered Paralegal Program:

- Rule 20-3.1, Requirements for Registration: Within subdivision (a)(2), allows a degree higher than a bachelor's degree to be used for eligibility for registration.
- Rule 20-4.1, Generally: Within subdivisions (d) and (e), specifies that if there is an open unlicensed practice of law investigation against an applicant at the time of application or renewal, the application or renewal will be held as pending until the investigation is resolved.
- Rule 20-5.1, Generally: Within subdivision (c), specifies that a finding of unlicensed practice of law within the last 7 years will preclude registration and adds new subdivision (g), to clarify that an applicant who is providing services directly to the public is ineligible for registration.

26. Advertising Rules Update

Board member Chobee Ebbets reported to the board on the Supreme Court's recent ruling rejecting proposed Bar amendments governing attorney advertising rules on computer-accessed communications. The oral argument on the rules and the opinion show that the court wants stricter rules than the Bar proposed, but Ebbets noted the rejection of the Bar's petition left websites as information given at the request of a prospective client, to which regular advertising rules do not apply. He noted the Bar has filed a request for clarification and rehearing. When the court acts on that, Ebbets said the matter should be referred to the appropriate committee which will make a recommendation to the board.

27. Civil Procedure Rules Committee Report

On behalf of the committee, Mark Romance moved two out-of-cycle rule amendments, to comport with recent statutory changes. Both affect Form 1.996 on final judgment in foreclosure.

One change requires notice to the property owners and lienholders how they may access surplus funds left over after the foreclosure sale. The second allows the clerk of court to conduct an electronic auction of a foreclosed property. The board recommended acceptance of the changes by a 39-0 vote.

28. Member Benefits Committee

Board member Frank Walker, liaison to the Member Benefits Committee, moved adding T-Mobile as a nonexclusive provider of wireless services for Bar members. Board members, though, voted to table that in case a better deal could be found from a possible exclusive provider.

29. Program Evaluation Committee Report

Chair Frank Walker moved and the board approved two BLSE policy amendments on second reading and one set of section bylaw amendments:

- BLSE Policy 2.01 Administration: New subdivision (c), adds language to address certification program staff support to codify balance of effective administration and fiscal considerations.
- BLSE Policy 2.03(b), New Area Requests: Within subdivision (b)(3), increases, from 50 to 75, the number of members to attain certification in a new area within three years of its implementation.
- Bylaw amendments for the Employment and Labor Law Section.

Walker reported the PEC was satisfied with changes made to the Animal Law Committee and moved its continuance, with a PEC reevaluation in the 2010-11 Bar year. The board approved that motion.

Walker reported that the committee moved combining the Midyear and General meetings beginning in the 2010-11 Bar year, with the meeting being held in the September-October time frame. The board approved the motion.

Walker presented five items on first reading to the board:

- Rule 6-12.3 Requirement: Within subdivision (a), eliminates the "in-person" attendance requirement for Basic Skills CLE and allows the method of transmission to be via live or electronic means.
- Rule 6-12.4 Deferment and Exemption: Within subdivision (b)(2)(B), changes the "attendance" requirement to "completion" for Basic Skills CLE after a deferment expires.
- Bylaw amendments for the Public Interest Law Section.
- Bylaw amendments for the Family Law Section.
- SBP 6.30 Fees for CLE Courses: Increases the base course registration fee from \$105 to \$115.

Walker reported that the PEC will have recommendations at the board's May meeting on revamping the Bar's Henry Latimer Center for Professionalism and changes for the fee arbitration program.

30. Appellate Court Rules Committee

John Crabtree, vice chair of the committee, moved two out-of-cycle rule amendments:

- Rule 9.142(a)(1), to clarify what constitutes a complete record for appellate proceedings to review death penalty cases and to avoid unnecessary duplication of materials in the record.
- Rule 9.200(a)(1), to provide that if possible in criminal cases when any exhibit, including physical evidence, is to be included in the record, the clerk of the lower tribunal shall not, unless ordered by the court, transmit the original and, if the original is capable of reproduction, shall transmit a copy.

The board recommended acceptance of the amendments 37-0.

31. Young Lawyers Division Report

President Jewel White Cole noted the board had received on first reading a rule change waiving the requirement for in-person attendance at basic skills courses required for new Bar members. She said that would allow electronic alternatives, including web broadcasts, and help lower the costs of those courses for lawyers. The division's Diversity Committee is working on an event to encourage minority students to attend law school, she said, and the division is working to get voluntary bar associations, including specialty bars, to create young lawyers sections. In response to the down economy, the division is looking into putting a new page on its website with links to Internet sites with job postings.

32. Probate Rules Committee

Board member Andy Sasso, liaison to the committee, moved the committee be permitted to file to file an additional comment to the report from the Committee on Access to Court Records. The comment would recommend that on Rule 5.530(a)(2) Social Security information be limited to the last four digits of the decedent's number, to prevent identity theft. The committee had recommended the same change to three other rules in earlier comments on the report. The board voted 37-0 to recommend acceptance of the proposed comment.

33. Legislation Committee Report

Chair Greg Coleman moved on behalf of the committee, and the board agreed, not to prohibit, the Family Law Section from taking several new legislative positions:

- Supports legislation providing for notice to relatives of the existence of proceedings and investigations under Chapter 39 so long as the added burden of giving notice does not result in attorneys, investigators and others working for DCF having less time to work directly to protect children.
- Opposes legislation allowing one party to obtain assignment of a retired judge or justice with payment of the retired judge or justice by the prevailing party in a matter governed by the Florida Family Law Rules of Procedure.
- Supports legislation allowing sheriffs to serve faxed copies of previously certified domestic violence injunctions.
- Opposes legislation granting immunity from suit to mental health professionals licensed under Chapter 491 who disclose confidential communications when they believe there is a clear and immediate probability of certain harm.
- Supports the expansion of actions which constitute violations of injunctions for protection to include coming into close proximity of the petitioner's dwelling, vehicle, school or

place of business; defacing or destroying petitioner's vehicle or refusing to surrender firearms or ammunition after being ordered to do so by the court issuing the injunction.

- Supports legislation specifying that transfers of homestead property between husband and wife, whether incident to a dissolution of marriage or otherwise, are not to be considered a "change of ownership" for homestead exemption purposes.

Coleman reported that the Bar is continuing to track legislation on both court funding and pertaining to the duties and funding of court clerks. Executive Director John F. Harkness, Jr., reported that the funding situation was very fluid. Both the House and Senate were looking at sliding filing fees for at least some types of civil actions to raise money for the courts, and the House was considering cutting the Office of the State Courts Administrator's budget which would cause about a 25 percent staff reduction there.

34. Communications Committee Report

Chair Ray Abadin moved on behalf of the committee, and the board approved, a change to the Bar's website homepage that will allow easier linking to section websites. He reported the committee has had extensive discussions, including with the Citizens Forum, on improving the Bar's website for both lawyers and the public and those changes will be proposed in the coming year.

35. President-elect's Report

President-elect Jesse Diner, who is also chair of the Member Outreach Committee, outlined plans for this year's Diversity Symposium, which will be held at the Annual Convention in June. The symposium will focus on local bars and how they can improve their diversity, he said, and will have a panel discussion, followed by a reception to allow participants to network and exchange ideas.

36. President's Report

President Jay White reported he had appointed a special task force to look into the rising number and size of claims made to the Client's Security Fund. Board member Greg Coleman is chair of the task force, which is expected to make recommendations at the board's May meeting.

President White also brought to the board's attention the mandamus petition filed with the Supreme Court by a Fifth District Court of Appeal retired judge that seeks to force Gov. Charlie Crist to name the judge's replacement. The Fifth DCA Judicial Nominating Commission had submitted six names, but Crist rejected the list and asked the JNC to include minority candidates. The JNC met again, refused the governor's request, and submitted the same six names. The governor has not made the appointment although the 60-day period for doing so has elapsed. Board members extensively discussed the issue, which has not occurred since the adoption of Article V in 1972. White reported that some are looking for the Bar to take action, but that there was little the Bar could do until the Supreme Court decided if it had jurisdiction of the matter.

37. Time and Place of Next Meeting

The board will next meet May 27-30 at the Westin Hotel in Key West. There being no further business, President White adjourned the meeting at 3:15 p.m.

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