

The Florida Bar Board of Governors  
January 31, 2014  
Hotel Duval  
Tallahassee, 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  
Clay A. Schnitker, 3<sup>rd</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  
Carl B. Schwait, 8<sup>th</sup> Circuit  
Paul Louis SanGiovanni, 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  
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  
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  
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

Michael F. Orr, YLD President-elect  
Winston W. Gardner, Jr., Public Member

Members Absent

Sandra C. Upchurch, 7<sup>th</sup> Circuit  
Mary Ann Morgan, 9<sup>th</sup> Circuit  
Scott R. McMillen, 9<sup>th</sup> Circuit  
C. Richard Nail, 10<sup>th</sup> Circuit  
John H. (Jack) Hickey, 11<sup>th</sup> Circuit  
Michelle R. Suskauer, 15<sup>th</sup> Circuit  
Gary Shepard Lesser, 15<sup>th</sup> Circuit  
Walter G. Campbell, Jr., 17<sup>th</sup> Circuit  
Laird A. Lile, 20<sup>th</sup> Circuit  
Marcy L. Shaw, 20<sup>th</sup> Circuit  
Anthony Holloway, Public Member

**2. Staff in Attendance**

John F. Harkness, Jr., Executive Director  
John Berry, Director, Legal Division  
Adria Quintela, Director, Lawyer Regulation  
Marcy Jackson, Director of Administration and Chief Financial Officer  
Paul Hill, General Counsel  
Sheila Tuma, Chief Branch Discipline Counsel, Tampa  
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  
Kathy Bible, Disciplinary Procedure Committee Counsel  
Francine Walker, Director, Public Information and Bar Services  
Rosalyn A. Scott, Assistant to the President  
Jan Pudlow, Senior Editor, Florida Bar News  
Megan Davis, Associate Editor, Florida Bar News  
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  
Sandra Ferrera, President, Cuban American Bar Association  
Diana Bock, Government Lawyer Section

**4. Pledge of Allegiance and Invocation**

Board member Lansé Scriven led the board in the Pledge of Allegiance and delivered the invocation. Scriven also recognized the attendance of his father, Charles Scriven.

**5. Welcome by Tallahassee Bar Association President Melissa VanSickle**

President VanSickle welcomed the board to Tallahassee.

## **6. Appearance by Former Bar President Leonard Gilbert**

Former President Gilbert recalled that his first day as president coincided with Executive Director John F. Harkness' first day on the job, and he told the board they have a "great responsibility" in overseeing the legal profession in Florida.

## **7. Recognition of Citizens Advisory Committee Members**

President Pettis recognized members of the Citizens Advisory Committee and praised the perspective they provide to the Bar on various issues. Committee members Susanna Grady, Linda Goldsmith, Ralph MacNamara, Ralph Merritt, and Paulette Hatchett Simms were recognized.

## **8. Minutes Approval**

The board unanimously approved the minutes from its December 13, 2013, meeting in Ft. Lauderdale.

## **9. Consent Calendar Approval**

After removing item 5(b)(ii), to be reported on during the Board Review Committee on Professional Ethics Report, the board approved the remainder of the Consent Calendar, including:

- Appointing Amanda Colon as an attorney member to Unlicensed Practice of Law Committee 6B; Aloyma M. Sanchez, Jennifer C. Pratt, Nancy M. Blount, and Ansley B. Peacock as attorney members and Lourdes C. Arruza, Orlando Loli, and Ety Foodman as public members of UPL Committee 11A; and Barbara MacKenzie as a public member to UPL Committee 15A.

- The Board Review Committee on Professional Ethics voted 7-1 to recommend that the Board of Governors affirm the Standing Committee on Advertising decision on the radio advertisement in file 13-02844 that the statement "They were a lifesaver! I mean. . . Who picks up the phone at 11 o'clock at night? They helped me when I needed it most" in an advertisement for lawyer referral service 411-Pain is misleading under Rule 7-13(a). The board approved the BRC recommendation on the consent calendar.

- Agreed not to oppose the following legislative position for the Real Property, Probate, and Trust Law Section: Opposes amendments to guardianship statutes that (a) would change the criteria and limit the discretion of the court in awarding fees in guardianship proceedings for services that benefit the ward, (b) seek to significantly change established guardianship laws and procedures concerning the qualification of examining committee members and the content and requirements of their reports, and (c) would criminalize certain conduct in guardianship proceedings, including proposed amendments to F.S. §§744.108, 744.331, and 744.4461.

- Ratified the appointment by local bar associations to the Legal Services of North Florida Board of Directors. Those appointed were Carolyn D. Cummings by the Tallahassee Barristers Association and Martin R. Dix, M. Catherine Lannon, and Daniel H. Thompson by the Tallahassee Bar Association, all for terms expiring March 1, 2017.

### **10. Budget Committee Report**

Chair David Prather presented two amendments recommended by the committee for the 2013-14 budget: \$3,900 for the Senior Lawyers Committee and \$50,000 for The Florida Bar Foundation for the statewide pro bono project. The board unanimously approved both amendments.

### **11. Audit Committee Report**

Chair Leslie Lott presented the final audit for the 2012-13 fiscal year which gave the Bar a clean audit with no problems. The board unanimously approved the audit.

### **12. Investment Committee Report**

Chair Ian Comisky reported the Bar had an outstanding performance for its long term portfolio in 2013, with a return of 9.68 percent. He cautioned that would be difficult to duplicate in a fund that includes 40 percent of its holdings in cash and bonds. He said in consultation with its investment advisors, the Bar would be adding a short term, high yield bond fund to its portfolio, funded by reducing its investment in an emerging markets fund. The committee also voted to reduce the Bar's investments in commodities, and invest in a midstream fund that invests in master limited partnerships. Comisky also reported that the decision at the December meeting to shift \$7 million from the short term portfolio to the long term portfolio necessitated a 2 percent increase in alternative investments and the committee decided to hire Skybridge Multi-Advisor Fund to oversee that.

### **13. Presentation to Attorney General Pam Bondi**

President Pettis presented the President's Award of Merit, which was bestowed last year by past Bar President Gwynne Young, to Attorney General Pam Bondi, who was unable to attend last June's Annual Meeting to accept it. Bondi was recognized for her continuing support for funding legal aid and her actions in helping Floridians with foreclosure problems.

### **14. Legislation Committee Report**

Chair Jay Cohen reported that the committee:

- Recommended the board endorse an ABA position to support federal legislation aimed at protecting immigrants from being exploited by nonlawyers on immigration issues. The board unanimously approved that recommendation.
- Recommended that the Bar not oppose the Business Law Section's late-filed legislative request to support enactment of a separately credited financial literacy course as a prerequisite for high school graduation and a standard high school diploma, consistent with the requirements set forth in HB 367 and SB 212. The board unanimously approved that recommendation.
- Recommended and the board approved allowing the Legal Needs of Children Committee to advocate, consistent with the 2002 Final Report of The Florida Bar's Commission on the Legal Needs of Children, that it 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.
- Recommended and the board approved the revised legislative consulting contract between the Real Property, Probate and Trust Law Section and Pete Dunbar necessitated because Dunbar had changed law firms.

- Reported that the Business Law Section had notified the Bar of technical assistance it was providing on pending legislation.

In addition to those items, Chief Legislative Consultant Steve Metz updated the board on the approaching annual legislative session.

### **15. Business Law Section Report**

Chair Stephen Nagin and Chair-elect Judge William VanNortwick talked about the section changing its executive team and updating the way it approaches its activities. VanNortwick discussed the section's efforts to improve diversity. Nagin noted the section has strongly supported the Leadership Academy and has donated \$50,000 to The Florida Bar Foundation. VanNortwick said the section has maintained a strong liaison with bankruptcy courts and is now expanding that to state business courts and federal magistrates. The section has an active new Pro Bono Committee which is helping law firms with best practices for providing pro bono.

### **16. Appearance by Former Bar and ABA President Steve Zack**

Zack noted that The Florida Bar is looked to by other state bars around the country for leadership on difficult issues. He said the legal profession is facing great changes and praised President Pettis for the creation of the Vision 2016 commission. He predicted the practice of law would change more in the next 10 years than it has in the past 100 and also said that the high cost of law school is a continuing problem.

### **17. Florida Bar Foundation Report**

Foundation President John Patterson said the Foundation continues to be plagued with low interest rates, which have cut IOTA income to around \$5.5 million a year, with no change forecast through 2016. The Foundation used to fund legal aid programs at an average of \$26 million a year and because of reserves was able to continue that for a while. But reserves are dwindling, Patterson said, and grants for legal aid have been cut to \$12 million and soon will be cut again to \$9 million, severely affecting legal services for the poor. Patterson noted the Foundation also has ended grants for law student programs. He said the financial issues are forcing the Foundation to take a comprehensive look at how legal services are delivered, and it is working closely with the Vision 2016 subcommittee on pro bono services. The problem, he added, is not just for legal services for the poor but also for the middle class and he noted that the U.S. rated 22nd out of 23 industrial nations, ahead of only Italy, in providing access to legal services for its citizens.

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

Chair Carl Schwait reported that the Board Review Committee on Professional Ethics voted 7-1 to recommend that the Board of Governors reverse the Standing Committee on Advertising decision on the billboard advertisement for lawyer referral service 411-Pain in file 14-00584, and instead determine that the image of a man in a nondescript blue uniform is not a prohibited use of an authority figure under Rule 4-7.15(b). The Board of Governors approved the Board Review Committee on Professional Ethics recommendation on voice vote.

Schwait presented amendments to Rule 4-7.22 for first reading by the Board of Governors in response to recommendations by the Special Committee on Lawyer Referral Services in July 2012, after further refining its proposals at its meeting on January 30, 2014. The BRC voted 8-0 to approve new subdivision Rule 4-7.22(a)(4) as amended to remove the words “related to the same incident” so that the proposed subdivision reads [the lawyer may accept referrals from a lawyer referral service only if the service] does not directly or indirectly require the lawyer to refer clients to any other person or entity for other services and does not place any economic pressure or incentive on the lawyer to make such referrals. The BRC voted 8-0 to approve new subdivision 4-7.22(a)(8), so that the proposed subdivision reads: [the lawyer receiving referrals] is prohibited from accepting referrals from a lawyer referral service that interferes with the lawyer’s professional judgment in representing clients, for example, by requiring the referral of the lawyer’s clients to the lawyer referral service, a beneficial owner of the lawyer referral service, or an entity owned by the lawyer referral service or a beneficial owner of the lawyer referral service. The BRC voted 8-0 to approve new subdivision 4-7.22(a)(9) as amended to add the statement “and the lawyer provides written disclosure of the relationship to the client and obtains the client’s informed consent confirmed in writing” so that the subdivision reads: [the lawyer receiving referrals] is prohibited from referring clients to the lawyer referral service, a beneficial owner of the lawyer referral service, or an entity owned by the lawyer referral service or a beneficial owner of the lawyer referral service, unless the requirements of rules 4-1.7 and 4-1.8 are met and the lawyer provides written disclosure of the relationship to the client and obtains the client’s informed consent confirmed in writing. The BRC voted 8-0 to approve the entire set of amendments to Rule 4-7.22 as amended by the BRC at its January 30, 2014 meeting.

Review of Florida Bar Staff Opinion 31741 was deferred by the BRC for lack of time.

The BRC voted 8-0 to recommend that the Board of Governors affirm the decision of the Professional Ethics Committee that the staff properly declined to issue a Florida Bar staff opinion in Ethics Inquiry 32254 involving a relationship between a Florida member and a lawyer admitted only in another country, because the inquirer asked to receive an opinion regarding the conduct of another member of The Florida Bar, which is prohibited under Florida Bar Procedure for Ruling on Questions of Ethics 2(a)(1)(C). The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation on voice vote without objection.

Review of Florida Bar Staff Opinion 32261 was deferred by the BRC on Professional Ethics for lack of time.

Schwait reported on further amendments to the December 13, 2013, Board of Governors vote adopting Guidelines for Advertising Past Results. The guidelines indicated that references to past results in specific media such as billboards, television and radio generally will be prohibited. The guidelines provide other guidance regarding the advertising of past results in other media such as direct mail, other forms of print advertising, and websites. Additional amendments to the guidelines have been made to clarify their meaning. Main changes include making very clear that past results are generally prohibited in TV, radio and indoor and outdoor display advertisements and thus, the remainder of the guidelines would mainly apply to other media such as direct mail,

websites, and print advertising besides display ads. Additionally, a disclaimer was drafted to be required for specific results that are not a monetary recovery (such as a ticket dismissal, not guilty verdict, or loan modification) that “Results may not be typical. You should not assume you will receive as beneficial a result.” No action was taken on the informational item.

Review of the advertisements in files 14-00662 and Advertising Inquiry 33402 was deferred by the Board Review Committee on Professional Ethics for lack of time.

### **19. Executive Session**

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

### **20. Program Evaluation Committee Report**

Chair Ray Abadin presented two items on final reading, both of which were approved by the board:

- Revisions to Rules 1-16.1 to 1-16.4 on Standards for Board Certification in Business Litigation.
- Rule 18-1.1 through 18-1.5 Military Legal Assistance Counsel Rule: Within subdivision (a)(4) of rule 18-1.2 and subdivision (c)(2) of rule 18-1.5, changes the requirement for completion of the Practicing with Professionalism Program to the time limits set forth in rule 6-12.3. Non-substantive edits in rules 18-1.1, 18-1.2, 18-1.3, 18-1.4 and 18-1.5 conform the rules to the Supreme Court style guide.

Abadin presented three items on first reading to the board:

- Rule 6-3.7 Emeritus Specialist Status: Repeals Rule 6-3.7, Emeritus Specialist Status.
- Rule 6-3.11(g) Emeritus Application Fee: Rule 6-3.11(g) - Eliminates Emeritus Application Fee
- Bylaws - Trial Lawyers Section: Various revisions to the bylaws.

### **21. Communications Committee Report**

Chair-elect John Stewart reported that the committee is looking at recommendations from the Citizens Advisory Committee to notify the local media when public reprimands will be administered. He said work is continuing on upgrading the Bar’s website, which Stewart said will be a dramatic improvement and is expected to be done by the Bar’s Annual Meeting. The Subcommittee on Social Media is working on a more aggressive social media presence than what the Bar has previously had. President-elect Greg Coleman said work is being done to revamp the Clip-Board that goes to each board member before a board meeting with the eye to making it more like an executive summary to help members cope with the massive amount of backup information they receive prior to each meeting.

### **22. Young Lawyers Division Report**

YLD President Melanie Griffin reported the YLD had a successful Affiliate Outreach Conference earlier in the month and \$50,000 in grants was distributed. The division is continuing its efforts on mentoring and working to help commercial lawyers get involved in pro bono programs. At the Winter Meeting, the YLD did over 20 Mentoring with Masters videos, which will be posted on the YLD website. Griffin said the Law Student Division’s Raising the Bar

project was scheduled for February 22, and the division continues to work on offering its Practicing with Professionalism course online.

### **23. Disciplinary Procedure Committee Report**

Chair Jay Manuel presented three items on first reading:

- Rule 5-1.1 Trust Accounts, Replacing Funds Improperly Taken from a Lawyer's Trust Account: Reorganizes subdivision (a) and within subdivision (a)(1) creates an exception to commingling to permit a lawyer to deposit sufficient funds into the lawyer's trust account to make up a shortfall in the trust account caused by misappropriation, bank error, bank charge or a bounced check. Also makes style changes to comply with the Supreme Court of Florida's style guidelines.

- Rule 5-1.2(c) Trust Accounting Records and Procedures-Trust account certification: Strikes subpart (c)(5), which had required bar members to file a trust account compliance form with the Bar each year.

- Standing Board Policy 15.40 Grievance Committee Membership: Authorizes criminal background investigations of non-lawyers who will be nominated as public members of Bar grievance committees.

Manuel said the DPC discussed a case where prosecutors, fearing criminal defendants were having adverse witnesses murdered, maintained an ex parte communication with a judge in a case because they had access to recorded conversations between defendants and their attorneys. He noted the Professional Ethics Committee had declined to issue an opinion in the case and that the board could direct the PEC to issue an opinion, but said at the moment the DPC had no recommendation for the board.

### **23. Rules Committee Report**

Chair John Alpizar presented two items on final reading, both of which were approved by the board:

- Rule 4-1.4 Communication: Within commentary, adds that communication about changes in firm composition is addressed in Rule 4-5.8.

- 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.

Alpizar presented to the board 11 items on first reading:

- Rule 1-3.3 Official Bar Name and Contact Information: Within subdivision (a), requires that Bar members provide an e-mail address to the Bar unless the Bar grants an exception. Non-substantive edits conform the rule to the Supreme Court of Florida style guide.

- Rule 1-3.7 Reinstatement to Membership: Within subdivision (d), proposed amendments clarify that reinstatement requires approval by the Supreme Court of Florida. Non-substantive edits conform the rule to the Supreme Court of Florida style guide.

- Preamble - A Lawyer's Responsibilities (Terminology): In terminology under "writing" changes "e-mail" to "electronic communications." Within the comment on "screened," changes "materials" to "information, including information in electronic form" in two places.

Nonsubstantive amendments conform the rule to the Supreme Court of Florida style guide.



- Rule 4-1.5 Fees and Costs for Legal Services (Retainers, Advances): 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." Within the commentary, indicates that nonrefundable fees should not be held in trust as they are earned on receipt, but that advances on fees must be held in trust. Within commentary indicates that nonrefundable fees remain subject to the prohibition against clearly excessive fees.

- Rule 4-1.6 Confidentiality of Information: Adds new subdivision (c)(6) and commentary which would permit lawyers to disclose confidential information to discover and resolve conflicts of interest when law firm composition changes or a lawyer changes employment with a firm where attorney-client privilege will not be compromised and disclosure will not harm the client. Adds new subdivision (e) requiring lawyers to make reasonable efforts to avoid inadvertent disclosure of confidential information and re-letters subsequent subdivisions accordingly. Adds new commentary explaining lawyer's obligations to avoid inadvertent disclosure of confidential information. Nonsubstantive amendments conform the rule to the Supreme Court of Florida style guide.

- Rule 4-1.17 Sale of Law Practice: Proposed amendments to the comment reference proposed amendments to rule 4-1.6 which would permit disclosure of some confidential information to resolve conflicts of interest before the purchase of a law practice. Nonsubstantive amendments conform the rule to the Supreme Court of Florida style guide.

- Rule 4-1.18 Duties to Prospective Client: Throughout the rule and comment, replaces terms such as "discuss" with "consult" to make clear that communications between lawyer and prospective client are not limited to oral communications. Proposed commentary also clarifies when a person is considered a prospective client under this rule. Nonsubstantive amendments conform the rule to the Supreme Court of Florida style guide.

- Rule 4-5.3 Responsibilities Regarding Nonlawyer Assistants: Changes in the rule and commentary clarify that a lawyer's obligations regarding nonlawyers applies whether the nonlawyers work directly for lawyers inside a law firm or work outside the firm. Proposed commentary provides examples of work "outsourced" to nonlawyers, factors to consider in determining the extent of reasonable measures of the lawyer, the lawyer's obligation to communicate with the nonlawyers outside the firm, and allocation of decision-making between lawyer and client regarding use of nonlawyers outside the firm. Nonsubstantive amendments conform the rule to the Supreme Court of Florida style guide.

- Rule 4-5.5 Unlicensed Practice of Law; Multijurisdictional Practice of Law: Nonsubstantive amendments conform the rule to the Supreme Court of Florida style guide.

- CSF Regulation C 4 Claims Ordinarily Denied: Clarifies that claims by subsidiaries and affiliates of publically traded companies will not ordinarily be considered for payment.

## **24. President-elect's Report**

President-elect Coleman urged board members to attend meetings of sections and Bar committees to which they are liaisons, and also to attend other such meetings if they have the time. He said such attendance educates board members and gratifies the committee and section members by demonstrating the board's interest in their activities.

## **25. Leadership Academy Report and Dedication**

With fellows of the academy, members of the Carlton Fields law firm, and members of the Smith family in attendance, President Pettis unveiled a plaque dedication the Bar's Leadership Academy as the Wm. Reese Smith, Jr., Leadership Academy, recognizing the leadership and principles of the late Bar president. Board member Renée Thompson, chair of the Leadership Academy Committee, reported that the Academy fellows had met with Supreme Court justices the previous day, attending the Supreme Court Historical Society dinner the previous evening, attended meetings about Bar communications and judicial independence, and were working on their legal service projects at their concurrent Tallahassee meeting.

## **26. Appearance by Chief Justice Ricky Polston**

Chief Justice Polston reported that the switch from predominantly funding the courts with filing fees to state general revenues had stabilized court funding over the past two years. Court funding remains at 0.6 percent of the state budget and the court's top priority is to seek pay parity between judicial branch employees and executive branch employees, who typically have 11.45 percent higher salaries for equal jobs. That, he said, will require \$18 million over two years. The court also requested three new appellate, three new circuit, and 39 new county judgeships and is seeking money to upgrade courthouses for four of the five district courts of appeal. Polston noted that electronic filing in the courts is well underway, with e-filing required in civil cases and in the process of implementation for the criminal courts. He said the court budget is seeking money for judicial viewers necessary to handle the electronic files in criminal cases. Polston also said the courts continue to make progress in whittling down the backlog in the state's foreclosure cases.

## **27. Appearance by Justice Barbara Pariente**

Justice Pariente presented the voter education video prepared by the National Association of Women Judges on the importance of a fair, impartial, and independent judiciary. She thanked the Bar for its contribution which allowed completion of the video, and talked about the necessity for continued voter education in light of the increasing influence of special interests in judicial races.

## **28. Discussion for the Good of the Order**

President Pettis announced he had appointed a committee to review the board's procedures for making special appointments at each meeting. He noted that the board, in making appointments to the Florida Realtor-Attorneys Joint Committee in December, failed to reappoint the incoming chair of that committee.

## **29. President's Report**

President Pettis discussed with the board the decreasing diversity both among the state's judiciary and on the judicial nominating commissions. He urged board members to find diverse applicants for upcoming JNC vacancies and announced that he was extending the deadline for JNC applications to March 21.

## **30. Vision 2016 Report**

Board member Jay Cohen, administrator for Vision 2016, said the commission's subcommittees have begun narrowing the issues they will focus on. He said commission members have realized

the issues they are looking at are national issues and other state bars are contacting The Florida Bar for information about the Vision 2016 effort.

### **31. Petition to Raise Bar Annual Membership Fees**

President Pettis reported to the board that some Bar members are working on a petition to the Supreme Court seeking to raise the cap on annual Bar membership fees from \$265 to \$365, with any extra money raised above the \$265 level sent to The Florida Bar Foundation to offset its loss of IOTA funds from continuing low interest rates. The petition was being developed independently of the Bar and the Foundation, Pettis said, and he said the Bar and Foundation would work together to ensure it did not cause any problems between the two. If the petition gets the necessary number of signatures, Pettis said it would come to the board for its input at its March 28 meeting.

### **32. Special Appointments**

The board appointed Patricia Acosta and David Rothman, both of Miami, to three-year terms on The Florida Bar Foundation Board of Directors for terms beginning July 1. The board nominated Thomas S. Edwards, Jr., of Jacksonville, Julianne M. Holt of Tampa, and Carlos J. Martinez of Miami for a two-year term on the Supreme Court Judicial Management Council. The court will make the final appointment.

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

There being no further business before the board, President Pettis adjourned the meeting at 1:57 p.m. The board next meets March 28 at the Hammock Beach Resort in Palm Coast.

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