

The Florida Bar Board of Governors  
December 13, 2013  
Ritz Carlton  
Ft. Lauderdale, FL

**1. Roll Call**

Eugene K. Pettis, President  
Gregory W. Coleman, President-elect  
Stephen H. Echsner, 1<sup>st</sup> Circuit  
Lawrence E. Sellers, Jr., 2<sup>nd</sup> Circuit  
William H. Davis, 2<sup>nd</sup> Circuit  
S. Grier Wells, 4<sup>th</sup> Circuit  
Michael G. Tanner, 4<sup>th</sup> Circuit  
Renée Elise Thompson, 5<sup>th</sup> Circuit  
Andrew B. Sasso, 6<sup>th</sup> Circuit  
Sandra Fascell Diamond, 6<sup>th</sup> Circuit  
Sandra C. Upchurch, 7<sup>th</sup> Circuit  
Carl B. Schwait, 8<sup>th</sup> Circuit  
Mary Ann Morgan, 9<sup>th</sup> Circuit  
Paul Louis SanGiovanni, 9<sup>th</sup> Circuit  
Scott R. McMillen, 9<sup>th</sup> Circuit  
Ramon A. Abadin, 11<sup>th</sup> Circuit  
Dori Foster-Morales, 11<sup>th</sup> Circuit  
Leslie J. Lott, 11<sup>th</sup> Circuit  
Michael J. Higer, 11<sup>th</sup> Circuit  
Dennis G. Kainen, 11<sup>th</sup> Circuit  
Steven W. Davis, 11<sup>th</sup> Circuit  
John H. (Jack) Hickey, 11<sup>th</sup> Circuit  
F. Scott Westheimer, 12<sup>th</sup> Circuit  
William J. Schifino, Jr., 13<sup>th</sup> Circuit  
Lansing C. Scriven, 13<sup>th</sup> Circuit  
Margaret Diane Mathews, 13<sup>th</sup> Circuit  
Michael S. Hooker, 13<sup>th</sup> Circuit  
John W. Manuel, 14<sup>th</sup> Circuit  
David C. Prather, 15<sup>th</sup> Circuit  
Ronald Peter Ponzoli, Jr., 15<sup>th</sup> Circuit  
Michelle R. Suskauer, 15<sup>th</sup> Circuit  
Gary Shepard Lesser, 15<sup>th</sup> Circuit  
Edwin A. Scales, III, 16<sup>th</sup> Circuit  
Walter G. Campbell, Jr., 17<sup>th</sup> Circuit  
Diana Santa Maria, 17<sup>th</sup> Circuit  
Lorna E. Brown-Burton, 17<sup>th</sup> Circuit  
Jay Cohen, 17<sup>th</sup> Circuit  
Adam Glenn Rabinowitz, 17<sup>th</sup> Circuit  
O. John Alpizar, 18<sup>th</sup> Circuit

John M. Stewart, 19<sup>th</sup> Circuit  
Laird A. Lile, 20<sup>th</sup> Circuit  
Marcy L. Shaw, 20<sup>th</sup> Circuit  
Richard A. Tanner, Out of State  
Ian M. Comisky, Out of State  
Eric L. Meeks, Out of State  
Brian D. Burgoon, Out of State  
Melanie S. Griffin, YLD President  
Winston W. Gardner, Jr., Public Member  
Anthony Holloway, Public Member

**Members Absent**

Clay A. Schnitker, 3<sup>rd</sup> Circuit  
C. Richard Nail, 10<sup>th</sup> Circuit  
Michael F. Orr, YLD President-elect

**2. Staff in Attendance**

John F. Harkness, Jr., Executive Director  
John Berry, Director, Legal Division  
Ken Marvin, Director, Lawyer Regulation  
Adria Quintela, Incoming Director, Lawyer Regulation  
Marcy Jackson, Director of Administration and Chief Financial Officer  
Paul Hill, General Counsel  
Mary Ellen Bateman, Director, Ethics and Advertising, UPL, and Special Projects  
Lori Holcomb, Director, Unlicensed Practice of Law  
Elizabeth Clark Tarbert, Ethics and Advertising Counsel  
Francine Walker, Director, Public Information and Bar Services  
Rosalyn A. Scott, Assistant to the President  
Gary Blankenship, Senior Editor, Florida Bar News

**3. Guests**

Brittany Maxey, President, Florida Association for Women Lawyers  
Bruce Mount, President, Virgil Hawkins Florida Chapter, National Bar Association  
Sardra Ferrera, President, Cuban American Bar Association  
Diana Bock, Government Lawyer Section

**4. Invocation and Pledge of Allegiance**

Board member Lorna Brown-Burton delivered the invocation and led the board in the Pledge of Allegiance.

**5. Appearance by Ft. Lauderdale Mayor Jack Seiler**

Seiler, a former state representative, welcomed the board to Ft. Lauderdale and talked about the city's low unemployment rate and rising tourism. Referring to his legislative service, Seiler called on the Bar to continue its support of the judiciary and adequate funding for the courts.

## **6. Minutes Approval**

The board approved the minutes from its October 4, 2013, meeting. That vote also approved the following Executive Committee actions:

- On October 1, 2013, the committee voted 10-1 to allow the Bar to join a letter from the Ohio and New York state bars to be sent to each member of Congress calling for an adequately funded federal justice system and for the Bar to sign the certiorari petition to the U.S. Supreme Court in *North Carolina State Board of Dental Examiners v. FTC*, 717 F.3d 359 (2013).

- On October 24, 2013, the committee voted 11-0 to endorse fast track rule amendment from both the Florida Probate Rules Committee and the Florida Criminal Procedure Rules Committee. The amendments from both committees were in response to recently approved legislation.

- On October 29, 2013, the committee voted 10-0 to nominate John E. Fisher of Windemere, Elizabeth F. McCausland of Orlando, and Melvin B. Wright of Windemere for a vacancy on the Ninth Circuit Judicial Nominating Commission created by the resignation of Kevin B. Weiss. The committee also voted 10-0 to allow the Family Law Section to rescind six legislative positions and not to object to the section taking two new legislative positions. The rescinded positions are:

- Opposes any rule or proposed legislation that would substantially alter the current structure of permanent alimony in Florida.
- Opposes any attempt to make bridge the gap alimony modifiable in amount or duration.
- Opposes any attempt to impose a cap on durational alimony that is less than the length of the marriage.
- Opposes any proposed legislation that would remove the standard of living as a factor for the court to consider in awarding alimony.
- Opposes any proposed legislation that caps the duration of an award of permanent alimony.
- Opposes any proposed legislation that provides a statutorily authorized automatic termination or reduction of permanent alimony other than death or remarriage.

The two new positions are:

- Supports legislation that provides more predictability and certainty to courts in making alimony determinations.
- Opposes legislation that would completely eliminate judicial discretion in making alimony determinations.

## **7. Consent Agenda Approval**

The board approved the consent agenda after item 5(b)(i), Advertising Appeal 13-03119, was removed to be discussed during the Board Review Committee on Professional Ethics Report. The consent agenda approved included:

- Appointing Lori Ann Benjamin and Dolores D. Coleman as public members of the 14<sup>th</sup> Circuit UPL Committee.
- Not opposing the following legislative positions of the Public Interest Law Section:  
Supports legislation to provide meaningful protections to Florida residents in litigation commenced by out-of-state plaintiffs, by amending Florida's nonresident cost bond statute, F.S.

§57.011, to adjust the amount of bond to account for inflation and to provide clear repercussions for failing to timely post a cost bond; in addition, in the interest of fairness, to create an exception to the cost bond requirement for out-of-state indigent plaintiffs.

- Approving amendments for the Prepaid Legal Service Plan as part of Firefighters' Legal Services Plan-13 for Local 1403, Metro Dade Fire Fighters, IAFF.
- Approving the five-year plan amendments for the Bar's pension plan.

## **8. Public Reprimands**

President Pettis delivered three public reprimands.

## **9. Legislation Committee Report**

Chair Jay Cohen reported the Supreme Court had accepted the board's recommendation not to include in the rules of evidence, to the extent it is procedural, recent legislative changes within Ch. 90 of the Florida Statutes requiring out of state expert witnesses in medical malpractice cases to register with the state, pay a \$50 fee, and be liable to discipline from the state.

Cohen presented four legislative position requests from the Real Property, Probate and Trust Law Section and the board approved the committee's recommendation not to object to the section lobbying on these issues:

- Supports clarification that an otherwise valid power of attorney executed in compliance with the laws of the state of execution to convey or encumber Florida real property, applies to all Florida real property including homestead property, including amended 709.2106 F.S.
- Support procedures to preserve due process by providing courts with authority to appoint attorney, administrator and guardians ad litem to serve on behalf of known persons, or unknown persons, having claims by, though, under or against a person who is deceased or whose status is unknown, and confirming the sufficiency of prior proceedings in which ad litems have been appointed, including amendment of F.S. §49.021.
- Supporting an amendment to §712.05 F.S. of the Marketable Record Title Action to correct an error created by an inadvertent requirement imposed by the 2010 amendment to §712.06, F.S., clarifying existing law, removing the costly, time consuming, and unnecessary requirement to mail a copy of the notice of preservation to each owner in a homeowners' association, who would have already been notified of the preservation.
- Support an amendment to the Florida Condominium Act for a one year extension of the expiration date to July 1, 2016 for Part VII of the Florida Condominium Act, dealing with distressed condominiums.

Cohen reported that the committee recommended that the Legal Needs of Children Committee be authorized to lobby the following position: Consistent with the 2002 Final Report of the Florida Bar's Commission on the Legal Needs of Children, The Legal Needs of Children Committee opposes the direct filing of children to adult court in Florida and supports the use of the Judiciary as being solely responsible for making the decision as to whether a child should be prosecuted as an adult. The board voted to table that recommendation until its January meeting so the Criminal Law Section and Public Interest Law Section could review the request, as required in Bar policies.

Cohen reported that the Tax Section, as allowed under Bar policies, had provided advice to the IRS on proposed regulations “relating to relief from joint and several liability under section 6015 of the Internal Revenue Code (the ‘Code’) and relief from the Federal income tax liability resulting from the operation of state community property laws under section 66 of the Code.”

Bar Chief Legislative Counsel Steve Metz said state finances are much improved which could help with the Supreme Court’s top priority of bringing pay for judicial branch employees in line with other branches of government. He said the Bar is discussing with the state courts administrator an independent study on judicial branch salaries. Metz said after the state sets aside \$1 billion for reserves and additional money for education to make up for inflation, there will still be around \$1 billion of additional revenues. He also said the Bar is continuing to work on preparing for the upcoming Constitution Revision Commission, which will begin its work in 2016.

#### **10. Public Interest Law Section Report**

Chair Tony Musto said the section was working to be closer to the Bar. It is pushing a children’s law certification, which has been approved by the Board of Legal Education and Specialization. The section is working on two new pro bono programs, he said, one to provide lawyers for all children aging out of the state’s foster care system and the second to seal the criminal records of the victims of human trafficking, who are often forced into illegal activities. Musto reported the section is looking at publishing a special law review issue on public interest law with Florida Coastal School of Law. The section also is stepping up its outreach to law schools, maintains an active CLE schedule, and will be celebrating its 25<sup>th</sup> anniversary at the Bar’s June Annual Convention. Musto said the section hopes to work with the Bar’s Vision 2016 commission to create a legal job corps to match the large number of graduating law students who need jobs with people who need legal services but have a hard time affording a lawyer.

#### **11. Scrapbook Presentation to Immediate Past President Gwynne Young**

President Pettis presented scrapbooks to former President Young commemorating her year leading the Bar.

#### **12. Budget Committee Report**

Chair David Prather presented three amendments for the 2013-14 Bar budget, all of which were approved by the board. The first was for \$548,000 to pay for the first phase of upgrading the Bar’s website, including improved member profiles and Find a Lawyer service. The second was for \$105,575 for the Vision 2016 commission. The third was for \$9,827 to pay for expenses of the Bar’s Winter Meeting.

#### **13. Audit Committee Report**

Chair Leslie Lott said the Bar’s auditors had delivered a draft report giving the Bar a clean audit for its 2012-13 fiscal year. She said the final audit should be ready for board review at its January meeting. The Bar’s net financial position increased by \$3.2 million, or 6 percent, for the year, Lott reported.

#### **14. Investment Committee Report**

Chair Ian Comisky reported the Bar, through early December, had an excellent return on its long-term investment portfolio, which is 40 percent in cash and bonds. The portfolio earned more than 9 percent for the year, standing at \$40.843 million. The committee reviewed the Bar's short-term portfolio with Bar staff and determined that \$7 million could be moved to the long-term portfolio. He also said the committee decided to close out a PIMCO emerging market fund and put the money in an international market fund, and reduced its investment in a global bond fund and move that money to cash. The board approved those actions.

### **15. Criminal Law Section Report**

Chair Susan Hugentugler said the section is revamping its website and reviving after a five-year hiatus the section's newsletter. The section is maintaining an active schedule of CLE seminars and is looking for opportunities to co-sponsor courses with other sections. It is also looking for ways to reduce the costs of seminars for assistant state attorneys, assistant public defenders, and conflict counsel. The section has been conducting its well-received prosecutor/public defender trial program for 20 years.

### **16. Executive Session**

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

### **17. Board Review Committee on Professional Ethics Report**

The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors reverse the Standing Committee on Advertising decision regarding the website address "FixSuspendedLicense.com" in the direct mail advertisement in file 13-03199, determining that the website address is not a prediction or guaranty of success or specific results under Rule 4-7.13(b)(1). The Board of Governors approved the BRCPE on voice vote without objection. (This is the item removed from the consent agenda.)

The Board Review Committee on Professional Ethics voted 8-0 to defer amendments to Rule 4-7.22 for further re-drafting and reported the deferral to the Board of Governors.

The Board Review Committee on Professional Ethics voted 6-2 to recommend that the Board of Governors withdraw Proposed Advisory Opinion A-12-1, which concludes that lawyers may not use techniques such as meta tags and hidden text on their websites in a deceptive manner, such as: "use another lawyer's or law firm's name without a proper purpose, a false representation that a law firm has an office in a particular location when the lawyer does not have an office at that location, or representing that a lawyer handles cases in an area of practice that the lawyer or firm does not practice." The opinion also concludes that a lawyer may not purchase another lawyer's name as an ad word. The BRCPE reported to the Board of Governors that the proposed advisory opinion should be withdrawn because the BRCPE is of the opinion that the purchase of ad words is permissible as long as the resulting sponsored links clearly are advertising based on their placement and wording, and because meta tags and hidden text are outdated forms of web optimization that are detected and penalized by search engines and can be dealt with via existing rules prohibiting misleading forms of advertising. The Board of Governors voted 23-19 to approve the BRCPE recommendation.

The Board Review Committee on Professional Ethics voted 8-0 to recommend that the Board of Governors approve guidelines on interpretation of Rule 4-7.13(b)(2) on past results with the addition of “types of advertising” and “generally” before the Bar “will not approve” in the “Acceptable Media” section. The guidelines include:

- That past results generally will not be approved in indoor and outdoor display media (such as billboards and other signs), television, and radio advertisements because in most cases insufficient information will be included in those media to keep the advertisements from being misleading.
- That the net judgment amount must be provided whenever language such as “my lawyer got me” is used.
- When the ad contains a dollar amount for a judgment, this disclaimer – “Most cases result in a lower recovery. It should not be assumed that your case will have as beneficial a result” – must be used.
- Aggregate results may not be included (such as “we have recovered millions of dollars for clients”).

Board members reported hearing from constituents and members of the public that billboards including specific dollar amounts were misleading. They discussed that insufficient information would be included in a billboard, sign or spot television or radio advertisement, that required disclaimers would not be visible in such advertising, and that previous filers should be notified of this interpretation and given a reasonable time to change their advertisement. The Board of Governors approved the BRCPE recommendation on voice vote.

The Board Review Committee on Professional Ethics voted 8-0 to recommend that the Board of Governors direct the Standing Committee on Advertising to issue a proposed advisory opinion addressing lawyers’ participation in the social media site LinkedIn – including features such as an endorsements feature and posting of information directly by LinkedIn – because of widespread interest of the Bar membership on this issue. The Board of Governors approved the BRCPE recommendation on voice vote without objection. A motion was made, seconded, and passed on voice vote without objection to withdraw Florida Bar staff’s response to a Florida Bar member regarding LinkedIn pending the Standing Committee on Advertising’s consideration of the issue of LinkedIn.

## **18. Real Property, Probate and Trust Law Section Report**

Chair Peggy Rolando noted the 10,000-member section works to serve both the public and the profession with its 55 committees and several publications, including *Action Line* which goes to all section members. The section has several ways for section members to communicate with each other, including listservs for various committees. The section is replacing its old website, and the new site will have videos explaining various section operations and what its committees do. The section, Rolando said, has an active legislative agenda, including offering technical advice to the Florida Legislature when requested. The section continues to offer 25 to 30 seminars a year, ranging from an hour to two days. The section is expanding its fellowship program to involve young and diverse lawyers in sections activities, and will be continuing its support for the Bar’s Leadership Academy. Rolando also said the section has developed a career coaching program which allows young lawyers to interview senior lawyers. And the section has

created a kids committee with the aim of allowing section offspring to suggest ways to make RPPTL meetings more children friendly.

### **19. Alternative Dispute Resolution Section Report**

Chair Karen Evans said the section expects to add more members as ADR is a growing field. The section has conducted several CLEs, including some with other sections, and has established an online newsletter. The section is also upgrading its website and reaching out individually to members to encourage them to be actively involved with the section. Evans said she has a breakfast meeting with other mediators in her practice every six weeks to exchange ideas and talk over issues, which helps counter the confidentiality under which mediators work.

### **20. Rules Committee Report**

Chair John Alpizar presenting on final reading the following items, which were approved by the board:

- Clients' Security Fund Regulation B 1: Changes bar to board.
- Clients' Security Fund Regulation C 2, Claims Ordinarily Denied: Deletes language dealing with investment advice. That language is revised and moved to new regulation C 7. Additional non-substantive edits conform to the Supreme Court style guide.
- Clients' Security Fund Regulation C 7, Claims Ordinarily Denied: Adds new subdivision (7) and comment, clarifying when a claim based on an investment is reimbursable and adds comment language. Additional non-substantive edits conform to the Supreme Court style guide.
- Rule 7-5.1 Access to Records: Adds new subdivision (f) allowing otherwise confidential information to be shared with authorities authorized to investigate alleged criminal activity.
- Rule 4-1.5 Fees and Costs for Legal Services (Lien Resolution): Within Rule 4-1.5(f)(4), adds new subdivision (E) that the lawyer in a personal injury or wrongful death case charging a contingent fee must provide ordinary lien resolution as part of the lawyer's representation of the client under the fee contract, that the lawyer may not charge any additional fee to the client for providing any lien resolution services if all fees for the personal injury matter plus lien resolution exceed the contingent fee schedule, that extraordinary services for subrogation and lien resolution may be referred to another only with the client's informed consent, that additional fees by the other lawyer must comply with all provisions of the fee rule, and that the lawyer providing the extraordinary subrogation and lien resolution services may not divide fees with the lawyer handling the personal injury or wrongful death claim. Within the comment, explains what lien resolution services are required as part of the original fee contract and what extraordinary services entail.

Alpizar presented the following items on first reading:

- Rule 4-1.4, Communication: Within commentary, adds that communication about changes in firm composition is addressed in Rule 4-5.8.
- Rule 4-1.5, Fees and Costs for Legal Services (Retainers, Advances): Within subdivision (a), adds the term "unreasonable" to the fees that are prohibited. Within subdivision (c), defines the terms retainer, flat fee and advance fee and indicates proper placement in

operating versus trust account. Within the commentary, moves commentary regarding a bonus in domestic relations matters to the section of commentary titled "Prohibited contingent fees."

- Rule 10-7.2 Proceedings for Indirect Criminal Contempt: Within subdivision (e), adds that The Florida Bar may file objections to a referee's recommended sentence in contempt proceedings. Also makes changes to comport with Supreme Court's style guidelines.

## **21. Disciplinary Procedure Committee Report**

Chair John Manuel presented the following rule amendments for final action and which were approved by the board:

- Rule 3-7.1 Confidentiality: Within subdivision (a)(12) adds disciplinary revocation as a matter which is public record and further updates subdivision (a)(12) to refer to amended Rule 3-7.12 on disciplinary revocation and to conform to the Supreme Court's style guide.

- Rule 3-7.10(f)(4) Reinstatement and Readmission Procedures: Within subdivision (b)(1) amendments require that filing and notice conform to appropriate court rules, deleting the requirement of a copy. Within subdivision (f)(4)(B) amendments require that all petitions for reinstatement which involve a respondent who is required to re-take the bar exam, include proof in the lawyer's petition for reinstatement that the lawyer has passed both the Florida portion of the Florida Bar examination and the MPRE section. Style changes are also included to conform to the Supreme Court of Florida's style guidelines.

- Rule 5-1.2 Trust Accounting Records: The proposed amendments to Rule 5-1.2 address maintenance of trust accounting records when a law firm is either dissolved or sold to an attorney or group of attorneys. These aspects of trust account record keeping had not previously been specifically addressed in the Rules Regulating The Florida Bar.

Chair Manuel presented the following two amendments which were recommended by the committee but which were rejected by the board because they could require excessive and expensive travel by some Bar members:

- Rule 3-7.6 Procedures Before a Referee (Depositions and Discovery Production in Referee Cases - subdivisions (f) and (j)): Amends subparts (f) and (j) of Rule 3-7.6 regarding procedures in bar cases to require that respondents may be required to appear for deposition and in person document production at the Bar's branch office that is geographically closest to the office where respondent primarily practices law. The amendment also contains non-substantive amendments to conform to the Supreme Court's style guide.

- Rule 3-7.11(f) General Rules of Procedure-Deposition of Respondents: Amends subpart (f) of Rule 3-7.11 regarding procedures in bar cases to require that respondents appear for deposition and in person document production at the Bar's branch office that is geographically closest to the office where respondent primarily practices law.

## **22. Juvenile Court Rules Committee Report**

Chair Whitney Untiedt presented out-of-cycle rule amendments to conform the rules to a 2013 statutory change that allows some children in foster care to stay in foster care until the age of 21. The board recommended approval of the amendments by a 38-0 vote.

### **23. Appellate Court Rules Committee Report**

Chair Eduardo Sanchez presented the three-year cycle rule amendments. One change clarifies a committee note to Rule 9.110, one creates a committee note for Rule 9.147, and the third addresses claims not raised by an inmate appeal from the summary denial of a motion for post conviction relief in rule 9.141. The board recommended approval of the amendments by a 36-0 vote.

### **24. Rules of Judicial Administration Committee Report**

Chair Keith Park presented out-of-cycle amendments to Rule 2.420 to facilitate electronic access to court records while also protecting confidential information. Several board members objected to the amendments because they had blanks for administrative orders that would be proposed to the Supreme Court later by the Florida Courts Technology Commission. Other board members said the FCTC has been charged with filling in that information, not the board. The board voted 21-15 to recommend approval of the amendments.

### **25. Civil Procedure Rules Committee Report**

Chair Tom Bateman presented out-of-cycle amendments to implement the law passed by the Legislature in 2013 to quicken the pace of mortgage foreclosures. The board recommended approval of the amendments by a 40-0 vote.

### **26. Communications Committee Report**

Chair Michelle Suskauer reported that the Bar will be hiring a full-time employee to handle social media matters. The committee heard from President-elect Greg Coleman on the proposed new Special Committee on Technology and Suskauer said the Communications Committee will be working, in conjunction with the bar's Center for Professionalism, on online etiquette matters. Suskauer presented four proposals for posting more information on the Bar's website about pending disciplinary cases. With some amendments, the board approved all four recommendations, which are:

- When a consent judgment is filed with the Supreme Court, The Florida Bar will change the member's status to Member in Good Standing/Disciplinary Proceeding Pending on the website.
- When a report of referee with a finding of guilt is filed with the Supreme Court, The Florida Bar will change the member's status to Member in Good Standing/Disciplinary Proceeding Pending on the website.
- When a member's status on the website has been changed to Member in Good Standing/Disciplinary Proceeding Pending, The Florida Bar will post links to the consent judgment or report of referee, the Bar's formal complaint and the respondent's answer, and any amended complaints and answers, along with a statement that discipline will not be final until an order of the Florida Supreme Court is issued..
- When final orders of discipline are entered by the Florida Supreme Court, The Florida Bar will post the formal complaint, the respondent's answer, the report of referee or consent judgment, and the order.

The board referred back to the committee exactly what disclaimer language would be included with the updated disciplinary information.

## **26. Program Evaluation Committee Report**

Chair Ray Abadin presented on final reading the amendments to the following Board of Legal Specialization and Education policies. The board approved the revised policies:

- BLSE Policy 1.01, Board of Legal Specialization and Education
- BLSE Policy 1.02, Administrative Procedure
- BLSE Policy 2.01, Administration
- BLSE Policy 2.02, Areas of Certification
- BLSE Policy 2.03, New Certification Area Request
- BLSE Policy 2.04, Fees
- BLSE Policy 2.05, Applications
- BLSE Policy 2.06, Applicant Classifications
- BLSE Policy 2.07, Application Filing Period and Dates of Certification and Recertification
- BLSE Policy 2.08, Application Processing
- BLSE Policy 2.09, Professional Ethics and Competence
- BLSE Policy 2.10, Peer Review
- BLSE Policy 2.11, Approved Continuing Legal Education (CLE)
- BLSE Policy 2.12, Examination Preparation and Administration
- BLSE Policy 2.13, Grading, Review and Petition Process
- BLSE Policy 2.14, Applicant Review Process for Certification and Recertification
- BLSE Policy 2.15, Revocation
- BLSE Policy 2.16, Lapse of Certification
- BLSE Policy 4.01, Scope
- BLSE Policy 4.02, Appeals Committee of the Board of Governors
- BLSE Policy 4.03, Standard of Review
- BLSE Policy 4.04, Commencement of Proceedings
- BLSE Policy 4.05, Response
- BLSE Policy 4.06, Right of Reply and BLSE Policy 4.07, Evidence
- BLSE Policy 4.08, Computation of Time
- BLSE Policy 4.09, Consideration of Appeal
- BLSE Policy 4.10, Review by the Board of Governors
- BLSE Policy 4.11, Petition for Review to the Supreme Court of Florida
- BLSE Policy 5.01, Accreditation Standards
- BLSE Policy 5.02, Application Process
- BLSE Policy 5.03, Evaluation
- BLSE Policy 5.04, Notice of Evaluation
- BLSE Policy 5.05, Revenue and Expense Distribution
- BLSE Policy 5.06, Member Submission for Course Evaluation
- BLSE Policy 5.07, CLE Format
- BLSE Policy 5.08, Credit Approval Guidelines
- BLSE Policy 5.09, CLER Components Approval Guidelines
- BLSE Policy 5.10, Individual Credit Approval Guidelines
- BLSE Policy 5.11, Accreditation Revocation
- BLSE Policy 5.12, Complimentary CLE

- BLSE Policy 6.01, Administration
- BLSE Policy 6.02, Reporting
- BLSE Policy 6.03, Carryover Prohibited
- BLSE Policy 6.04, Evidence of Compliance
- BLSE Policy 6.05, Notice of Delinquency and Appeal
- BLSE Policy 6.06, Reinstatement
- BLSE Policy 7.01, Administration
- BLSE Policy 7.02, Reporting and Compliance
- BLSE Policy 7.03, Deferment
- BLSE Policy 7.04, Foreign Attorneys or Repetition of BSCR
- BLSE Policy 7.05, Exemption
- BLSE Policy 7.06, Procedures on Noncompliance and Appeal
- BLSE Policy 7.07, Reinstatement

Committee member Richard Tanner praised the hard work of Bar staff, including Mike Garcia and Elizabeth Tarbert, in revising the BLSE policies.

Abadin presented the committee recommendation to create the Special Committee on Technology, which will work with the Technology Committee of the Vision 2016 commission to present information to lawyers about technological tools to help their practices. The board approved creating the new special committee.

Abadin presented the PEC's recommendation to approve the Leadership Academy's request to increase its membership for the 2013-14 Bar year from 60 to 75 members and to change its meeting schedule from three joint and three regional meetings to two regional and four joint meetings. The board approved the recommendation.

Abadin presented and the board approved an amendment to Rule 1-4.3, Committees, to make the chair of the Program Evaluation Committee an automatic member of the board's Executive Committee.

Abadin presented on first reading revisions to Rule 6-16.1 through 6-16.4, Standards for Board Certification in Business Litigation. He also said the committee is reviewing the Bar's Law Office Management Assistance Service and is working with the Young Lawyers Division which is exploring putting some of its Practicing With Professionalism programs online. YLD President Melanie Griffin told the board that despite having 21 in-person PWP classes in the past year, many new Bar members had trouble finding a non-sold out meeting they could attend.

Abadin said the PEC reviewed and approved revisions to the Trial Lawyers Section bylaws which will be presented to the board in January. He also said a subcommittee has been set up to review a proposed new certification area in condominium and planned development law, and the PEC is also reviewing the potential sunset of the antitrust and trade regulation certification area.

## **27. Special Appointments**

The board appointed Michael P. Spellman of Tallahassee to a four-year term on the 11<sup>th</sup> Circuit Judicial Conference. The board appointed Kirby N. Williams for the First District Court of Appeal area, Julie A. Horstkamp for the Second DCA area, James A. Marx for the Third DCA area, Guy Rabideau for the Fourth DCA area, Frederick W. Jones for the Fifth DCA area, and Jamie B. Moses as at-large representative for two year terms on the Florida Realtor-Attorney Joint Committee. The board appointed Pauline E. Robinson of Tallahassee for a three-year term on the Florida Rural Legal Services, Inc., Board of Directors.

## **28. Young Lawyers Division Report**

YLD President Melanie Griffin reported on the division's increased grants to affiliates for their outreach programs, efforts to promote professionalism, and on programs that helped 4,000 children. The YLD is putting short videos of interviews with experienced lawyers on its website as part of a "Mentoring with Masters" program to help lawyers who do not have mentors. The YLD will be doing more videoing for that program at the Bar's Winter Meeting. Griffin encouraged board members to volunteer to be mentors for the YLD law student mentoring program. She noted the YLD annual Affiliate Outreach program was scheduled on January 17 and 18 in Hillsborough County.

## **29. Leadership Academy Report**

Chair Renée Thompson reported that the Academy had held its fourth meeting and would have a full meeting of all participants as part of the board's January meeting in Tallahassee. She said the Academy is starting a new phase where fellows will be matched with programs and organizations in which they are interested. Thompson invited board members to suggest such programs and organizations, and reminded them that applications for the second Academy class were due by January 15.

## **30. Vision 2016 Report**

President Pettis reported that each of the commission's subgroups would have a coordinator to facilitate its operations.

## **31. Comments for the Good of the Order**

Board member Ed Scales, who is resigning to take a judgeship on the Third District Court of Appeal, commented on his years of service on the board and friendships he had made with board members.

## **32. Time and Place of Next Meeting**

There being no further business before the board, President Pettis adjourned the meeting at 4:31 p.m. The board next meets January 31 at the Hotel Duval in Tallahassee.

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