

The Florida Bar Board of Governors
February 1, 2008
Florida Bar Headquarters
Tallahassee, Florida

Pursuant to notice, the regular meeting of the Board of Governors of The Florida Bar was called to order at 9 a.m. on Friday, February 1, 2008, in Tallahassee, Florida, with President Francisco R. Angones presiding.

1. Roll Call

Francisco R. Angones, President
John G. White II, 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
Murray B. Silverstein, 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, 10th Judicial Circuit
Ramon Abadin, 11th Judicial Circuit
David Rothman, 11th Judicial Circuit
Ervin A. Gonzalez, 11th Judicial Circuit
Jennifer Coberly, 11th Judicial Circuit
Dennis Kainen, 11th Judicial Circuit
Juliet Roulhac, 11th Judicial Circuit
Benedict P. Kuehne, 11th Judicial Circuit
Steven Chaykin, 11th Judicial Circuit
Norman Vaughan-Birch, 12th Judicial Circuit
Timon V. Sullivan, 13th Judicial Circuit
William Kalish, 13th Judicial Circuit
Gwynne Alice Young, 13th Judicial Circuit
Clifford W. Sanborn, 14th Judicial Circuit
David Prather, 15th Judicial Circuit
Scott G. Hawkins, 15th Judicial Circuit
Edwin Scales, 16th Judicial Circuit
Allison Bethel, 17th Judicial Circuit
Nancy Gregoire, 17th Judicial Circuit
Eugene K. Pettis, 17th Judicial Circuit

Frank C. Walker, 17th Judicial Circuit
Clifton A. McClelland, Jr., 18th Judicial Circuit
John M. Stewart, 19th Judicial Circuit
Laird A. Lile, 20th Judicial Circuit
A. Lawrence (Larry) Ringers, 20th Judicial Circuit
Richard A. Tanner, Out-of-State
Ian M. Comisky, Out-of-State
Eric Meeks, Out-of-State
Brian D. Burgoon, Out-of-State
Jewel White Cole, YLD President-elect
Scott Atwood, YLD President
Arnell Bryant-Willis, Public Member
J. Blair Culpepper, Public Member

Board members absent:

Steve Eschner, First Judicial Circuit
Gregory Coleman, 15th Judicial Circuit
Lisa S. Small, 15th Judicial Circuit
Jesse H. Diner, 17th Judicial Circuit

Staff attending the meeting:

John F. Harkness, Jr., Executive Director
Paul F. Hill, General Counsel
Tony Boggs, Assistant to Division Director – Legal
John Berry, Director of Legal Division
Mary Ellen Bateman, Director, Ethics, Advertising and Special Projects Division
Ken Marvin, Director of Lawyer Regulation
Elizabeth Tarbert, Director of Ethics and Advertising.
Lori Holcomb, Director of Unlicensed Practice of Law
Allen Martin, Director, Finance and Accounting
Rosalyn Scott, Assistant to the President
Francine Walker, Director of Public Information
Mark Killian, Managing Editor, Florida Bar News
Jan Pudlow, Senior Editor, Florida Bar News
Gary Blankenship, Senior Editor, Florida Bar News

2. Guests

Alex Sink, Chief Financial Officer
Ben Diamond, Office of the CFO
Marlene Quintana, President, Cuban American Bar Association
Sherri Johnson, President, Florida Association for Women Lawyers
Melissa Jay Murphy, Chair Real Property, Probate and Trust Law Section
Martha Barrera, Capital City Hispanic Bar President
Chasity O'Steen, Florida Association for Women Lawyers – Tallahassee Chapter President

Nicholas Bykowski, Florida Government Bar President
Maja S. Holman, Tallahassee Barristers Association
Chief Justice R. Fred Lewis
Justice Charles T. Wells
Justice Peggy Quince
Justice Raoul Cantero
Justice Barbara Pariente
Steve Metz, Chief Legislative Consultant
John Marks, Tallahassee Mayor
Jane Curran, Executive Director, Florida Bar Foundation

3. Invocation and Pledge of Allegiance

The invocation was given by board member Arnell Bryant-Willis. The Pledge of Allegiance was led by board member Dominic Caparello.

4. Appearance by Chief Financial Officer Alex Sink

CFO Alex Sink spoke to the board and welcomed them to Tallahassee. She urged the board to take a leadership role in helping Floridians who are facing foreclosure on their homes, reporting that in Jacksonville alone the Sheriff's Office is doing 600 foreclosure evictions a month. Sink also called on the Bar to recognize the efforts and excellence of lawyers in government service, noting long-serving public lawyers bring great expertise to their jobs and that young lawyer can gain valuable experience in a public service job before they go into private practice. She also summarized the many functions performed by her Cabinet department.

5. Non-roll call Grievance Agenda Items

Disciplinary Review Committee Co-Chair David Rothman announced the only non-roll call item was number 6.

6. Non-roll call Advertising Appeal Agenda items

Board Review Committee on Professional Ethics Chair Jennifer Coberly reported that 5b(i) Request For Review Of Advertising Inquiry 26793 was deferred at the request of the filer and 5b(ii) Advertising Appeals 08-00331 and 08-00332 were removed from the consent calendar.

7. Section Reports

Real Property, Probate and Trust Law Section Chair Melissa Murphy addressed the board and reported the section maintains an active schedule of CLE programs on a variety of section-related topics, and also has active legislative and amicus programs. The section has begun a new diversity effort, including offering basic level courses for newer lawyers, and is also working to mentor young lawyers. In addition, she reported the section is working to enhance its professionalism and ethics efforts.

8. Approval of Minutes

The Board approved the minutes from its December 14, 2007, meeting.

9. Consent Agenda – Approved as Amended

- a. UPL circuit committee appointments
Loula D. Giannet, attorney member to Committee 6B
Ellen Wile, public member to Committee 12
- b. Board Review Committee on Professional Ethics
Advertising inquiry 26793 deferred at the request of the attorney
Advertising appeals 08-00331 and 08-00332 removed to the regular agenda
- c. Rules, Bylaws & Policies
 - i) Approved an amendment to Rule 1-4.3 Committees that adds the chair of the Disciplinary Review Committee to the Bar's Executive Committee. Recommended by a 4-0 vote of the Rules Committee.
 - ii) Approved amendment to Standing Board Policy 10.50 Strategic Planning Policy, which adds the Program Evaluation Committee chair and chair-elect and the Council of Sections chair and chair-elect to Board of Governors Strategic Planning Committee. Approved by the Rules Committee on a 4-0 vote.
 - iii) Approved numerous revisions to the bylaws of the Elder Law Section.
- d. Approved appointing Theodore Mack, M. Catherine Lannon, Martin R. Dix, and Carolyn Cummings to the Board of Directors of Legal Services of North Florida, Inc.

10. Public Reprimands

President Angones administered public reprimands, pursuant to orders from the Supreme Court, to eight lawyers.

11. Executive Session

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

12. Budget Committee Report

The board approved the request, recommended by the Budget Committee, for the Bar's Henry C. Latimer Professionalism Center to seek a grant from the Florida Bar Foundation to enhance the center's professionalism operations. Incoming Budget Committee Chair Gwynne Young reported the committee expects to bring to the board at its March meeting a balanced budget for the 2008-09 Fiscal Year.

13. Disciplinary Procedure Committee Report

Chair Andy Sasso reported that item 11(a)(iii), on Rule 4-3.3 Candor Toward the Tribunal, had been deferred. He presented on first reading amendments to Rule 3-7.6(a) Procedures Before a Referee and Rule 3-7.13 Incapacity Not Related to Misconduct. The first codifies that a judge

appointed as a referee in a Bar grievance case must have either previously acted as a referee or certify that he or she has reviewed educational materials on the grievance process provided by the Office of the State Courts Administrator. The second makes several technical changes to the rule, including substituting "incapacity" for "incompetence," which brings Bar rules into conformity with state law.

Chair Sasso reported the committee is continuing to work on several other issues. One is an amendment to Standing Board Policy 15.77 on guidance to a board member acting as a designated reviewer. The committee is working on language that a designated reviewer should use sound judgment in communications with grievance respondents and their counsel, and also should keep the assigned Bar counsel on the case informed of such contacts. Sasso also said the committee is working on another rule to allow for an expedited suspension process in some cases when lawyers fail to respond to a Bar grievance inquiry.

Other matters being worked on by the committee include:

- Rule 3.32, Board of Governors; Authority to File a Formal Complaint; In connection with separate proposed amendments to rule 3-7.2, within subdivision (b) re authority to file complaints based on felony charges, adds that a grievance committee chair's decision to not file a complaint may be reviewed by the full committee, which may affirm or reverse the chair's decision; also adds a decision of the Florida Supreme Court imposing judicial discipline in an action brought by the Judicial Qualifications Commission to the list of events that authorizes the filing of a formal lawyer disciplinary complaint; includes other non-substantive edits, adds appropriate subdivision titles and numbers consistent with controlling editorial protocols, and redesignates other affected entries as necessary.

- New Rule 3-5.4 on Publication of Discipline; proposed new rule, to codify court and bar policy regarding publication of disciplinary sanctions in the Southern Reporter and The Florida Bar News, and on The Florida Bar's website.

- Rule 3-7.1(d) and (e) Confidentiality. Addresses that most, if not all, discipline files become public information. Some data therein may be private by rule or law. Such private data must be kept private, absent specific agreement or authority otherwise, by rule 3-7.1 (d). The court is studying how to protect private data in its files and conversations with the clerk suggest the Bar should do likewise.

- Rule 3-7.2(m) Procedures upon Criminal or Professional Misconduct, Discipline Upon Determination or Judgment of Guilt of Criminal Misconduct-Discipline on Removal from Judicial Office; in connection with separate proposed amendments to rule 3-3.2, adds new subdivision (m), re discipline upon removal from judicial office, to require notice to the bar of any order of the Supreme Court removing a member from judicial office; upon receipt of such order, also authorizes the bar to file a formal complaint with the court and to seek appropriate discipline; further provides that the findings of fact by the court in any proceedings resulting in the removal of a member from judicial office shall be conclusive proof of such facts in bar disciplinary proceedings.

- Rule 4-7.10(c) Lawyer Referral Services; revises the definition of a lawyer referral service to clarify that the referral of clients for any consideration constitutes a referral service.

- Rule 4-8.2 Judicial and Legal Officials; Sasso reported that the DPC declined to propose amendments concerning greater regulation of denigrating comments at this time.

- Rule 4-8.4(g) Misconduct; In connection with companion amendment of rule 3-7.11(f),

within subdivision (g) specifies that failure to respond to an official bar inquiry without good cause shown may be a matter of contempt.

- New Rule 1-3.12 on Provision of Legal Services Following Determination of Major Disaster and 4-5.5 Multijurisdictional Practice of Law; New rule, in connection with separate proposed amendments to rule 4-5.5, which relaxes practice restrictions on attorneys not admitted in a jurisdiction that sustains a major disaster affecting its justice system, after a determination of such by the highest court of that jurisdiction.

14. Audit Committee Report

Chair Bill Kalish reported the committee negotiated an increase of \$6,500 a year with the Bar's auditors to do the additional work required to comply with the federal Sarbanes-Oxley law and outside consultants found that a very reasonable price. Kalish reported with the change the Bar will pay the auditors \$45,000 for each of the next two years.

15. Investment Committee Report

Chair Ian Comisky reported the Bar had a return of 9.02 percent for its long-term portfolio in 2007 and over 6 percent on its short-term portfolio. He noted the volatility of the stock market in January, but said the Bar's investments were conservative and positioned to fare well in volatile and down markets. He also said the Investment Committee had given the Bar's outside investment advisory permission to sell off some stock funds and put the money in money and bond funds without notifying the committee. He said the investments in the various funds would remain in the ranges approved by the committee, but the move was intended to allow the investment advisors flexibility to take advantage of the market's volatility in making planned changes in the investment portfolio.

16. Diversity Symposium Committee Report

Chair Eugene Pettis reported planning is continuing for the annual Diversity Symposium, which will be held this year at the Bar's Annual Convention. He said the symposium will kick off at the annual joint luncheon of the Florida Association for Women Lawyers, the Virgil Hawkins Florida Chapter of the National Bar Association, and the Bar's Equal Opportunities Section, and then continue on with a session that lasts from 2 to 5 p.m. He said Miguel Rivera, deputy general counsel for Wal Mart, will be one of the speakers and the committee is working on other speakers.

Acting on the committee's recommendation, the board also approved in concept the report and recommendations of the 2004 Diversity Symposium. Pettis said while that report had gone to the Membership Outreach Committee and many goals had been achieved, it was felt having the board formally adopt the report would underscore the Bar's support for diversity.

17. Special Award from the Cuban-American Bar Association

Marlene Quintana of the Cuban American Bar Association presented the group's Amigo Award to Bar Executive Director John F. Harkness, Jr., in recognition of his dedication to the integrity

and honor of the law, access to the courts, and diversity in the profession.

18. Address by the Chief Justice

Supreme Court Chief Justice R. Fred Lewis spoke to the board and called for support for the Supreme Court Historical Society, which preserves the legal history of Florida and the Supreme Court as an institution. He also expressed concerns for how Florida families and children are being affected by the home foreclosure crisis and called for support to programs that help children. In response to questions from board members, Chief Justice Lewis said the court is moving to improve court technology including on electronic filing and online access to court records recognizing that Floridian's privacy must be protected in that process. He also updated the Bar on the Justice Teaching Initiative, which now has a lawyer or judge assigned to 98 percent of the public schools in Florida. He also explained the new rules for certifying law students as interns when they work at offices for public defenders, state attorneys, legal aid operations and other public service jobs.

19. Board Review Committee on Professional Ethics

Chair Jennifer R. Coberly gave the report of the Board Review Committee on Professional Ethics.

A. Proposed Changes to Attorney Advertising Rules

All proposed changes below have been approved by the Standing Committee on Advertising, Board Review Committee on Professional Ethics, Disciplinary Procedures Committee, Rules Committee, Budget Committee, and Program Evaluation Committee. First reading was at the December 2007 Board of Governors meeting and the proposed amendments are on the Board of Governors agenda for final action.

The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors approve proposed changes to Rule 4-7.5(b)(1)(C) that would conform the rule on background sounds to that of visual images, prohibiting only those background sounds in advertisements that are "deceptive, misleading, manipulative, or likely to confuse the viewer." The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation.

The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors approve proposed changes to move the regulations relating to use of background sounds and use of celebrities from Rule 4-7.5 (television and radio) to Rule 4-7.2 (general regulations applicable to all advertising media) extending those regulations generally to all media. The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation.

The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors approve proposed changes to Rule 4-7.7(a)(1)(B) and (b)(3) to explicitly require attorneys to file a printed copy of all spoken and written information in advertisements. The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation.

The Board Review Committee on Professional Ethics voted 6-0 to recommend that the Board of Governors approve proposed changes adding 5 days mailing time to Rule 4-7.7(a)(1)(C) regarding the Bar's response time to the filing requirement for review of television and radio advertisements only. The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation.

The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors approve proposed changes that clarify that opinions are binding on The Florida Bar in a grievance proceeding in Rule 4-7.7(a)(1)(F), (a)(2)(F) and commentary, conforming subdivisions (a)(1) and (a)(2) to each other. The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation.

The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors approve proposed changes adding "and obtains a notice of compliance" to line 687 in the last paragraph of the comment to Rule 4-7.7, which clarifies that a lawyer cannot use a television or radio advertisement that does not comply even though the lawyer has pre-filed the advertisement. The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation.

The Board Review Committee on Professional Ethics voted 7-0 to recommend that the Board of Governors approve proposed editorial and grammatical changes in Rules 4-7.2, 4-7.4 and 4-7.7 not otherwise addressed above. The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation.

b(i) Proposed Changes To Attorney Advertising Rules (Nonlawyer Spokesperson Disclosure)

The Board Review Committee on Professional Ethics voted 2-0 to approved the Standing Committee on Advertising recommendation that the Board of Governors approve amendments to Rule 4-7.5(b)(2)(B) that would delete in its entirety the requirement for an oral disclosure that a nonlawyer spokesperson appears in a television or radio advertisement.

This item will be referred to the Disciplinary Procedures and Rules Committee, then to the Board of Governors for first reading and final action.

b(ii) Review Of Florida Advertising Opinion A-00-1

At its December 7, 2007, conference call, the Board Review Committee on Professional Ethics considered a request for review of an advertising inquiry about participation in chat rooms and determined that it would review Florida Advertising Opinion A-00-1 its next meeting.

The Board Review Committee on Professional Ethics voted 2-0 to recommend that the Board of Governors direct staff to publish an official notice that Florida Advertising Opinion A-00-1 may be modified or withdrawn and that the Board of Governors refers both Florida Advertising Opinion A-00-1 to the Standing Committee on Advertising for review, and that the Board of Governors direct staff to publish an official notice that the board is referring the questions raised

in Advertising Inquiry 27490 to the Standing Committee on Advertising to draft a formal advisory opinion. The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation.

c. Item Removed from Consent Calendar

5b(ii) Advertising Appeals 08-00331 and 08-00332

The Board Review Committee on Professional Ethics voted 2-0 to recommend that the Board of Governors reverse the Standing Committee on Advertising, determining that the phrase "Resolve IRS Problems" referred to as the title of a book written by the advertising attorney in the direct mail advertisements in files 08-00331 and 08-00332, does not promise results in violation of Rule 4-7.2(c)(1)(G). The Board of Governors voted to approve the Board Review Committee on Professional Ethics recommendation.

20. Legislation Committee Report

Committee member Larry Sellers reported that the committee recommended that the Board of Governors adopt as a Bar legislative position supporting the Supreme Court's certification for 61 new trial judges in Florida. The board approved.

Sellers said the committee recommended that the Legal Needs of Children Committee be permitted to lobby the legislature in support of comprehensive legislative on representing children in court, affecting public defenders, guardians ad litem, and others. The board approved the request. Sellers said if detailed legislation is introduced, the board may be asked to approve a similar position as a Bar legislative policy.

The committee recommended and the board approved allowing the Real Property, Probate and Trust Law Section to support legislation to amend F.S. §§ 689.01 and 692.01 to allow a corporation to execute certain instruments conveying, mortgaging, or affecting interests in real property, whether on its own behalf or in a representative capacity.

The committee recommended and the board approved a request of the Business Law Section to support HB 17 on the regulation of auctioneers.

21. Rules Committee Report

Committee Chair Dominic Caparello reported the committee had reviewed and approved various rules sent to it for review.

22. Communications Committee Report

Chair Richard Tanner reported that the committee had its annual joint meeting with the Bar's Citizens Forum. He asked board members to make nominations to replace forum members whose terms are expiring. The committee also reviewed the public relations program of the Board of Legal Specialization and Education and found it effective. The committee is also, Tanner said, overseeing a redesign of the Bar's Internet homepage and may have a sample to show to the board by its May meeting. Citizens Forum Chair Ed Scales reported on the forums

activities, which included having effective input into the Judicial Administration and Evaluation Committee new questionnaire form to be filled by judicial candidates. He also said the forum was recommending that Bar advertising rules be amended to prohibit direct mail solicitations to defendants in domestic violence injunctions after instances where such solicitations reached the defendants before the injunctions were served.

23. Welcome by Tallahassee Mayor John Marks

Mayor Marks welcomed the board to Tallahassee and noted recent developments in the city, including a dramatic increase in the number of downtown condominium units. He also warned that the recently passed constitutional amendment cutting property taxes may make it hard for local governments to pay their part of trial court operations.

24. Appointments to the Florida Bar Foundation

The board by acclamation reappointed Miles A. McGrane III and Julio C. Jaramillo to three-year terms on the Florida Bar Foundation Board of Directors.

25. Program Evaluation Committee Report

Chair Ervin Gonzalez said the committee recommended and the board approved spending \$3,700 on a mail survey of Bar members on lawyer-to-lawyer advertising to assist the Bar on a possible redraft of the current advertising rule on that issue. That rule requires that lawyer-to-lawyer ads, as well as ads aimed at current or former clients, comply with Bar advertising rules, except the mandate they be filed with the Bar for review.

Gonzalez said the PEC has also worked out with the Code and Rules of Evidence Committee a way for that panel to have more effective input in the legislative process on bills affecting the evidence code. He said the committee will have a subcommittee of committee members, lawyer-legislators, and judges to provide input to lawmakers.

The board tabled a committee recommendation to fold the Committee on Relations with CPAs and the FICPA into the business law section, subject to the section's and committee's assent. Gonzalez said the move would give the committee, which has done little in recent years, resources to thrive, but other board members said since the FICPA became involved for the committee to improve.

Gonzalez said PEC will have a report at the board's next meeting on the Broward County Bar Association's lawyer referral service charging \$25 per referral to handle referral calls from Miami-Dade County.

26. BLSE Report

Board member Ben Kuehne presented seven rule and policy changes to the board, which were approved. Those amendments were for;

- Rule 6-3.5(c)(4) Standards for Certification; adds new language that would require

certification exams to include ethics and professional responsibility components.

- Rule 6-13.4 Appellate Practice Certification; within subdivision (b), adds language to allow the appellate practice certification committee to waive the requirement for 15 appellate actions, for good cause, for applicants who have been certified in appellate practice for 14 years or more; and creates new subdivision (g) – “Good Cause” – to specify various considerations for determining good cause under subdivisions (b) & (c) when the minimum requirements for appellate actions or oral arguments have not been met.

- Subchapter 6-27 Standards for Certification of a Board Certified Education Lawyer; new subchapter setting forth standards for an additional certification area in education law.

- Subchapter 28 Standards for Certification of a Board Certified Adoption Lawyer; new subchapter setting forth standards for an additional certification area in adoption law.

- BLSE Policy 2.11 Exam Preparation and/or Review Courses; within subdivision (a), revises language to permit certification committees to release one or more sample question(s) and answer(s) from past certification exams; also eliminates restriction on providing such sample(s) only to review course “attendees”; within subdivision (c), provides BLSE authority, along with the certification committee, to determine where and when an exam may be administered.

- BLSE Policy 2.12 Grading, Review, and Petition Process; within subdivision (b), reduces opportunity to review exam to 1 expanded session and deletes current provisions re a separate notice of intent to petition for grade review and the provision of a record 3 days after the more limited “initial” exam review now allowed; also amends subdivision (b) to afford BLSE the right to determine the specific location and date of such exam review; further adds a new 30-day deadline to file a grade review petition after any exam review; revises subdivision title accordingly and conforms other text as appropriate.

- BLSE Policy 2.16 Revocation; complete revision of current policy; references chapter 6 of the Rules Regulating The Florida Bar as authorization for BLSE revocation of certification; outlines instances in which a member's certification can be automatically revoked; specifies instances in which BLSE may use discretion in considering certification revocation; sets forth procedures for discretionary revocation; and clarifies BLSE’s right to suspend certification of members currently under investigation for offenses related to professional integrity.

Also presented on first reading were four rules and policies:

- Rule 6-3.7 amending the Board Certified Emeritus Specialist Status; amendments are intended to clarify the purpose and eligibility requirements for board certified emeritus specialist status.

- Rule 6-16.4 Business Litigation, Recertification; within subsection (b), adds provision for waiver of the evidentiary hearing criteria for applicants who have been certified in business litigation for 14 years or more.

- BLSE Policy 2.02(d) Area Evaluation and (e) Evaluation Results; within new subdivision (c), requires that proposed amendments to any certification areas be shared with various bar groups for comment prior to submission to the BLSE; within new subdivision (d), adds provision for an evaluation of any certification area that does not reach a 75-member minimum aspirational threshold upon completion of its third application cycle; within new subdivision (e), specifies that the BLSE will submit a written report of its evaluation results to the board of governors within 3 months of completing its evaluation.

- BLSE Policy 5.05(g) Credit for other CLE Activities; Executive Branch Service;

amendment is intended to recognize the continuing legal education gained through service as an elected member of the executive branch, with credit equal to that granted under policy 5.05(e) for state and federal legislators (i.e., 10 general and 2 ethics credit hours for each full year of service).

27. Court Technology Report

Board member Murray Silverstein, a member of the Supreme Court's Florida Courts Technology Commission, updated the board on court technology issues. He reported there is a steady move to e-filing for court documents as well as allowing online access to court records by the public. But in doing so, sensitive personal information, much of which is protected by existing laws, rules, and court rulings, must be protected, he noted. Silverstein said it is vitally important for the Bar to exercise leadership and closely follow this shift in court access.

28. Resolution Honoring Paul A. Gross

The board passed a resolution honoring Paul A. Gross, a long-time Bar counsel who worked in the Miami branch and recently passed away. Gross, a retired U.S. Air Force JAG officer, established the Bar's first branch office in Miami in 1972 and was promoted to Branch Staff Counsel in 1978. He continued to work there until he retired in 1993.

29. Annual Convention Committee Report

Board member Scott Hawkins reported that 83 sponsors have signed as supporters for the Judicial Luncheon, where Yale Law Dean Harold Cohen will be the featured speaker. The Capitol Steps will provide the Friday night entertainment.

30. Young Lawyers Division Report

YLD President Scott Atwood reported the division had a highly successful Affiliate Outreach Program in January which 26 local affiliates attended as well as representatives from all 10 law schools. The program also included a diversity seminar and thanks to grants from the Florida Bar Foundation, the division was able to pass out more than \$40,000 in funding to reward innovative public service programs. He announced that the YLD's annual government symposium would be February 22 at Florida State University in Tallahassee and focus on judicial independence. Atwood also announced that YLD Board of Governors members R.J. Haughey of Tampa had been elected without opposition as YLD president-elect designate.

31. Executive Director's Report

Executive Director John F. Harkness, Jr., reported that following CFO Sink's comments earlier in the meeting, the Bar and the Florida Bar Foundation had agreed to jointly work together and recruit CFO Sink and Attorney General Bill McCollum to support retaining and increasing funding under the Civil Legal Assistance Act to help Florida families facing mortgage foreclosures.

32. Out of State Practitioners Bylaws

The board reviewed Out of State Practitioners bylaws changes on first reading.

32. Time and Place of Next Meeting

The next Board of Governors meeting will be held March 26-29 in Washington, D.C.

There being no further business to discuss, the board adjourned at 3:31 p.m.

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