

Florida Bar Board of Governors  
July 29, 2016  
Eden Roc Hotel  
Miami Beach, Florida

**1. Roll Call.**

William J. Schifino, Jr., President  
Michael J. Higer, President-Elect  
Stephen H. Echsner, 1st Circuit  
Melissa N. VanSickle, 2nd Circuit  
Bruce W. Robinson, 3rd Circuit  
Fred D. Franklin, Jr., 4th Circuit  
Renée E. Thompson, 5th Circuit  
Joshua T. Chilson, 6th Circuit  
Sandra Fascell Diamond, 6th Circuit  
Carl B. Schwait, 8th Circuit  
Mary Ann Morgan, 9th Circuit  
Paul L. SanGiovanni, 9th Circuit  
Wayne L. Helsby, 9th Circuit  
C. Richard Nail, 10th Circuit  
Roland Sanchez-Medina, Jr., 11th Circuit  
Dori Foster-Morales, 11th Circuit  
Leslie J. Lott, 11th Circuit  
Deborah B. Baker-Egozi, 11th Circuit  
Dennis G. Kainen, 11th Circuit  
Steven W. Davis, 11th Circuit  
John H. Hickey, 11th Circuit  
F. Scott Westheimer, 12th Circuit  
Thomas Roe Bopp, 13th Circuit  
Lansing C. Scriven, 13th Circuit  
Margaret Diane Mathews, 13th Circuit  
Michael S. Hooker, 13th Circuit  
John W. Manuel, 14th Circuit  
Ronald P. Ponzoli, Jr., 15th Circuit  
Michelle Renee Suskauer, 15th Circuit  
Gary S. Lesser, 15th Circuit  
Wayne LaRue Smith, 16th Circuit  
Jay Kim, 17th Circuit  
Diana Santa Maria, 17th Circuit  
Lorna E. Brown-Burton, 17th Circuit  
Jay Cohen, 17th Circuit  
Adam G. Rabinowitz, 17th Circuit  
John M. Stewart, 19th Circuit  
Marcy Lynn Shaw, 20th Circuit  
Edward Duffy Myrtetus, Out of State  
Ian M. Comisky, Out of State

Eric L. Meeks, Out of State  
Brian D. Burgoon, Out of State  
Katherine Hurst Miller, YLD President  
Zackary T. Zuroweste, YLD President-Elect  
Lawrence Worley Tyree, Public Member  
Sharon B. Middleton, Public Member

#### Members Absent

Lawrence E. Sellers, Jr., 2nd Circuit  
Michael G. Tanner, 4th Circuit  
Sam N. Masters, 7th Circuit  
Adam T. Rabin, 15th Circuit  
O. John Alpizar, 18th Circuit  
Laird A. Lile, 20th Circuit

#### **2. Staff in Attendance**

John F. Harkness, Jr., Executive Director  
John Berry, Director, Legal Division  
Adria Quintela, Director, Lawyer Regulation  
Patrick “Booter” Imhof, General Counsel  
Lori Holcomb, Division Director, Ethics and Consumer Protection  
Cynthia B. Jackson, Director of Administration  
Elizabeth Clark Tarbert, Ethics Counsel  
Kathy Bible, Disciplinary Procedure Counsel  
Terry Hill, Director, Programs Division  
Francine Walker, Director, Public Information and Bar Services  
Rosalyn A. Scott, Assistant to the President  
Gary Blankenship, Senior Editor, Florida Bar News

#### **3. Guests**

Javier Lopez, President-elect, Cuban American Bar Association  
Leora Freire, President, Florida Association for Women Lawyers  
Antonya Johnson, President, Virgil Hawkins Florida Chapter, National Bar Association  
David Aronberg, Government Lawyer Representative  
Vivian Hodz, President, Tampa Hispanic Bar Association  
Andy Sasso, Parliamentarian

#### **4. Invocation and Pledge of Allegiance**

Former Bar President Tod Aronovitz delivered the invocation and Annie Sasso led the board in the Pledge of Allegiance.

#### **5. Introduction of New Board Members**

Board members Melissa VanSickle, Joshua Chilson, Deborah Baker-Egozi, Jay Kim, Zachary Zuroweste, and Sharon Middleton introduced themselves to the board.

## **6. Swearing In of New and Returning Board Members**

President Schifino swore in new and returning board members who were unable to attend the General Assembly at the Annual Convention.

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

Committee members Louis Kalivoda, Steve Deneke, Herb Polson, Sylvia Carra-Hahm, Jan Jung, Ruth Lynch, Paul Martinez, and Rick Sarner introduced themselves to the board.

## **8. Welcome by Miami Beach City Manager Jimmy Morales**

Morales welcomed the board to Miami Beach and presented a brief history of the city.

## **9. Minutes Approval**

The board approved the regular and grievance minutes from its May 20 meeting. The approval included ratifying Executive Committee actions taken since that meeting:

- At a May 26, 2016, meeting, the Executive Committee voted 11-0 to add Catherine B. Chapman of Tallahassee to the nominees for a seat on the First District Court of Appeal Judicial Nominating Commission. She replaced Kathy Maus of Tallahassee who was nominated to the Supreme Court JNC for the 2016 vacancy. Chapman, Braxton W. Gillam, IV, of Jacksonville, and Gary K. Hunter, Jr., of Tallahassee were forwarded to the Governor's Office as the nominees for the 2016 First DCA JNC seat.

- At a June 2, 2016, meeting, the Executive Committee voted 10-0 to appoint Robert A. Butterworth of Ft. Lauderdale, Mary L. Creasy of Tallahassee, Manuel Perez-Levia of Miami Beach, Bradley H. Trushin of North Miami, and Beranton J. Whisenant, Jr., of Miami to the Supreme Court Commission on Professionalism for four-year terms beginning July 1, 2016.

- At a June 27, 2016, meeting, the Executive Committee voted 8-0 to recommend approval of amendments to Florida Rule of Appellate Procedure 9.146 and new Florida Rule of Juvenile Procedure 8.530. The amendments address claims of ineffective assistance of counsel in parental rights proceedings.

## **10. Consent Calendar Approval**

The board approved the consent calendar agenda, including:

- Appointing Carla Michelle Newman as an attorney member of UPL Committee 8, Jill Klaskin Press as a public member to UPL Committee 11A, Lyndsey E. Siara as an attorney member to UPL Committee 13A, and Rebecca S. Wilt as a public member to UPL Committee 13B.

- Approving the following changes to Standing Board Policies and Bar policies:
  - SBP 1.20 Board Meetings: Within subdivision (a), adds that the board may meet or vote by conference call or electronic means.
  - SBP 1.30 Meetings of Executive Committee: Within subdivision (b), adds that the board's executive committee may meet or vote by conference call or electronic means.
  - SBP 1.40 Policy for Appointments and Procedure for Elections and Nominations by the Board of Governors: Within subdivision (c)(3) replaces "no one applies" with "an insufficient pool of qualified applicants applies." Within subdivision (d), adds that a board screening committee may assist in selecting other nominations or appointments.
  - SBP 1.60 Board Action on Proposed Rule or Policy Amendments: Within the title of subdivision (b), removes "and/or Section."

- SBP 4.30 Dues for Faculty Affiliate Members of The Florida Bar: Adds "division" to allow faculty affiliate members to join the bar's divisions.
- SBP 5.20 Committee Structure, Membership and Terms: Within subdivision (c), deletes the requirement that at least one committee member must serve two consecutive years.
- SBP 5.54 Section Disbursement Policies (Sub (e)(5)(I) - Speaker companion expenses): Within subdivision (e)(5)(I) changes "associate" to "companion."
- SBP 6.21 Bar Division, Section, and Committee Programs (c) (adding divisions): Within subdivision (c), adds bar divisions regarding educational service programs.
- SBP 10.20 Program Evaluation Committee: Within subdivision (b), omits board action based on recommendations from specific committees from the title and policy.
- SBP 10.50 Strategic Planning: Combines subdivisions (a) and (b) regarding the annual workshop and update of the strategic plan. Subsequent provisions are re-numbered.
- Florida Bar Procedures For Issuing Advisory Opinions Relating To Lawyer Advertising Or Solicitation: Within procedure 4(e) changes "file" to "agenda." Within procedure 5(d), changes "file" to "agenda item."
- Florida Bar Procedures For Ruling On Questions Of Ethics: Within procedures 5(d) and 6(f), changes "file" to "agenda item."
- Approving legislative consultant contracts between The Florida Bar and Metz, Husband & Daughton, P.A., Smith, Bryan & Myers, and Pamela Burch Fort.
- Approving the legislative consulting contract between the Business Law Section and Aimee Diaz Lyon, between the Family Law Section and Nelson Diaz and Edgar Castro, and between the Trial Lawyers Section and Bob Harris.
- Approving the legislative consulting contract for The Florida Bar and the Conference of District Court of Appeal Judges with Paul M. Hawkes.
- Approving the Chapter 9 Prepaid Legal Services application from Jordan Fields, P.A., of Stuart.

### **11. Young Lawyers Division Report**

Members of the YLD Board of Governors in attendance introduced themselves to the board. YLD President Katherine Hurst Miller reported the division is continuing with the recruitment of mentors and advisors for its Lawyers Advising Lawyers program. The Practicing with Professionalism course should be available online in the Spring and the YLD will be filming the September session of that course to reach that goal. Hurst Miller noted that new lawyers are required to take 21 credit hours of basic skills courses in their first three years as Bar members and the division has been offering seven-hour courses to meet that goal. The division is now breaking those courses into one hour increments, which will also be available online, although the 21-hour requirement remains unchanged.

### **12. Public Reprimands**

President Schifino administered two public reprimands.

### **13. Leadership Academy Report**

Leadership Academy Committee Chair Juliet Roulhac reported that the third academy class graduated at the June Bar Convention and the fourth class, with 40 members, held its first meeting. The smaller class size (the third year class had 52 members) gives a better chance for members to know each other. Roulhac said the curriculum will be more interactive. The class

represents a diversity of ethnicity, gender, firm size, and sexual orientation with over half of the circuits in the state represented. Overall, 173 lawyers have graduated from the program, and seven current members of the YLD Board of Governors and five members of the Bar Board of Governors are graduates of the program, Roulhac said. President Schifino noted the academy helps the Bar meet its diversity goals in its Strategic Plan.

#### **14. Strategic Plan Report**

President Schifino presented the Bar's 2016-19 Strategic Plan as reviewed during the annual strategic planning retreat in April. He said the five main goals of the plan remain unchanged: making sure the justice system remains a coequal branch of government and is fair, impartial, and adequately funded; enhancing the legal profession and the public's trust in attorneys and the legal system; seeking equal access to and availability of legal services; enhancing the value of Bar membership to its members and the Bar's relationship with members; and promoting diversity and inclusion in all aspects of the profession and the justice system. Within that framework, Schifino said the Strategic Planning Committee recommended six items to be addressed in the coming 12 to 18 months. Those are:

- Use technology to connect the Bar and its resources to Bar members and the public.
- Simplify the Bar's rulemaking process to both make it more flexible and less cumbersome.
- Aggressively seek new member services and benefits, and the promotion to members of those services and benefits.
- Improve education to the public and Bar members about the upcoming Constitution Revision Commission process and assist the CRC with expert advice.
- Improve the diversity of the judicial nominating commissions and the bench to reflect Florida's diverse population.
- Effective communication of the Bar's message to its members, the public, and targeted groups.

The board unanimously approved the plan.

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

Chair Carl Schwait reported on proposed amendments to Rule 4-7.22 (Lawyer Referral Services), 4-7.23 (Lawyer Directories), 4-7.12, 4-7.13, 4-7.16, and 4-7.17. The BRCPE by vote of 9-0, and Technology Committee unanimously agreed to recommend the proposed amendments to the rules. The Board of Governors approved the recommendation on voice vote with one objection. (At the board's September 29 meeting, board member Jay Kim noted he didn't cast a vote one way or the other and requested that he be shown as opposing amendments to Rule 4-7.22 (Lawyer Referral Services), 4-7.23 (Lawyer Directories), 4-7.12, 4-7.13, 4-7.16, and 4-7.17. Schwait presented advertising inquiry 35636, which concerns application of Rules 4-7.22 and 4-7.23 on whether the Avvo Advisor function of the Avvo website meets the definition of a lawyer referral service or is a lawyer directory. If it is a referral service, that would require Avvo Advisor's compliance with the requirements of Rule 4-7.22(a) for lawyers to participate. Schwait asked the Board of Governors to defer this item until the Supreme Court of Florida makes a decision in the petition to be filed on the amendments to referral service rules it just approved. The board approved the recommendation on a voice vote without objection. Schwait said the Professional Ethics Committee's request, at the behest of the Vision 2016 Bar

Admissions Subgroup, to consider proposing either an amendment to the Rules Regulating The Florida Bar or a formal advisory ethics opinion regarding Florida Bar members who work with law firms with nonlawyer ownership that are located in a jurisdiction that allows nonlawyer ownership of law firms has been deferred and will be on either the September or December Board of Governors agenda.

#### **16. Budget Committee**

Chair Paul SanGiovanni presented five rollover budget amendments from the previous year to the 2016-17 budget: \$6,996 for a Justice Teaching grant; \$219,000 for IT consultants; \$685,000 for building projects; \$6,205 for the UPL Institute; and \$125,000 for salaries to comply with new federal overtime rules. The board unanimously approved the amendments. SanGiovanni also discussed the Bar's reserves, noting despite current budget deficits, the Bar's operating reserve is at the high end called for in Standing Board Policies. He said that the reserves might be at the low end in another four or five years, which gives the committee and the board ample time to consider alternatives and review Bar spending and programs.

#### **17. Investment Committee Report**

Chair Ian Comisky presented recommendations from the committee's complete review of Bar investments which reduce investment in fixed income instruments and in the liquid alternatives category and increases investment in various equity classes. The board unanimously approved the changes. The board also approved changes in investment funds recommended by the committee.

#### **18. Audit Committee Report**

Chair Edward Myrtetus reported the committee is finishing the transition to the Bar's new auditing firm and is overseeing the implementation of new accounting software at the Bar. The committee also is looking at how new Fair Labor Act rules pertaining to overtime will affect the Bar.

#### **19. Legislation Committee Report**

Chair Gary Lesser presented three motions from the committee. The first, in accordance with Bar policies, retired all Bar, committee, and section legislative positions from the 2014-16 biennium. The second motion was to reactivate positions as requested by the Administrative Law, Appellate Practice, Business Law, Criminal Law, Elder Law, Entertainment, Arts and Sport Law, Family Law, Government Lawyer, Health Law, International Law, Public Interest Law, Tax, Real Property, Probate and Trust Law, and Workers Compensation sections and the Out of State Division. The third motion was to keep deactivated all Bar positions funded by compulsory fees until they are reviewed and brought to the board by the Legislation Committee. All three motions passed by voice vote. Chief Legislative Consultant Jim Daughton said state legislators are preoccupied with this year's election campaigns, which could result in 50 to 60 new members of the Legislature. Those new lawmakers will require education about the judicial branch. He predicted justice-related issues that will occupy the Legislature in the coming year include a renewed effort to impose term limits on judges and continuing work to get adequate funding for the courts. Legislators also may look at the Supreme Court's procedural rulemaking authority.

## **20. Family Law Committee Report**

Vice Chair Bob Merlin presented for information the committee's three-year-cycle rule amendments. He also presented an out-of-cycle rule amendment related to collaborative law procedural rules endorsed by the board at its May meeting. He said one change was needed to those rules to include disqualification procedures, which had been moved from proposed conduct rules to the procedural rules. The board recommended that additional change by a 37-0 vote.

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

Vice Chair Judson Cohen presented for information the committee's three-year cycle rule amendments.

## **22. Joint Rules of Judicial Administration, Appellate Procedure Rules, and Civil Procedure Rules Committees Report**

Appellate Procedure Rules Chair Kristin Norse and RJAC Vice Chair Cohen presented the amendments. The Civil Procedure Rules amendments corrected references to time standards in the Rules of Judicial Administration. The amendments to Rules of Judicial Administration 2.514 and 2.516 removed language which provided that service by email would be treated as service by U.S. mail for time computation purposes. The amendment to Appellate Rule 9.420 exempted appellate service from the RJA amendments and provides that service by email will continue to be treated as delivery by U.S. mail. The board voted 41-1 to recommend the civil rules amendments and by voice vote tabled the RJA and Appellate Rules amendments to get more input. Board members expressed reservations that the time standards would not be uniform throughout the rules and that losing the extra five-days for email service could encourage "gamesmanship" among practitioners.

## **23. Florida Probate Rules Committee Report**

Committee Co-Chair Jon Scuderi presented six out-of-cycle amendments to conform the rules to recent legislative changes. The board voted 39-0 to recommend those amendments.

## **24. Rules Committee Report**

Chair Margaret Mathews presented for final approval seven amendments to allow individuals authorized to practice in other countries to work as house counsel under Bar rules in Florida. The board unanimously approved the rules:

- Rule 17-1.2 Definitions: Adds authority to allow individuals authorized to practice law in a foreign county to be certified by the Supreme Court of Florida to act as Authorized House Counsel when working for a business organization located in Florida.
- Rule 17-1.3 Activities: Deletes example of language that may be used in disclosure of status as an Authorized Counsel.
- Rule 17-1.4 Registration: Amends application requirements to allow certification of lawyers authorized to practice law in a foreign country.
- Rule 17-1.5 Termination or Withdrawal of Registration: Adds action taken by a foreign jurisdiction regarding an authorized house counsel's authorization to practice law as a basis for termination of the authorized house counsel certification.
- Rule 17-1.5 Termination or Withdrawal of Registration (recertification): Adds new subdivision (e), to allow for the recertification of authorized house counsels whose status was terminated for failure to pay annual fees or complete continuing legal education or basic skills

course requirements in the same manner as delinquent members of The Florida Bar are reinstated.

- Rule 17-1.6 Discipline: Amendments change "registration" to "certification" and conforms rule to Supreme Court of Florida style guide.
- Rule 17-1.7 Immunity from Prosecution: Deletes the rule in its entirety.

Mathews presented for final approval nine rule amendments recommended by the Standing Committee on the unlicensed Practice of law from a referral by the Supreme Court's Commission on Access to Civil Legal Justice dealing with the emeritus attorney rules. The board unanimously approved the rule changes:

- Rule 1-3.2 Membership Classifications (Emeritus): Within subdivisions (c)(4) and (c)(8), provides an exception for inactive members who are certified as emeritus lawyers under chapter 12 of the Rules Regulating The Florida Bar.
- Rule 1-7.5 Retired, Resigned, Inactive, Delinquent Members (Emeritus): Adds an exception for inactive or retired lawyers who are certified as emeritus lawyers under chapter 12 of the Rules Regulating The Florida Bar.
- Rule 12-1.1 Purpose: The changes conform the rule to the Supreme Court of Florida style guide and make this terminology consistent throughout chapter 12 and the Rules Regulating The Florida Bar.
- Rule 12-1.2 Definitions: Within subdivision (a), adds inactive lawyers, retired judges, and current or former full-time law professors to the pool of potential emeritus lawyers; requires that emeritus lawyers not be currently engaged in the practice of law, except for authorized house counsel certified by the Supreme Court of Florida under chapter 17; adds the following definitions: "inactive" in subdivision (d), and "active practice of law" in subdivision (e); rule is re-organized.
- Rule 12-1.3 Activities: In subdivision (a)(2), provides that emeritus lawyers may sign and file pleadings and removes the requirement that the supervising lawyer sign all documents filed with the court, but requires that the supervising lawyer's name and Bar number be included on any pleading or paper filed or served by an emeritus lawyer. In subdivision (a)(3), increases the scope of activities that can be performed by emeritus lawyers to include participating in legal clinics sponsored by the lawyer's legal aid organization and giving advice and assistance to, and drafting legal documents for, persons whose legal issues are not in litigation; adds commentary describing emeritus lawyers' appointment, activities, and limitations.
- Rule 12-1.4 Supervision and Limitations: Within subdivision (c), provides that emeritus lawyers may not receive compensation for the legal services they provide under the rule; which is moved from rule 12-1.2.
- Rule 12-1.5 Certification: In subdivision (b), removes the requirement that the certificate of discipline history from the jurisdiction where the emeritus lawyer is licensed to practice law certify that the emeritus lawyer has fulfilled the requirements of active bar membership.
- Rule 12-1.6 Withdrawal Of Certification, (inactive, retired judges, law professors added to emeritus): Amendments re-organize the rule, change "attorney" to lawyer, make terminology consistent with other changes in this chapter, and conforms the rule to the Supreme Court of Florida style guide.
- Rule 12-1.7 Discipline: Amendments change "attorney" to lawyer, make terminology throughout the chapter consistent, and conform to the Supreme Court of Florida style guide.

Mathews presented on first reading amendments to Chapter 16 on foreign legal consultants:

- Rule 16-1.2 Definitions: Amends eligibility requirements to become a foreign legal consultant.
- Rule 16-1.3 Activities: Clarifies foreign legal consultant title and information about jurisdictional limitations required to be used by foreign legal consultants; removes certain disclosure requirements not relating to status.
- Rule 16-1.4 Certification: Reorganizes rule and changes required documentation attached to the foreign legal consultant application. Sworn statement deleted from this rule and moved to new rule 16-1.7.
- Rule 16-1.5 Withdrawal Or Termination Of Certification: Changes conform rule to Supreme Court of Florida style guide.
- Rule 16-1.6 Discipline: Within subdivision (c), removes unnecessary language regarding Florida Bar notification to other jurisdictions.
- Rule 16-1.7 Annual Sworn Statement: Creates new rule 16-1.7, moving requirement of an annual sworn statement of continued eligibility from current rule 16-1.4(b).

Mathews presented on first reading the creation of Chapter 21 in Bar rules, which would regulate and allow the lawyer spouses of military personnel to practice in Florida. It would require those military spouses to be admitted in at least one other U.S. jurisdiction that requires passing a written bar exam, have a clean disciplinary history, pay for and pass a Florida Board of Bar Examiners character and fitness review, not have failed the bar exam or the FBBE character and fitness review within the past five years, pay regular Bar dues, and comply with Bar CLE requirements including the Basic Skills Court requirement in subchapter 6-12. Lawyers who have not actively practiced within the past three years would be required to have a mentor who is a member of the Bar. Certification would end if the lawyer takes and fails the bar exam or the FBBE character and fitness review, fails to pay annual membership fees, fails to meet the CLE requirements, is suspended or disbarred in another jurisdiction, or moves out of Florida. Eighteen other states have such a rule and 13 more are considering it.

Mathews presented on first reading Rule 4-1.19 Collaborative Law Process in Family Law: Proposed amendments to chapter 4 address the collaborative law process act passed by the Legislature in 2016, require the lawyer to obtain the client's informed consent after disclosure of specific information before representing a client in the collaborative law process, prohibit the lawyer from representing a client in the collaborative law process unless all participating lawyers and clients sign an agreement setting forth specific requirements, and require the lawyer to assess domestic violence issues initially and continually, and prohibit the lawyer from representing a client in a collaborative law matter where domestic violence issues are present under specified circumstances. After discussion, the board voted to waive second reading and unanimously approved the rule amendment.

## **25. Appellate Practice Rules Committee Report**

Chair Kristin Norse presented for information the committee's three-year-cycle rule amendments, which she said overhauled and updated the rules. She also presented out-of-cycle rule amendments, which she said were in response to a Supreme Court directive on correcting electronic records after transmission to an appellate court. The amendments affect Florida Rules

of Appellate Procedure 9.020, 9.141, 9.160, 9.180, and 9.200. The board recommended the amendments 41-0.

### **26. Criminal Procedure Rules Committee Report**

Chair Scott Fingerhut presented four fast track rule changes, which include one new rule and three amendments, all in response to recent legislation. The amendments to Rule 3.220 are in response to Chapter 2016-199, Laws of Florida. New Rule 3.181 and the amendments to Rules 3.202 and 3.780 are in response to Chapter 2016-13, Laws of Florida. The board recommended approval of the rules 41-0.

### **27. Disciplinary Procedure Committee Report**

Chair Dennis Kainen presented one item on second reading, Rule 5-1.1 Trust Accounts (credit unions): Within subdivisions (a)(1), (a)(2), (g)(1) and (g)(5), amendments add federally insured credit unions to the list of approved institutions for lawyer trust accounts. Kainen noted 41 other states have a similar rule and the 42<sup>nd</sup>, North Carolina, is awaiting approval. With board member Margaret Mathews recused, the board unanimously approved the amendment.

### **28. Constitution Revision Commission Committee Report**

Chair Sandy Diamond said the committee is working to hone the Bar's message and preparing and circulating educational materials. She said the committee will prepare a presentation that board members can take to civic and other groups in their communities. As the time approaches for CRC members to be named and the commission to begin operations, the committee will be expanding the Bar's communications strategy. Much of the committee's work will be dependent on when the governor begins to prepare for the CRC, including selecting an executive director, and when the governor, the speaker of the House, the Senate president, and the Supreme Court chief justice make their appointments to the commission.

### **29. Technology Committee Report**

Chair John Stewart said the committee is working to assemble information to advise Bar members when they seek work with "qualifying providers" under proposed amendments to Bar Rule 4-7.22 so they will know what is ethical and permissible. The committee is also working on an "incubator" with a curriculum and suite of technology products to help small law firms improve their practices and help new lawyers and government lawyers transitioning into the private sector to set up their practices. One goal will be to reach clients who don't qualify for legal aid but traditionally have had a difficult time affording legal services.

### **30. Special Appointments**

The board appointed Mark Miller of Palm Beach Gardens to fill an unexpired three-year term on the Florida Rural Legal Services, Inc., Board of Directors. The board appointed M. Kristen Allman of Tampa, Joseph A. Caimano, Jr., of Tampa, Patrick T. Hogan of Sarasota, Anthony C. Musto of Miami Gardens, and Michael R. Tein of Coconut Grove to two-year terms on the Florida Legal Services, Inc., Board of Directors.

### **31. Special Committee on Trust Accounting Report**

Parliamentarian Andy Sasso reported that President Schifino had appointed him to chair a special committee to look at the feasibility of developing automatic trust accounting software for law firms. Sasso said the concept is the program would require pertinent information every time an attorney made a deposit or withdrawal from a trust account and then it would provide reconciliation and any other required forms or information to keep lawyers in compliance with Bar trust accounting rules. He said many Bar grievance cases result from technical violations of those rules without any bad intent on the part of lawyers and such cases frequently result in a suspension, which can be devastating to a lawyer's practice. He said the committee is working with a private company on the project. Other members of the committee are board members Renée Thompson and Brian Burgoon and Young Lawyers Division President-elect Zack Zuroweste.

### **32. Program Evaluation Committee Report**

Chair-elect Renée Thompson presented one item on first reading, BLSE Policy 2.04(i) Emeritus Application Fee Removal: Removes Policy 2.04(i) Emeritus Application Fee because the Emeritus Specialist Status has been repealed. Thompson also said the committee voted to add reviews of the Judicial Administration and Evaluation Committee, the Bar's Member Benefits Program, the Citizens Advisory Committee to its existing review schedule.

### **33. Communications Committee Report**

Chair Jay Cohen said the committee reviewed its description and related Standing Board Policies and discussed the importance of the committee directing Bar communications objectives. The committee heard a report on the Citizens Advisory Committee and its review of judicial term limits, amendments to Rule 4-7.22, expanding the emeritus rule to promote more pro bono service, and getting consumer information out to the public, including by using local bars. The CAC had advice on how the Bar can get its message out on those issues. The committee received a report from Bar staff on Bar social media activities and improving the Bar's website and a subcommittee was appointed to work with staff and Schwartz Media Strategies on the website improvements. The committee had a presentation from TheLaw.TV on doing online video stories on Bar *News* articles and a subcommittee was appointed to pursue that project. Schwartz Media suggested a PR campaign for the coming year using digital and social media and incorporating the five tenets of the Bar's Strategic Plan. Cohen said the entire committee is reviewing that proposal. He also said subcommittees were appointed to publicize projects of the YLD and to increase communications and collaboration with Bar sections and local bars. The committee received reports on the recent Voluntary Bar Leaders Conference and the upcoming Reporters Workshop.

### **34. Vision 2016 Report**

Vision Administrator Jay Cohen said a list is being compiled for board members of all recommendations from the Vision 2016 commission. He said board members were already familiar with those recommendations but that they need to be compiled. President Schifino said he expects the board will address all of the recommendation in the coming Bar year, although some may be pushed into the 2017-18 Bar year.

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

President-elect Higer announced that President Schifino had appointed him to lead a committee composed of board and non-board members to look at gender equality and gender diversity issues in the profession with the goal of making recommendations by the board's September 30 meeting

### **36. President's Report**

President Schifino announced he had set up a task force to be composed of members of the Rules of Judicial Administration Committee and the Bar's Diversity and Inclusion Committee to look at the issue of allowing court continuances to be granted for parental leave. The RJAC has twice rejected a proposed rule to allow such continuances absent exception circumstances with committee members saying it is a policy issue more than a rule issue. The Diversity and Inclusion Committee has passed a resolution supporting continuances for parental leave. Schifino said he also sent to board members a white paper from an ABA commission examining the future of the profession. The white paper looked at alternative structures for law firms, including allowing nonlawyers to own an interest in law firms. The report had been on the House of Delegates agenda for the ABA's August meeting but was pulled off. If it goes back to the House, Schifino said he would ask the board to take a position and he said he intends to keep the board informed of future recommendations from the commission.

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

There being no further business before the board, President Schifino adjourned the meeting at 2:40 p.m. The next board meeting is September 30 at the Hermitage Hotel in Nashville, TN.

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