

The Florida Bar
January 26, 2007
The Florida Bar
Tallahassee, Florida

Pursuant to notice, the regular meeting of the Board of Governors of The Florida Bar was called to order at 9:00 A.M. on Friday, January 26, 2007 in Tallahassee, Florida, with President Henry M. Coxe presiding.

1. Roll Call

Henry M. Coxe, III, President
Francisco R. Angones, President-elect
Lawrence E. Sellers, Jr., Second Judicial Circuit
Dominic M. Caparello, Second Judicial Circuit
Gregory S. Parker, Third Judicial Circuit
S. Grier Wells, Fourth Judicial Circuit
John J. Schickel, Fourth Judicial Circuit
Denise A. Lyn, Fifth Judicial Circuit
Andrew B. Sasso, Sixth Judicial Circuit
Charles Chobee Ebbets, Seventh Judicial Circuit
Carl B. Schwait, Eighth Judicial Circuit
Mayanne Downs, Ninth Judicial Circuit
Daniel L. DeCubellis, Ninth Judicial Circuit
Warren W. Lindsey, Ninth Judicial Circuit
Robert M. Brush, Tenth Judicial Circuit
Ramon Abadin, Eleventh Judicial Circuit
David Rothman, Eleventh Judicial Circuit
Jennifer Coberly, Eleventh Judicial Circuit
Dennis Kainen, Eleventh Judicial Circuit
Sharon L. Langer, Eleventh Judicial Circuit
Benedict P. Kuehne, Eleventh Judicial Circuit
Steven Chaykin, Eleventh Judicial Circuit
Kimberly A. Bald, Twelfth Judicial Circuit
Timon V. Sullivan, Thirteenth Judicial Circuit
William Kalish, Thirteenth Judicial Circuit
Gwynne Alice Young, Thirteenth Judicial Circuit
Clifford W. Sanborn, Fourteenth Judicial Circuit
John G. White, III, Fifteenth Judicial Circuit
Gregory Coleman, Fifteenth Judicial Circuit
Lisa S. Small, Fifteenth Judicial Circuit
Edwin Scales, Sixteenth Judicial Circuit
Allison Bethel, Seventeenth Judicial Circuit
Nancy W. Gregoire, Seventeenth Judicial Circuit
Eugene K. Pettis, Seventeenth Judicial Circuit
Jesse H. Diner, Seventeenth Judicial Circuit
Harold G. Melville, Nineteenth Judicial Circuit
Laird A. Lile, Twentieth Judicial Circuit
A. Lawrence (Larry) Ringers, Twentieth Judicial Circuit
Richard Arthur Tanner, Out-of-State
Ian M. Comisky, Out-of-State
Gary J. Leppla, Out-of-State
Brian D. Burgoon, Out-of-State

John M. Stewart, YLD President
Solomon L. Badger, III, Public Member
J. Blair Culpepper, Public Member

Board members absent:

Murray B. Silverstein, Sixth Judicial Circuit
Ervin A. Gonzalez, Eleventh Judicial Circuit
Scott G. Hawkins, Fifteenth Judicial Circuit
Frank C. Walker, II, Seventeenth Judicial Circuit
Clifton A. McClelland, Jr., Eighteenth Judicial Circuit
Scott Atwood, YLD President-elect

Staff attending the meeting:

John F. Harkness, Jr., Executive Director
Tina Ruffin, Assistant to the President
Paul Hill, General Counsel
Dana Watson, Secretary to the Board of Governors
Elizabeth Tarbert, Director of Ethics and Advertising
Gary Blankenship, Senior Editor, Florida Bar News
Allen Martin, Director Finance and Accounting
John Berry, Director of Legal Division
Tony Boggs, Director of Client Security Fund
Mary Ellen Bateman, Director, Ethics, Advertising and Professionalism Division
Lori Holcomb, Director of Unlicensed Practice of Law
Francine Walker, Director of Public Information
Mike Garcia, Director of Research Planning and Evaluation
Jodi Jennings, Senior Attorney ACAP
Dubravko Kakarigi, Information Systems

2. Guests

Barry Richard, Bar Counsel, Greenberg Traurig
Jane Curran, Executive Director of The Florida Bar Foundation
Wendy Laquasto, President of Florida Association of Woman Lawyers
Ricardo Martinez-Cid, Cuban American Bar Association
Jim Daughton, Metz, Husband & Daughton, PA
Josh Doyle, Metz, Husband & Daughton PA
Kathy Arrant, Executive Director of the Tallahassee Bar Association
Sharon Caserta, Jacksonville Area Legal Aid, Deaf & Hard of Hearing Legal Advocacy Program
Carolyn Snurkowski, Assistant Deputy Attorney General, Criminal Appeals
Justice Charles Wells, Florida State Supreme Court
Justice Peggy Quince, Florida State Supreme Court
Justice Barbara Pariente, Florida State Supreme Court
Rebecca Frank, Citizens Forum
Barry Crown, Citizens Forum
Arnell Bryant-Willis, Citizens Forum
John Biesinger, Citizens Forum
Alvin V. Alsobrook, Citizens Forum

3. Invocation and Pledge of Allegiance

The Invocation and Pledge of Allegiance were led by Dominic Caparello.

4. Non-roll call Grievance Agenda Items

Co-chair David Rothman reported that the only non-roll call grievance agenda items were numbers 11 and 12.

5. Approval of Minutes- Approved

- a. Regular Minutes, December 8, 2006 meeting
- b. Grievance Minutes, December 8, 2006 meeting
- c. Summary of Executive Action taken
 - 1) December 15, 2006 – RJA/UPL/Leg Obj/Pension Plan

6. Consent Calendar - Approved

- a. UPL Circuit committee nominations
January 2007
Nancy E. Peci, Attorney member, Fifth Judicial Circuit
- b. Board Review Committee on Professional Ethics
 - 1) Advertising Appeal 06-02527 - **deferred until March**
- c. Rules, Bylaws & Policies
 - 1) Rule 4-7.2 Communications Concerning a Lawyer's Services (use of flag)
Within subdivision (b), clarifies that the content of an advertisement or communication must be permitted by law.
 - 2) Equal Opportunities Law Section Bylaws
Within Article IV, Section 4.3.1 (Executive Council – Composition), adds a provision allowing committee vice-chairs a seat on the executive council; also within Article IV, adds new Section 4.4 to provide an attendance requirement for members of executive council; within Article V (Committees), adds new Section 5.19 to establish the Attorneys with Disabilities Committee; otherwise throughout, language is added or revised to better describe the groups this section represents, as "minorities, women, persons with disabilities, and gays, lesbians, bisexuals, and transgenders"; housekeeping edits also delete transitional language pertaining to the start-up of the section that are no longer relevant.
- d. Legislation Committee review
 - 1) New section legislative position requests for the 2006-2008 biennium
 - a) Real Property, Probate and Trust Law Section
 - i) Supports legislation to maintain the integrity of the recording system in the State of Florida.
 - ii) Supports limitation of creditor remedies against partner interest in general and limited liability partnerships and member interests in limited liability companies to charging liens and to prohibit foreclosure against such interests.
 - iii) Supports legislation to provide that the charge by a condominium association or homeowners' association for an estoppel certificate is an obligation of the owner of the unit for whose benefit the estoppel certificate is requested and not the obligation of the closing agent; and to provide for enforcement of any assessment for the charge made for such an estoppel certificate.

7. Budget Committee Report

Chair Jesse Diner reported that the committee approved and recommends the approval of four budget amendments. The board concurred with the committee recommendation and unanimously approved the following amendments. Board members Jennifer Coberly and Steve Chakin recused themselves from the vote.

- CLE Courses – Equipment Rental, Refreshments, Outline Print – In-house \$164,000 – Operating Reserves
- Client Security Fund – Outside Counsel & Express Mail \$65,219 – CSF Reserve
- Lawyer Regulation – Increase Internet Bandwidth \$25,000 – Equipment Reserve
- Supreme Court/TFB Joint Committee on Judicial Evaluations -Speaker Travel Reserve \$1,500-New Program

8. Board of Legal Specialization and Education

Board liaison Ben Kuehne reported that the message that the board has relayed about ethics and professionalism has been trickling down. He said that all certification areas except four, without any requirement, includes in their certification examination, an ethics and professionalism component. Kuehne reported that the BLSE passed a motion requiring ethics and professionalism to be a component of certification process. There were no board votes taken.

9. Investment Committee Report

Chair Ian Comisky reported that for the quarter the Bar portfolio experienced a 5% increase, compared to the policy index increase also 5%. The composite portfolio increased by 11% during 2006 (the policy index was 12.5%) with an ending balance of \$29,336,000. Comisky reminded the board that it had conceptually approved moving up to 20% of the portfolio into alternative investments. The committee is recommending shifting 2% into emerging markets, 2% into real assets, 3% into real estate investment trusts (REITs) and 3% into treasury inflation protected securities. These allocations are plus or minus 30% with minimum of 2%. The board unanimously approved the motion. The committee will request the Executive Committee's approval of the exact wording of a new investment policy and the hiring of the four new managers for the new asset classes.

10. Audit Committee Report

Chair Bill Kalish reminded the board that during previous audits, the Bar had not received a management letter. He told the board that due to Sarbanes Oxley issues and changes at the SEC, the Bar can expect to receive a management letter full of suggestions after its next audit. No board votes were taken.

11. Program Evaluation Committee Report

Chair Gwynne Young reported on the following items:

- a. **BLSE Amendments - 200 Series**
Young reported that the PEC advised the BLSE that before making changes in a certification area they needed to refer it to the relevant practice area before taking any action. The rule amendments are proposed to the 200 Series of BLSE's policies to: add state and federal government and administrative practice and intellectual property to the approved areas of certification in 2.02(b); in 2.02(c), a new policy is proposed to ensure bar sections, divisions, and related substantive committees are afforded the opportunity to offer comment on proposed amendments to certification standards before referral to BLSE, PEC, and the BOG; in policy 2.05(e), state and federal government and administrative practice and intellectual property law have been assigned to the second application filing cycle; language added in 2.08 codifies practice of excluding members of the Supreme Court from the solicitation of peer review for certification applicants; language in 2.10(b) codifies practice of awarding CLE credit for grade review panel service; additional language in 2.11(c) ensures BLSE input as to the certification examination location(s) and date(s); and, in 2.13(e), the language has been modified to allow the certification committees discretion in determining if supplemental documentation submitted by an applicant warrants or makes appropriate further investigation of the applicant's qualifications for certification.
There was no board vote taken.
- b. **Quality of Life and Career Committee (QLCC) Evaluation**
Young told the board that the PEC recommendation is to terminate the Quality of Life and Career Committee as of the start of the 2007-08 Bar year. The board concurred and the QLCC will be terminated.
- c. **Practice Management & Development Section (PMDS) Evaluation**
Young reported that the PEC recommendation was to terminate the Practice Management & Development Section (PMDS). Young told the board that leadership in

- the General Practice and Solo Practitioner Section had indicated that it would be interested in merging the section with the PMDS. The PEC motion was to terminate the PMDS effective July 1, 2007, and to conceptually approve the merger between the PMDS and the General Practice Solo and Small Firm Section.
- d. Update on Member Outreach Committee/Equal Opportunities Law Section - Mission Revisions
Young reported that the Member Outreach Committee had come to the PEC for a name change. The PEC realized that it actually was seeking a mission change. After meeting with PEC, the Member Outreach Committee determined that it would withdraw its name change request and that there will be a joint committee of the Equal Opportunities Law Section and the committee to examine their mission statements and how they can work together to promote diversity.
- e. Code and Rules of Evidence Committee Proposal for a Joint Task Committee to Study Separation of Powers Doctrine
Next Young reported that PEC reviewed a proposal from Code and Rules of Evidence committee suggesting the establishment of a joint legislature/judicial committee to recommend for enactment all future changes to Chapter 90, the evidence code. There was a question as to how effective they are in lobbying for changes in the evidence code. The committee feels that it cannot move its agenda forward and the committee stated it has not received the support they need on lobbying issues. Young reported that PEC approved establishing a committee to investigate and evaluate this issue, composed of members of both the PEC and Legislation Committee. PEC feels that there may be ways to deal with this through more effective lobbying as opposed to creating the legislature/judicial committee. The board concurred with the PEC recommendation to establish a special committee to investigate and evaluate the issue.
- f. Proposal for an Attorney-Physician Relations Committee
Young next reported on the joint committee on physical attorney relations. She said that the issue came back to PEC now has an outline of how that committee would be composed. PEC recommends that the board approve this committee as set forth in the materials. Committee member Grief Wells reported that he was continuing the coordination with the Florida Medical Association to set up meetings. The new committee will require a budget amendment of roughly \$10,000 to be considered by the budget committee at a later date. The board concurred and approved the joint Florida Bar/Florida Medical Association Committee on Physician-Attorney Relations.
- g. Judicial Independence Committee Request for Revised Mission/Objectives
Young told the board that the PEC received a request from the committee on judicial independence for a revised mission statement. She reported that at the JIC's last meeting the committee realized its mission was very focused on things like Judicial Nominating Commissions. Young told the board that JIC's new mission is to educate the people of Florida on the importance of an fair, impartial and independent judicial, research issues, and work with local bars to respond to factors that infringe on that or attack a fair, impartial or independent judiciary.

12. Criminal Law Section Report

Carolyn Snurkowski, Assistant Deputy Attorney General, treasurer of the Criminal Law Section Executive Council spoke to the board about funding for legal services for the indigent, and an early release of state funds in the current budget year allocated for those purposes because of a serious shortfall. The board agreed to a request from the Criminal Law Section Executive Council that the Bar directed its legislative lobbyists to support improved funding for legal services for the indigent, and an early release of state funds in the current budget year allocated for those purposes because of a serious shortfall. The services affected include paying for court interpreters, court reports, conflict public defenders and similar services. Without an early release of funds, the state was expected to run out of money for those services early in February and even with an early release to expend the entire budget by mid-March. The activity falls within the

Bar's legislative position of supporting full funding for the courts, the court system, and related agencies.

13. Legislation Committee Report

Chair Warren Lindsey reported that the legislation committee met and received a report from Steve Metz, the Bar Chief Legislative Counsel. Lindsey told the board that Metz reported that he has not seen the spirit of bipartisanship and transparency in the legislature reached in the last month under Gov. Crist in a very long time. Lindsey reported that he, President Coxe and Metz were preparing the Legislative Contact assignments and that the board members should expect to receive contact information on their assigned legislator in the near future.

Next Lindsey told the board that the committee recommendation is to approve one Florida Bar position re: the Supreme Court Judicial Certification and four legislative position requests from the Appellate Practice Law Section.

The board concurred with the committee recommendations and approved the motions on voice votes.

- a. New Florida Bar legislative position requests for the 2006-2008 biennium
 - 1) Supports legislation consistent with the Supreme Court of Florida's December 14, 2006 certification of need for new judges.
- b. New section legislative position requests for the 2006-2008 biennium
 - 1) Appellate Practice Section
 - i. Opposes amendment of Article V, Section 2(a) of the Florida Constitution that would alter the Supreme Court's authority to adopt rules for practice and procedure in all courts, or that would change the manner by which such rules may be repealed by the legislature.
 - ii. Supports maintaining an independent judiciary.
 - iii. Supports pay raises for appellate judges and support personnel consistent with the Supreme Court of Florida's 2007 Budget request.
 - iv. Supports legislation consistent with the recommendations of the DCA Workload and Assessment Committee and the recommendations of the Supreme Court in the Certification Opinion as to additional judges, but opposed the creation of a new DCA or the changing of the boundaries of the current courts.

14. Jacksonville Area Legal Aid, Deaf & Hard of Hearing Legal Advocacy Program

The board received a presentation on the communications barriers facing people who are deaf and hard of hearing while using the judicial system and where to find the resources needed to help these clients.

15. Reports from Florida Supreme Court Justices Quince and Pariente

The board heard Florida Supreme Court Justice Peggy Quince, appearing on behalf of Chief Justice Fred Lewis, ask the Bar to continue supporting a pay equity plan for nonjudicial court employees and to support Lewis' reconstitution of the Judicial Management Council, which assists the court on a variety of upcoming issues including long-range planning.

Next the board heard Florida Supreme Court Justice Barbara Pariente report that the number of lawyers performing pro bono work for the poor is declining, as are the hours and monetary contributions made by lawyers to legal aid programs. She and board members discussed several ways to reverse that trend.

16. Young Lawyers Division Report

President John Stewart told the board that the YLD had a government symposium at the Bar Midyear meeting. There was a live web cast available to watch over the internet, there were 100 registrations. Stewart said that the YLD has affiliate outreach meeting next week. Stewart said that this year the YLD is particularly pleased because for the first time have representatives from the Cuban Bar, the Gwen Cherry Bar and one other minority bar sending affiliations. Also the YLD is pursuing the legislative position on student loan forgiveness. Stewart closed by telling the board that his predecessor Jamie Moses has applied for the 9th JNC, she's a finalist to the governor.

17. Disciplinary Procedures Committee Report

Chair Andy Sasso reported that the DPC recommended that the board approve the following item on second reading:

1) Rule 3-7.17 Designation of Vexatious Litigant and Limitation of Filings

New rule, proposing a procedure for the bar to petition for -- or the court on its own motion to issue -- an order prohibiting vexatious conduct and/or limiting other activities of those engaged in such behavior.

The board concurred and approved the rule amendment on a voice vote.

Sasso went on to describe the following rule amendments:

1) Rule 3-7.4 Grievance Committee Procedures - Preparation, Forwarding, and Review of Grievance Committee Complaints

Within subdivision (l), adds provision authorizing the return of a matter to the grievance committee for further action if, before filing of any charges, bar counsel, staff counsel and the designated reviewer agree there are appropriate reasons for not filing a formal complaint.

On first reading, no board vote taken.

2) Rule 4-5.5 Unlicensed Practice of Law; Multijurisdictional Practice of Law

Clarifies portions of the rule which have caused confusion; specifically, makes clear that non-Florida lawyer cannot appear in court in Florida or before an administrative agency in Florida without following applicable rules, deletes "or a person the lawyer is assisting" as confusing and contrary to intent or rule, adds comment language to make clear that if a court or other rule requires permission to appear before making an appearance the non-Florida lawyer must seek such permission. Additional housekeeping changes delete redundant language and change rule number reference in comment.

On first reading, no board vote taken.

3) Standing Board Policy 3.10 Client Security Fund Funding

Within subdivision (c) clarifies that for the purpose of counting members to determine funding for the CSF, the count will include members eligible to practice and members who have paid the annual membership fees for inactive members.

On first reading, no board vote taken.

c. Report on Rule 4-1.5 Fees and Costs for Legal Services

Within subdivision (f)(4)(B)(ii) and commentary, and consistent with recent constitutional amendment and court opinion – eliminates the mandatory judicial review of contingency fee contracts in which the percentages exceed the presumed proper maximum; requires the increased fee to be by contract; requires notice and/or disclosure under oath; enhances the consultation between the lawyer and the potential client; and requires specific acknowledgement by the potential client of the effect of the increased fee.

Placed on hold pending Amendment 3 related rule changes sought by petition of 50 members, filed by Stephen Grimes. The DPC recommended no further amendments and the board agreed by a voice vote.

d. Rule 4-8.4 Misconduct

The amendment clarifies that any sexual conduct that exploits the attorney/client relationship is prohibited and creates a rebuttable presumption that sexual conduct that is committed after the attorney/client relationship began exploits the attorney/client relationship.

On first reading, no board vote taken.

2) Overdraft Protection on Trust Accounts

Sasso told the board that the DPC will be bringing an amendment to rule 5-1.1 to the board clarifying that it is not proper to implement overdraft protection on any account the contains trust funds.

18. Special Committee on Lawyer Regulation Report

On the recommendation of the Disciplinary Procedure Committee the board approved the committee motion on a voice vote that all future public reprimands be administered in front of the Board of Governors, unless waived by a two-thirds vote of the board.

- a. Proposed amendments on first reading
 - 1) Rule 3-5.1(c) Types of Discipline; Probation (increasing maximum term to five years)
Within subdivision (c), increases the maximum stated period of time for which probation may be imposed from 3 years to 5 years.
 - 2) Rule 3-7.6(a) Proceedings Before a Referee; Minimum Qualifications
Within subdivision (a), adds language requiring that a judge have 5 years experience as a judge in the state of Florida prior to appointment as a referee.
 - 3) Standing Board Policy 15.42 Guidelines for Grievance Committee Hearings
New policy creates consistent standards for grievance committee hearings.
 - 4) Standing Board Policy 15.56 Case Processing Goals
New policy that formalizes current case processing goals that do not create or defeat substantive rights and provide guidance to bar counsel.
 - 5) Standing Board Policy 15.77 Access to Designated Reviewer
New policy defines the manner in which access to a designated reviewer may be obtained.
 - 6) Standing Board Policy 15.90 Policy on Judicial Referrals and Complaints
New policy provides guidance to bar counsel about the manner in which the bar will communicate with a judicial officer about a matter referred for bar investigation.

19. Web Advertising Committee Report

Special Committee on Website Advertising Rules Chair and Board of Governors member Charles Chobee Ebbets delivered the report of the special committee to the board. After much study, the special committee recommends that the board adopt changes to Rule 4-7.6 which would apply the general lawyer advertising regulations to lawyer and law firm websites, with the exception of the filing requirement. Mr. Ebbets reported that under current regulations, all of the general lawyer advertising regulations already apply to websites with 3 exceptions: 1) the prohibition against statements characterizing the quality of legal services; 2) the prohibition against references to past results; and 3) the filing requirement. Mr. Ebbets reported that the Disciplinary Procedures Committee and Rules Committee have both approved the special committee's recommendation (DPC by a vote of 6-2). He reported that the court has asked for proposed rules changes to be included in the next annual rules filing, expected to occur in Spring 2007. Mr. Ebbets reported that several board members from Eleventh Circuit had drafted an alternative proposal, which was brought to the meeting as a hand carry. The Eleventh Circuit board members' proposal would require that the homepage of a website comply with the general lawyer advertising regulations set forth in Rule 4-7.2; the remainder of the website would be required to comply with the general lawyer advertising regulations set forth in Rule 4-7.2 with the exceptions of the prohibitions against listing past results, testimonials, and statements characterizing the quality of legal services. The Eleventh Circuit board member's proposal also would require specific disclaimers if the website contains information regarding past results or testimonials. A motion was made, seconded and passed 33-5 to adopt the proposal of the Eleventh Circuit board members brought to the meeting as a hand carry, to be published for Florida Bar members' comments with final action at the board's March 2007 meeting. A motion was made, seconded and passed 30-6 to adopt the proposed disclaimer language for past results and testimonials.

20. Citizens Forum Report

Chair Ed Scales reported that the Citizens Forum met and asked him to send a letter to the chair of the Board of Legal Specialization and Education requested that there be a domestic violence

CLE component in family law certification. Scales said that the forum also looked at the e-mail issue of Bar members email addresses being bought and used to send messages with misleading subject lines as if the email was from The Florida Bar, rather than the purchaser. Paul Hill, TFB General Counsel, explained the public records law that applies to Bar membership data and answered questions about the process of providing the email addresses. Forum members commented that purchasers should not be allowed to have their messages appear as coming from the Bar. A discuss took place regarding improving public perception of the legal profession and a suggestion was made that the Bar consider a program whereby non-lawyer members from the forum, grievance, UPL and fee arbitration committees go with board members to speak to local civic organizations about the work of the Bar.

21. Communications Committee Report

Chair Tim Sullivan reported that the Citizens Forum will have four openings for President-elect Angones to appoint and encouraged board members to submit nominations. Sullivan appointed communications committee members Jennifer Coberly, Dennis Kainen, and Blair Culpepper to a screening committee who will rank the nominees for discussion at the March meeting.

Sullivan went on to tell the board that the committee had been referred a recommendation from the Special Committee on Lawyer Regulation regarding educating the membership on the discipline process. One idea is to tape legal division director John Berry presenting a one-hour overview of the process at a Practicing with Professionalism seminar in early February and then make a tape available for members.

Regarding posting disciplinary history on the Web site, Sullivan told the board that the committee made some adjustments to the way the information will be displayed and the committee hopes to have a mock up at the Tampa board meeting. The types of discipline that will be listed on the website are disbarment, suspension, reprimand and admonishment. The committee thinks that a 10-year limit of discipline records on the web is fair. However, it is also important for the public to have access to an attorney's complete public disciplinary history. On the member's biography page there will a line saying 10-year disciplinary history "yes" or "none" -- if yes, the display will list any of the four; if there is a history beyond the 10 years, there will be a phone number and e-mail address to get that information.

Another issue that the committee discussed was a recommendation by the Consumer Protection Law Committee to eliminate the Call-a-Law which now has Web site presence and has experienced a sharp decline in the number of calls over the past few years. Communications agreed with the consumer committee's recommendation and the matter will go to PEC in March for a final recommendation to the board.

Sullivan reported that a subcommittee was formed to study the password procurement process and how to make passwords more readily available. He explained that currently the password required to access secure areas of the Web site is mailed to members upon request, taking up to seven days for delivery. In order to expedite the process, the subcommittee recommended, and the full committee by unanimous vote concurred, that beginning in 2007-08, The Florida Bar require members to provide an email address and the last four digits of their social security number on the annual fee statement for purposes of validating access to secure areas of the Web site. This validation will provide the security needed to then email a password to the member. The board approved the committee motion as stated.

22. President-Elect Report

President-elect Angones asked the board to take a look at the 2007-2010 Strategic Plan for the Florida Bar. He suggested that the board look at the Florida Bar objectives listed in the within the plan. The board approved the 2007-2010 Strategic Plan by a voice vote.

23. Prepaid Legal Services Committee Report

Board liaison John Stewart reported that the Prepaid Legal Services committee recommends the approval of the Firefighters' Legal Service Plan 2006. Stewart explained that this would have been included on the consent calendar but for its late arrival. The board concurred with the committee recommendation and approved the plan on a voice vote.

24. Special Appointments

The board appointed Dominic McKenzie and John Patterson for 3-year terms beginning July 1, 2007 to the Florida Bar Foundation Board of Directors.

25. ABA Resolution on the Representation of Guantanamo Bay Detainees

Board of Governors has voted to cosponsor a resolution at the ABA House of Delegates expressing support for lawyers representing Guantanamo Bay detainees. The New York State Bar Association prepared a resolution for the ABA House of Delegates. The resolution expresses support for lawyers who "provide pro bono legal services to disfavored individuals and groups" in their attempts to get due process and equal access to justice. It also calls for better education of the public about the importance of lawyers representing unpopular groups and causes. The resolution says that the ABA "condemns any attack on the independence of the profession which encourages clients to exert improper influence over their lawyers' choice of other clients, or to penalize lawyers for representing unpopular or controversial clients." It also states that the ABA "urges all branches of the United States government to ensure that any lawyers or other policymakers employed by that branch refrain from any such attack on the independence of the profession. The board also voted to direct the delegates it appoints to the house to support the resolution.

26. Time and Place of Next Meeting

The next Board of Governors Meeting will be March 28-31, 2007 at the Renaissance Hotel, Tampa, FL.

There being no further business to discuss, the board adjourned at 4:20 PM.

Respectfully submitted,

Dana M. Watson

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