

THE FLORIDA BAR BOARD OF GOVERNORS

Regular Minutes

October 21, 2005

The Club at Hammock Beach
Palm Coast, 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, October 21, 2005, in Palm Coast, Florida, with President Alan B. Bookman presiding.

1. Roll Call

Alan B. Bookman, President
Henry M. Coxe, III, President-elect
Ross M. Goodman, First Judicial Circuit,
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, Fifth 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, Tenth Judicial Circuit
David Rothman, Eleventh Judicial Circuit
Ervin A. Gonzalez, Eleventh Judicial Circuit
Benedict P. Kuehne, 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
Scott G. Hawkins, Fifteenth Judicial Circuit
Lisa S. Small, Fifteenth Judicial Circuit
Edwin Scales, Sixteenth Judicial Circuit
Alan C. Brandt, Jr., Seventeenth Judicial Circuit
Nancy W. Gregoire, Seventeenth Judicial Circuit
Eugene K. Pettis, Seventeenth Judicial Circuit
Clifton A. McClelland, Jr., Eighteenth Judicial Circuit
J. Christopher Lombardo, 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
Jamie B. Moses, YLD President
John M. Stewart, YLD President-elect
Solomon L. Badger, III, Ed.D, Public Member

J. Blair Culpepper, Public Member

Board member absent:

Jennifer Coberly, Eleventh Judicial Circuit
Henry T. Courtney, Eleventh Judicial Circuit
Sharon L. Langer, Eleventh Judicial Circuit
Steven Chaykin, Eleventh Judicial Circuit
Francisco R. Angones, Eleventh Judicial Circuit
Jesse H. Diner, Seventeenth Judicial Circuit
Frank C. Walker, II, Seventeenth Judicial Circuit
Harold G. Melville, Nineteenth Judicial Circuit

Staff attending the meeting:

John F. Harkness, Jr., Executive Director
Tina Ruffin, Assistant to the President
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
Tony Boggs, Director Legal Division
Mary Ellen Bateman, Director, Ethics, Advertising and Professionalism Division
Ken Marvin, Director of Lawyer Regulation
Francine Walker, Director of Public Information

2. Guests

In addition to other individuals indicated hereafter, the following guests were present during the Board meeting:

June McKinney Bartelle, President of Florida Association for Women Lawyers
Jane Curran, Florida Bar Foundation, Executive Director
Barbara Pittman, President of the Virgil Hawkins chapter of the National Bar Association
Angela Orkin, Executive Director of the Statewide Guardian Ad Litem office
A. Wellington Barlow, Chair of the 4th circuit grievance committee
Mike Morris, President of the Central Florida Gay & Lesbian Bar Association
Dan Oliver, member of the Central Florida Gay & Lesbian Bar Association
Teresa Sopp, President of the Nassau County Bar Association
Bill Sublette, President of the Orange County Bar Association
Ann Finnell, Criminal Procedures Rules committee member
Kathryn Collie, Chair of the City, County and Local Government Law section
Aubrey Rudd, Chair of the Code and Rules of Evidence Committee
Joe Bodiford, Chair of the Traffic Court Rules Committee

3. Invocation and Pledge of Allegiance

Invocation and Pledge of Allegiance were led by Chobee Ebbets.

4. Non-Roll Call Grievance agenda items

Co-Chair Grier Wells reported that the following grievance items were numbers: 12, 18, 23, 24 and 27.

Client security fund were numbers: 5, 9, 11, 14, 21, 22, 28, 37, 44, 58, 63, 64 and 65.

5. APPROVAL OF MINUTES and EXECUTIVE COMMITTEE ACTION

- A. Regular Minutes August 26, 2005 meeting
- B. Grievance Minutes August 26, 2005 meeting

- C. Executive Committee action taken:
- 1) August 31, 2005 RPPRL Business Law Section's legislative consultant contract
Wednesday, August 31, 2005
One item required Executive Committee approval. The Executive Committee was transmitted the information on the item via email and the following members responded with their vote: Alan Bookman, Hank Coxe, Frank Angones, Kim Bald, Jesse Diner, Mayanne Downs, Nancy Gregoire, Jamie Moses, David Rothman, Grier Wells and Jay White.
The Business Law Section requested approval on a legislative consultant contract for Bill Wiley. The Executive Committee approved the contract by a vote of 11-0.

 - 2) September 21, 2005 Rule 3.853 amendment/UPL nominations
Wednesday, September 21, 2005
Two items required Executive Committee approval. The Executive Committee was transmitted the information on the items via email and the following members responded with their vote: Alan Bookman, Hank Coxe, Frank Angones, Kim Bald, Jesse Diner, Mayanne Downs, Nancy Gregoire, Jamie Moses, David Rothman, Grier Wells and Jay White.
Item one: The Criminal Procedure Rules Committee presented an amendment to Rule 3.853, which provides the procedure for motions for postconviction DNA testing. The amendment removes the sunset provision that is in the current rule. The Executive Committee approved the rule amendment by a vote of 11-0. The proposed amendment will be filed with the court on an emergency basis under Rule 2.130(e).
Item two: Two UPL circuit committees (9B and 18A) were improperly constituted. The Executive Committee approved three nominations to these committees by a vote of 11-0.

6. Consent Calendar

The board of governors **approved the following items** with a voice vote.

- a. UPL Circuit committee nominations
Karin A. Garvin, Attorney member, First circuit
Pamela Evans Langham, Attorney member, First circuit
Lisa Norrie Bernau, Attorney member, First circuit
Tonya Holman, Public member, First circuit
Rev. Matt Wallis, Public Member, Third circuit
Jon Philips, Attorney member, Fourth circuit
Robin K. Roberts, Attorney member, Fourth circuit
Tana Stingfellow, Public member, Fourth circuit
- b. Board Review Committee on Professional Ethics
 - 1) Advertising Appeals 05-00930, 05-00931, 05-00932 and 05-02243
Advertising Appeals 05-00930, 05-00931, 05-00932 and 05-02243 concern application of Rule 4-7.2(b)(4), prohibiting visual portrayals that are false, misleading, or manipulative. Staff rendered an opinion on November 17, 2004, that the three websites in file numbers 05-00930, 05-00931, and 05-00932 violated Rule 4-7.2(b)(4) because they contained images of a police officer standing next to a car with a flashing police car light bar and handcuffs. The Standing Committee on Advertising reversed staff's opinion on February 9, 2005. At its meeting on June 24, 2005, the Standing Committee on Advertising voted to reconsider the issue, then voted to affirm the staff opinion that the visual images violated Rule 4-7.2(b)(4) in reference to a request for guidance in a yellow pages advertisement. The committee noted that the February meeting was held via conference call and the copies provided to the committee at the February meeting were not clear. At the June 2005 meeting, on the other hand, the original was available for the committee's inspection. After the June 2005 meeting and after receiving guidance from the committee, staff rendered an opinion on June 29, 2005 that the same images used in a yellow pages advertisement in file number 05-02243 are impermissible. The Standing Committee on Advertising affirmed the opinion on the yellow pages advertisement at its

meeting on September 9, 2005. The attorney subsequently requested Board of Governors review of all the advertisements.
The BRC voted 6-0 to affirm the Standing Committee on Advertising decision.

c. Legislative Committee Review

1) New section legislative position requests for the 2004-2006 biennium

a) Real Property, Probate and Trust Law Section

- i Supports amending §744.3701 F. S. to clarify that audit reports of guardianships prepared by the clerk of court, and any substantiating paperwork, are exempt from the public records disclosure.
- ii Supports amending §732.2025 F. S. to eliminate the reference to the provisions of §738.12 F. S. and adds to the definition of an elective share trust, a marital deduction unitrust. Amends §732.2032 F. S. so that it no longer references a dollar amount but rather the annual exclusion amount. Amends § 732.2075 F. S. to reference transfers in which either a charitable gift tax deduction or income tax deduction is allowed. Amends § 222.21 F. S. to allow collections against IRA's to satisfy the elective share.
- iii Supports adding definitions for "descendants" and "collateral heirs" to § 731.201 F. S. General definitions; deleting the "lineal" from § 732.102, §732.103, §732.104, §732.108, §732.401, §732.507 and §732.603 F. S.; adds the words "one or more" to §732.401(1) and §732.4015(1) and adds the words "or children" to §732.4015(1) F.S.
- iv Supports amending §732.2145 F. S., to clarify the deadlines for filing and withdrawing an election to take elective share; supports amending §732.402 F. S. to clarify the deadline for filing a petition for determination of exempt property; supports amending §733.212 F.S. to: (1) clarify the deadlines for filing any objection that challenges the validity of a will, the qualifications of a personal representative, the venue, or the jurisdiction of the court; (2) require that notice of the deadlines for filing an election to take elective share and a petition for determination of exempt property be included in the notice of administration; and (3) establish the manner of determining deadlines that flow from service of a copy of the notice of administration in cases where service has been waived.
- v Supports creating Chapter 736, Florida Statutes, to codify the law of trusts and makes conforming revisions to other Florida Statutes.
- vi Supports changes by the Florida Banker's Association to the new proposed Florida Trust Code provided these are the actual changes proposed by the Florida Banker's Association and provided the Florida Bankers Association support and endorse the new proposed Florida Trust Code.

b) Family Law Section

- i Supports parenting coordination as an alternative dispute resolution process in high conflict family cases.
- ii Supports amending §61.076 F. S. and the implementing revisions to §175.241 F.S., §121.091(14) (b) (4) F. S., §121.131 F. S., and §185.25 F. S. to permit the trial courts of this State to equitably distribute various governmental pension and deferred compensation benefits.

2) The Florida Bar Legislative Consultants contracts

- a) Steve Metz
- b) Herb Sheheane Jr.
- c) Doug Bruce
- d) Mike Harrell
- e) Pamela Burch Fort
- f) Matt Bryan & Julie Myers
- g) Michelle Lorenzo Palacio

- 3) Section Legislative Consultants contracts
 - a) Real Property, Probate and Trust Law Section
 - i. Pete Dunbar
- d. Rules, Bylaws & Policies
 - 1) Bylaw 2-7.3 - Creation of Sections and Divisions (Rules Regulating The Florida Bar)
Changes the name of the Out-Of-State Practitioners Division to the Out-Of-State Division. (see rule 4-6.5, also see SBP 5.80 and 6.31) and OOSP Division Bylaws.
 - 2) Rule 4-6.5 - Rules of Professional Conduct; Public Service; Voluntary Pro Bono Plan
Consistent with proposed changes in rule 2-7.3, changes the name of the Out-Of-State Practitioners Division to the Out-Of-State Division. (see rule 2-7.3, also see SBP 5.80 and 6.31 and OOSP Division Bylaws).
 - 3) Rule 3-6.1 - Rules of Discipline - Subchapter 3-6 Employment of Certain Attorneys or Former Attorneys - Rule 3-6.1 General
Throughout entire rule, clarifies the limitations imposed on suspended, disbarred, or disciplinary resigned attorneys when they are employed by lawyers and law firms.
 - 4) Rule 10-2.1 - Rules Governing the Investigation and Prosecution of the Unlicensed Practice of Law; Definitions; Generally
Within subdivision (a)(2), clarifies language regarding a person's use of the title "paralegal" or "legal assistant."
 - 5) Rule 17-1.2 - Authorized House Counsel; Generally; Definitions
Within subdivision (a)(6), rearranges wording of rule to clarify that an authorized house counsel must reside in Florida or soon relocate to Florida.
 - 6) Clients' Security Fund Regulations - Regulation 14 - Definition of Useful Services
Revises regulation that states CSF claims "will be denied" if useful services were performed to a claimant, to read that claims "may be denied" in such instances; adds a definition of useful services.
 - 7) Standing Board Policy 5.10 - Standing Committees
Conforms name changes, additions, or deletions of various committees as necessary.
 - 8) Health Law Section Bylaws
Within Article II (Purposes), adds a mission statement for the section; within Article IV (Executive Council) deletes outdated provisions dealing with terms of office during the section's first year of existence after adoption of its bylaws; within Article IX (Committees) adds a Communications and Technology Committee, deletes the Substantive Law Committee, renames the Education Committee as the Education, Training and Information Committee, deletes the Nominating and Legislative Committees as full committees, and renames and reconfigures the Section Administration Committee as the Section Effectiveness Committee, to now include Nominating and Legislative Subcommittees; and within Article X (Miscellaneous) revises effective date of bylaws.
 - 9) Tax Section Bylaws
Within Article VI, Section 4, changes the structure of the Federal Tax Division; also within Article VIII, Section 3, adds the requirement that a proposed legislative position be both within the scope of Articles I and VIII of the section bylaws
- e. First Amendment to The Florida Bar Deferred Compensation Plan and Secretary's Certificate
The amendment addresses technical changes required by the model amendments released by the IRS with respect to the so called GUST and EGTRRA amendments that must be adopted before the end of this year. The First Amendment also amends the Plan to provide for automatic rollovers and transfers for the purchase of past service credit.
The secretary's certificate contains resolutions authorizing the adoption of the First Amendment.

7. Statewide Guardian Ad Litem Report

Angela Orkin, executive director of the Statewide Guardian Ad Litem office, told the board that two years ago, with the Article V, Revision 7 changes, the GAL had been removed from the

judicial branch and was now under the executive branch. The program has been around for 25 years, but they have never come anywhere close to meeting the state's needs, even though the statute says every child should be represented. She told the board that while there are 43,000 children in need of a GAL, at the current funding levels, they were only able to represent 22,000 of them. She said that they hope that by December 2005, the number of children represented would be up to 25,000, but that leaves 18,000 children unrepresented. The program accepts volunteers, whether they are attorneys or lay people. However, Ms. Orkin reminded the board that these are not simple cases.

The GAL has projects and programs that the Bar can help with, President Bookman has volunteered to take a case and that has helped with volunteers. They are also always looking for good training opportunities. They hope to partner with senior litigators in law firms, since they typically get relatively new lawyers with not much trial experience. The GAL is also seeking partnerships. They are working with the Bar Foundation and hoping to get additional money. They are also asking for full funding for the first time in history, so that the legislature will know what it costs to run the program.

Ms. Orkin told the board that one thing that would really help them is support for their budget. The GAL is about a \$26 million organization trying to represent 43,000 kids. To reach all of those kids, it will take a substantial increase. Ms. Orkin encouraged the board as a board and as individuals, to do all that they are able to let the legislature know of the funding needs that the GAL has. She also encouraged the board to strongly consider being a GAL, and requested that if the governors could find it in their schedules, to please volunteer.

8. Disciplinary Procedures Committee Report

Chair Murray Silverstein told the board that the disciplinary procedures committee had met twice since the meeting in St. Petersburg in August. He told the board that the committee recommends that the board approve the following item on second reading. The board concurred with the committee recommendation. Silverstein went on to give a brief summary to each of the 11 rule amendments on first reading and answered questions that the board members had concerning the amendments. He told the board that the rules would be back at the December board meeting for a second and final reading.

a. Items on second reading - Approved

1) Standing Board Policy 15.20 Recusal of Board Members

Consistent with recent changes in policy 15.10, adds language within subdivision (a) to clarify that the president or presiding officer may order recusal of a board member in a disciplinary matter upon concurrence of a majority of the board; further clarifies that a recused member may not participate in any manner of discussions with any member or group of members of the board concerning the matter; adds new language stating that a recused member should not be present when the matter is being debated by the board.

b. Items on first reading

1) Rule 1-7.5 - Retired, Resigned, Inactive, Delinquent Members

Deletes "resigned" members from text that lists those members who shall not practice law until reinstated; revises title likewise.

2) Rule 1-12.2 - Supreme Court Procedures on the Review of Proposed Amendments

New rule abandons the case and controversy format for the procedure to amend the rules and replaces such format with a court conference and dialogue process.

3) Rule 3-2.1(p) - Definitions; Generally (Designated Reviewer)

The rule contains language that is not part of the definition of the term "designated reviewer" and for that reason should be edited.

4) Rule 3-7.5 - Procedures Before the Board of Governors

Within subdivision (a), clarifies that a request by a designated reviewer for grievance committee reconsideration or referral to the disciplinary review committee shall be submitted to bar counsel; defines in writing for purposes of

this subdivision; clarifies how bar counsel processes requests for reconsideration, to include notice to respondent and complainant; confirms that procedures in rule 3-7.4 apply to reconsiderations, and that the bar as a party in disciplinary matters has no authority to adjudicate rights; other edits attempt to clarify current verbiage or reformat remainder of existing rule to accommodate these proposed changes.

- 5) Rule 3-7.6 - Procedures Before a Referee
The rule requires the referee to prepare the record and file the record with the court. Currently, the clerk's office advises that the records are poorly prepared and seeks relief. Recently, the Special Commission on Lawyer Regulation recommended that bar counsel be required to assist the referee in preparing the record in the referee's office and that the respondent is allowed an opportunity to seek to supplement or remove items from the record.
- 6) Rule 3-7.11(f) - General Rules of Procedure (contempt)
The amendments are proposed based on concerns expressed by the clerk of the Supreme Court of Florida about the court's discomfort in that the rules regarding contempt do not contain a specific provision authorizing referral to the referee.
- 7) Rule 5-1.1 - Trust Accounts
Within subdivision (g)(7), allows the bar foundation to disclose to the bar the location of an attorney's trust account and account numbers in limited circumstances and subject to maintenance of confidentiality.
- 8) Chapter 14 - Grievance Mediation and Fee Arbitration
Amends provisions of Chapter 14 that deal with fee arbitration in order to be consistent with the provisions regarding mediation as same relate to authority for referral to fee arbitration and referral to mediation.
 - a) Rule 14-2.1 - Generally
 - b) Rule 14-6.1 - Binding Nature
 - c) Fee Arbitration Procedural Rules
 - d) Grievance Mediation Policies
- 9) Standing Board Policy 1.80 - General Recusal Policy
New policy, to clarify that the president or presiding officer may order recusal of a board member in any non-disciplinary matter upon concurrence of a majority of the board; further clarifies that a recused member may not participate in any manner of discussions with any member or group of members of the board concerning the matter, and the recused member should not be present when the matter is being debated by the board.
- 10) Standing Board Policy 15.40 - Grievance Committee Membership
Circuit fee arbitration committees no longer exist; language regarding those is obsolete and must be deleted. In addition, amendments are made clarifying that the designated reviewer is a nominating authority and that the board is the appointing authority.
- 11) Standing Board Policy 15.76 - Policy on Review of Grievance Committee Action by Designated Reviewers
Creation of a standard of review is believed to offer more consistently and therefore more fair results.

9. Budget Committee Report

Chair Mayanne Downs reported that the committee had met and approved and recommended the board approve the following 4 budget amendments. The board concurred with the committee's recommendations.

Downs told the board that in December the committee would be discussing again, the concept of providing a waiver on Bar fees for members of armed services, not career, but lawyers called up for active duty. Last year it passed conceptually and was sent to the Military Law Committee, who made changes, and the budget committee is making more changes to the proposal.

- a. Budget amendments
- 1) Equal Opportunities Law Section – Business Development Conference \$10,000 from revenues
 - 2) UPL – Paralegal Committee Public Hearing -- \$3,480 from new program reserve.
 - 3) Shipping & Receiving – shelving -- \$4,600 from equipment reserves
 - 4) National Conference of Chief Justices -- \$25,000 from operating reserve.
- b. Items on **second reading**
- Downs told the board that the following Standing Board Policy amendments on second reading were the final amendments concerning the section allocation splits. She said that the committee recommends that the board approve the changes. The board concurred with the committee recommendation and approved the amendments.
- 1) SBP 5.60 Section Budget Policies
Based on suggested revisions within newly proposed SBP 5.63, deletes subdivision (f) regarding distribution of dues proceeds and redesignates subsequent subdivisions appropriately.
 - 2) SBP 5.63 NEW Administrative Support Policy
New proposed policy for calculating the amount each section is to reimburse The Florida Bar for support services, including 80 percent of general and administrative allocation. Section charges range from \$12.50 per paying member to \$17.50, effective July 1, 2006. Allows in certain circumstances for support in excess of the amount collected, and for return of any excess paid if support costs are less.
 - 3) SBP 6.31 Distribution of Proceeds
Changes codify the recently approved formula for distribution of CLE proceeds or losses between The Florida Bar and either co-sponsoring sections or the Out of State Practitioners Division. Effective July 1, 2005 distribution will be on a net basis after all costs, direct and indirect, have been paid.

10. Audit Committee Report

Chair Clif McClelland reported that the committee met and reviewed the year ended June 30, 2005 Bar audit. McClelland told the board that the formal audit report would be included in December's board meeting materials.

Also, the committee had two matters they wanted to call to the board's attention. The first was the Bar's need for a succession plan. The leadership team has been in place for 20+ years, and many are 55 or over. The audit committee suggested the board appoint a special committee to look at the succession issue. McClelland told the board that the second issue pertains to emergency preparedness. Because of recent storm events, this has become a critical issue in the state. They want staff to tell them about their current level of preparedness, and then the committee will come back to the board of governors with what action needs to be taken on an emergency preparedness plan.

11. Investment Committee Report

Chair Ian Comisky told the board that the Bar had a tremendous quarter, earning about \$831,000. He said that the Bar has over \$18 million in its long term portfolio. It appears that the Bar's investment policy concerning large, small and mid cap and bond funds is working, as the Bar's portfolio had out performed the policy index over the prior year. Comisky told the board that the Bar also has a portfolio of short term investments which is over \$26.6 million. The committee recommends that they move \$5 million from short term over to the long term investment account. The board concurred with the committee recommendation and approved the transfer.

Comisky told the board that at the next board meeting the committee will receive more information regarding diversification to maximize returns and better control risk.

12. Criminal Procedure Rules Committee Report

Board liaison David Rothman introduced Ann Finnell, member of the Criminal Procedure Rules committee. The board heard proposed rule amendments to Florida Rules of Criminal Procedure 3.131 and 3.132 affecting first appearance bonds for those charged with serious violent offenses. Board members said they hadn't had enough time to give the changes proper consideration. They voted to recommend to the Criminal Procedures Rules committee to reconsider the language and to clarify if it was approved by the Fast track subcommittee or the full committee. The board also voted to communicate to the Fast Track subcommittee that the board had not had the opportunity to review Rule 3.131 and Rule 3.132, and would like to take it up at its December board of governors meeting.

The board voted 33-0 to approve the following 2-year cycle rules amendments:

- 3.170(f) - Amended to allow withdrawal of no contest pleas.
- 3.180(c) - Amended to number the current paragraph as "(1) Trial.. Adds subdivision "(2) Sentencing" to also authorize the court to proceed with sentencing in defendant's absence.
- 3.213 - Amended to provide a procedure for dismissing charges against persons incompetent to stand trial because of retardation or autism. See Byrd v. State, 834 So. 2d 872 (Fla. 1st DCA 2002)
- 3.640 - Amended to remove subdivision (b) regarding testimony given at previous trial because of conflict with evidence code. See Billie v. State, 881 So.2d 637 Fla. 3d DCA 2004)

13. City, County and Local Government Law Section Report

Chair Kathryn Collie reported to the board that the City, County and Local Government law section had 1,600 members. She said that about 40% are in private practice and the rest are in-house government attorneys. She reported that the committee, along with Stetson Law School sponsors a legal symposium annually that is essentially a booklet. The section will be co-sponsoring the Pearl seminar with the Labor and Employment law section and will hold a local government finance meeting co-sponsored with Environmental and Land Use section. Collie told the board that the section has its website up and operating, and have a local government desk book, which has always been in paperback form and now they are trying to get on their website.

Speaking on diversity, she told the board that the section had their first African American chair in 1980-81 and first female chair in 1986, and at present have a 15-member executive council, which has 9 females and has been chaired by 9 different females in the past.

14. Traffic Court Rules Committee Report

Chair Joe Bodiford gave the board a brief description of the 2-year cycle rule amendments that the Traffic Court Rules of Procedure committee would be sending to the court. The board approved the following amendments by a vote of 34-0:

- 6.040 – Amended to add the definition of "counsel" to the other definitions of terms used in the rules.
- 6.455 – Amended to solve problems created by ex-parte amendments of citations prior to hearings, without overburdening the court system with further costs and paperwork, and to give litigants proper notice of changes to the charging instruments.
- 6.630(k) – Amended to bring the rule in compliance with Chapter 2005-236, Laws of Florida, which on July 1, 2005 repealed the previous statutory limit set in 318.37 Florida Statutes.

15. Code and Rules of Evidence Committee Report

Chair Aubrey Rudd told the board that the Code and Rules of Evidence committee's 2-year cycle rule amendments were basically the repeal of the "Dead man" statute. The board approved the following amendments by a vote of 33-2:

- 90.602 and 90.804(2)(e) – To bring the statutory code and court rules into agreement and

thereby avoid the problem of determining which portions of these statutory code provisions are procedural and which are substantive.

16. Appellate Court Rules Committee Report

Board liaison Jamie Moses reported that the Appellate Court Rules committee's 2-year cycle rule amendments were clarifying amendments. She said that the amendments include changes concerning parental rights to immediate appeal in juvenile dependency cases. Another change specifies the number of pages in court briefs. The board approved the following amendments by a 33-0 vote:

- 9.120(d) - Deletes language so to permit jurisdictional briefs in certified question and conflict cases.
- 9.130(a)(3)(C)(ii) – Allows appeals from nonfinal orders granting, modifying, dissolving, or refusing to grant, modify, or dissolve writs of replevin, garnishment or attachment.
- 9.130(a)(3)(C)(iii) – Authorizes appeals in dependency and termination of parental rights cases of a nonfinal order determining the right to child custody.
- 9.130(a)(5) – Clarifies 9.130(a)(5) by referencing the right to immediate review of any authorized motion for relief from judgment rather than specifically identifying a particular rule.
- 9.146(b) – Clarifies who may take an appeal in matters covered by rule 9.146 and confirms that the rule does not provide a basis for independent jurisdiction beyond those orders specified in rule 9.130.
- 9.180(e) – Allows the OJCC to intervene in an appeal in cases when the usual adversary process does not fully protect the rights and duties covered by statute.
- 9.180(f)(5)(A);(g)(3)(A) and (D) – Redaction from the rule's subdivisions references to a Workers' Compensation Procedure rule that has been repealed
- 9.180(f)(5)(D) and (E) – Housekeeping changes.
- 9.200(b)(2) - Provides that orders and judgments remain with the trial court, with copies to the appellate court as part of the record, in dependency and termination of parental rights cases, as well as cases involving families and children in need of services. This is consistent with the treatment of these orders in family law cases.
- 9.200 (b)(2) – Requires court reporters to include an electronic version of each transcript with each transcript designated for inclusion in the record on appeal.
- 9.210(a)(5) – Limits the page number of briefs when cross-appeals are filed to maintain equilibrium between the page limitations applicable to both appellants, cross-appellees and appellants/cross-appellees.
- 9.300(d)(10) – Eliminates the requirement that a litigant seeking an extension of time in the Supreme Court also file a separate request to toll time.
- 9.370 – Clarifies that amicus briefs are permitted in extraordinary writ proceedings. Provides internal consistency and explains that service of amicus briefs does not alter or extend the briefing deadlines of the parties.

17. Juvenile Court Rules Committee Report

President Bookman presented the board with the Juvenile Court Rules committee's 2-year cycle rule amendments. The board approved the following amendments by a 33-0 vote:

- 8.045 – Amends subdivision (f)(5) to conform to subdivision (a), stating that a child issued a notice to appear must appear “in a designated court or governmental office.”
- 8.090 – Amends subdivision (a)(2) of the Speedy Trial rule to change the time from which speedy trial begins to run to “the date the summons issued on the filing of the petition was served.” Conforms the rule to section 985.219, Florida Statutes.
- 8.135 – Corrects cross-references to *Fla. R. App. P.* 9.140. The appellate rule was amended and the sections re-numbered in 2002.
- 8.210 – Amends subdivision (b) to conform to section 63.0425, Florida Statutes, as amended by Chapter 2003-58, Laws of Florida, regarding notice to grandparents of adoption proceedings

- 8.257 – Subdivision (f) has been amended to show that exceptions must be filed with the court.
Subdivision (h) has been added to state that general magistrates may not conduct shelter hearings under section 39.402, Florida Statutes, or adjudicatory hearings under section 39.507 and 39.809, Florida Statutes. Because a shelter hearing must occur within 24 hours there is no time for objections to the referral. Sections 39.507 and 39.809, Florida Statutes, both specify that an adjudicatory hearing must be conducted by a judge.
- 8.350 – Adds subdivision (d) regarding standard of proof in conformity with *In re J.W.*, 890 So.2d337 (Fla. 2d DCA 2004)
- 8.515 – Subdivision (a)(2) has been amended to conform to section 57.082, Florida Statutes, regarding determination of indigent status in civil proceedings.
- 8.535 – New subdivision (d) of this rule implements section 39.812(5), Florida Statutes, regarding withholding of consent to adoption by the Department of Children and Family Services.
- 8.911 – Deletes the current Uniform Child Custody Jurisdiction and Enforcement Act affidavit and incorporates by reference *Fla.Sup.Ct.App.Fam.L.Form12.902(d)*.
- 8.964 – Amends form to change “UCCJA” to UCCJEA” to conform to sections 61.501 *et seq.*, Florida Statutes. Also makes style changes.
- 8.966 – Adds “the child” and “the attorney for the child” to the list of those attending the hearing at the beginning of the form. Replaces “by default” in items 2 and 3 with “for failure to appear after proper notice.” Defaults are not entered in dependency cases. However, failure to appear can result in entry of a consent. See section 39.506(3), Florida Statutes, and *Rule 8.225(c)(1)*. Also makes style corrections.
- 8.975 – Creates a new form for an order withholding adjudication but finding the child dependent. Similar to *Form 8.966*.
- 8.980 – Replaces “UCCJA” with “UCCJEA” to conform to sections 61.501 *et seq.*, Florida Statutes. Also makes style changes.
- 8.981 - Replaces “UCCJA” with “UCCJEA” to conform to sections 61.501 *et seq.*, Florida Statutes. Also makes style changes.
- 8.983 – A list of persons present before the court has been added, as in *Forms 8.965* and *8.966*. A sentence has been added to indicate which parents parental rights are being terminated. A new item under findings of fact has been added which states that the children “are at substantial risk of significant harm” and that termination of parental rights is “the least restrictive means to protect the child(ren) from harm.” In renumbered item 6, a statutory reference has been corrected and a list of the statutory factors in sections 39.810(1)-(11), Florida Statutes, has been added. A new item 7 has been added for use when parental rights of only one parent are being terminated. New item 8 allows a finding that continued grandparent visitation is not in the child’s best interest. New item 9 allows the court to make a finding regarding communication or contact with siblings or relatives. In the “Ordered and Adjudged” section, item 2 has been amended to allow the court to indicate the specific subdivision of section 39.806, Florida Statutes, under which parental rights are being terminated. Item 3 also adds statutory references supporting the placement of the children. Style changes have also been made.

18. Unlicensed Practice of Law- Rules of first reading

President Bookman informed the board that the Unlicensed Practice of Law committee had the following rule amendment on first reading and that the board would vote on the amendment in December.

- a. Rule 10-7.2 - Proceedings For Indirect Criminal Contempt
Within subdivision (b), ties the determination of indigent status to applicable statutory criteria and factors.

19. Board of Legal Specialization and Education –Rules on first reading

President Bookman told the board that the Board of Legal Specialization and Education committee had submitted the following rule amendments on first reading and that the board would

vote on the amendments in December.

a. Items on **first reading**

- 1) Subchapter 6-25 Standards for Certification of State and Federal Government and Administrative Practice Lawyers

New subchapter, setting forth standards to establish a new certification in the area of state and federal government and administrative practice.

- a) Rule 6-25.1 - Generally
 - b) Rule 6-25.2 - Definitions
 - c) Rule 6-25.3 - Minimum Standards
 - d) Rule 6-25.4 - Recertification
 - e) Rule 6-25.5 - Manner of Certification
 - f) Summary and History of State and Federal Government and Administrative
- 2) Subchapter 6-26 Certification of Intellectual Property Certification Standards
New subchapter 6-26 setting forth standards to establish new certification standards in intellectual property law.
 - a) Rule 6-26.1 - Generally
 - b) Rule 6-26.2 - Definitions
 - c) Rule 6-26.3 - Minimum Standards
 - d) Rule 6-26.4 - Recertification

20. Workers' Compensation Section Bylaws – first reading

Within Article III (Officers), reorganizes 30-member executive council into 30 voting members commencing in 2007, composed of 2 members from each appellate district and 20 at large members, plus non-voting emeritus members; sets forth staggered terms and schedule for such elections; provides for mail and live balloting, with allowance for future electronic balloting; within Article V (Nomination and Election of Officers and Executive Council), specifies that executive council and officers shall be balanced geographically as well as by employee-employer representation; limits executive council representatives from a single law firm to 2 and imposes a cumulative 12-year term limit on council membership, with separate re-entry provisions for the immediate past chair, and both voting and emeritus seats; and within Article VII (Meetings) would allow for executive council meetings in Tallahassee as well in conjunction with the bar's midyear meeting.

21. Continuing Legal Education Committee – Rules on first reading

President Bookman announced to the board that the Continuing Legal Education committee had submitted the following rule amendments and that the board would vote on the amendments in December.

a. Items on **first reading**

- 1) Standing Board Policy 6.20 - Authority for CLE Courses
Within subdivision (b)(1), replaces "videotape" with "other media."
- 2) Standing Board Policy 6.30 - Fees for CLE Courses
Deletes "then" from penultimate sentence relating to adjustment of fees.
- 3) Standing Policy 6.50 - CLE - Eligibility to Attend or Receive Materials and to Purchase Publications
Within subdivision (a), deletes subdivisions (1)-(7) and revises policy language to state that CLE programs may be attended by any person, without limitation.
- 4) Policies Governing Continuing Legal Education Committee
 - a) 1.00 - *Scope and Function of CLE Committee*
 - i) Policy 1.05 - Transaction of Business
Transaction of business within the Committee will now define "a quorum" as 20% of members present. The old language did not have a quorum requirement.
 - ii) Policy 1.06 - Removal
New language gives Chair the authority to retain Committee members after two consecutive meeting absences if absences are deemed unavoidable
 - iii) Policy 1.07 - Responsibility

Deleted misleading language in reference to the Committee's responsibility to educate Bar members. Committee felt clarification was necessary when controversy over the authority of a committee to sponsor a course. This change will also bring the policy in line with SBP 6.10.

iv) Policy 1.08 - Executive Committee Appointment

Changed the Committee's chair prerogative to appoint subcommittees and subcommittee chairs from required to optional. There is not always a need for subcommittees; therefore the Committee felt the policy should have that flexibility.

v) Policy 1.09 - CLE Co-sponsorship with Law Schools, Other Bar Associations and Professional Groups, Sections, Divisions and Committees of The Florida Bar
Made change in title structure to emphasize role of Sections, Divisions and Committees as CLE co-sponsors.

vi) Policy 1.10 - Program Evaluation Responsibility

The word "oversight" has been added to allow the Committee to take a more active role in program development as well as program evaluation. The purpose being, to improve overall quality by making Committee members more available to co-sponsoring groups as a resource. Also, reduced the number of courses Committee members must evaluate in keeping with the number of courses offered annually.

b) *2.00 Section/Division Responsibility*

i) Policy 2.01 - Primary Responsibility

Improved language to better reflect the title of policy and role of Sections and Divisions as co-sponsors to CLE programming. Language about speaker evaluation system removed. Added language about quality standards as reflected in SBP 6.20.

ii) Policy 2.02 - Selection of Speakers

Changed title of policy to "Speaker Diversity".

iii) Policy 2.03 - Financial Recapitulations

Financial recapitulation information shall go directly to Sections and Division instead of through CLE representative. The Committee felt this change will ensure info gets to Section leaders.

iv) Policy 2.04 - Revenue Sharing

The term "allowable" will be used in place of "direct" in reference to revenue sharing with Sections and Divisions. Three samples of revenue sharing were also added to make the policy easier to understand. Committee felt this makes the policy easier to understand and in keeping with current practice of calculating profits.

c) *3.00 CLE Programs*

i) Current 3.02 / Proposed 3.04 - Method of Resolving Conflicts

Re-ordered three sections to improve the flow of information.

ii) Current 3.03 / Proposed 3.02 - Proposed Courses - Review - Conflicts

Re-ordered three sections to improve the flow of information.

iii) Current 3.04 / Proposed 3.03 - Standards for Resolution of Conflicts

Re-ordered three sections to improve the flow of information.

iv) Policy 3.07 - Considerations of Ethics and Professionalism

Changed specific reference to ethics and professionalism credit to "special credit" in order to include all new areas of special credit hours. Also added reference to the new areas: substance abuse and mental illness awareness.

v) Policy 3.08 - Smoking Policy

Changed smoking policy in accordance with State Law.

vi) Policy 3.09 - Exhibits and Displays at Courses

Change allows Bar staff to determine if exhibitors, at CLE courses, would have educational value instead of requiring determination from the Committee.

d) *4.00 Preparation of Publications*

i) Policy 4.01 - Selection of Steering Committees and Authors

Made policy more specific to actual practice of steering committee selection.

- ii) Policy 4.04 - Publication Covers
Broaden the title and policy to allow more flexibility in the publication format printing and cover design.
- iii) Policy 4.05 - Supplements
New language intended to help members understand that the term “supplement” is interchangeable with the term “new edition” when it comes to publications.
- iv) Policy 4.08 - Purchase and Return of CLE Publications
Decreases period in which purchasers may return publications, from 90 to 30 days.
- v) Policy 4.11 - Price Lists for CLE Publications
Updates language to reflect the posting of order forms and price lists on the Bar’s website.
- e) *5.00 Lease Programs*
 - i) Policy 5.01 - Local Bar Lease Program
Revises and condenses policy language for ease of understanding.
 - 6.00 Fees, Charges, and Complimentaries
 - ii) Policy 6.01 - Registration Fees
Allows for increase of base course fee based on the number of speakers or out of state speakers; increases, from \$15 to \$25, the surcharge for non-member attendance at section or division programs
 - iii) Policy 6.02 - Refunds
Increases, from \$15 to \$25, the cancellation fee charged against refunds.
 - iv) Policy 6.03 - Late Registration Charge
Increases, from \$15 to \$25, the surcharge for late registration.
 - v) Policy 6.04 - Half-price Registration Fees for CLE Courses
Within subdivision (b), adds full-time clinical instructors at “provisionally accredited” as well as accredited law school as eligible for half-price registration fees.
 - vi) Policy 6.05 - Half-price Fees for CLE Publications
Specifies new or revised limits on half-price publication purchases in various instances – within subdivision (b), 2 copies for public libraries; within subdivision (c), 3 instead of 5 copies for contributing authors; within subdivision (d), 1 copy for university students; within subdivision (e), 1 copy for college professors; and within subdivision (f), 2 copies for selected law libraries.
 - vii) Policy 6.06 - Complimentary CLE Publications
Within subdivision (c), deletes distribution of 1 complimentary publication to each district court of appeal judge; adds provision authorizing 1 complimentary copy to all court libraries at each level of the court system; within subdivision (h), adds provision allowing complimentary copies of Standard Jury Instructions to all circuit and county judges.
 - viii) Policy 6.07 - Complimentary Course Admissions
Within subdivision (d), revises reference to “general masters” to read “magistrates,” and adds court-appointed hearing officers as complimentary attendees; within subdivision (e), deletes provision regarding Florida Legal Services and adds news reporters instead.
- f) *9.00 Course Quality Standards and Reporting*
 - i) Policy 9.01 - Quality Control - CLE Committee
Deletes provision regarding the committee’s lack of authority to control the quality of other providers.
 - ii) Policy 9.02 - Minimum Quality Standards for Florida Bar Continuing Legal Education Programs
Within subdivision (2), adds reference to CLE diversity policy regarding the selection of CLE volunteers; updates reference to speaker database, to “recent evaluation report summaries.”

22. Communications Committee Report

Chair Kim Bald told the board that the new Florida Bar Web site is up and running and that the committee is now trying to determine what additional member information, if any, could be listed on the Web site. She said that the committee looked at the Web site of the State Bar of Texas as an example and suggested that the board members look there as well.

The committee next discussed follow-up information on a proposal by the Citizens Forum for the Bar to support a civics education symposium. Bar staff met with the executive director of the Florida Law Related Education, Annette Pitts, and learned that an effort is already underway that needs greater support. Additional information on this effort will be presented to the Citizens Forum during their meeting on February 16.

Bald said that the committee had discussed the promotion of Fastcase – the free legal research tool that the Bar is providing for its membership. One email has been sent out to the membership, and additional emails and publication ads are planned, but the membership still does not seem to be aware of the new benefit. She told the board that they would have further discussions concerning the promotion of Fastcase in December.

Bald told the board that President Bookman, President-elect Coxe and Mr. Harkness met with Mike Vasilinda Productions (MVP) to discuss a public relations campaign. MVP proposed a program similar to the “Dignity in Law” program but utilizing placed/paid television and radio advertising. After a discussion by the committee and consideration of the cost (\$1 million per quarter), the committee agreed to decline the proposal.

Finally, Bald told the board that the committee reviewed the plans for the second year of the Board of Legal Specialization Education's communications program. The program is to be considered by the BLSE in early November and will be returned in its final form for approval by the committee and Board of Governors in December.

There were no action items.

23. Board Review Committee on Professional Ethics Report

Vice-Chair Larry Ringers reported that on January 27, 2004, the inquiring attorney requested a written staff opinion regarding a criminal defense client who had repeatedly expressed the intent to lie on the stand. Florida Bar Staff Opinion 25221 concluded that the attorney must move to withdraw from the representation. If the motion to withdraw is denied, the attorney may refuse to offer testimony the attorney believes to be false or, if false testimony has been offered, the attorney must take appropriate remedial measures. On February 4, 2004, the attorney requested Professional Ethics Committee review of the staff opinion.

At its June 25, 2004 meeting, the committee voted to adopt Proposed Advisory Opinion 04-1 as drafted by the subcommittee, which concludes that when a client has stated that the client intends to commit perjury, the attorney must withdraw from the representation *and* disclose the client's intent to commit perjury to the court. Proposed Advisory Opinion 04-1 was published in the July 15, 2004 issue of *The Florida Bar News* for comment by Florida Bar members.

At its January 21, 2005 meeting, the committee adopted Proposed Advisory Opinion 04-1 as revised to reflect some of the Florida Bar member comments. The revision stated that “Timing of the disclosure may vary based on the facts of the case and, in some cases, may be made *ex parte* in camera. Ultimately, the method of disclosure is subject to the discretion of the court.”

Proposed Advisory Opinion 04-1 as revised was published in the March 1, 2005 issue of *The Florida Bar News* for comment by Florida Bar members. At its June 23, 2005 meeting, the Professional Ethics Committee affirmed Proposed Advisory Opinion 04-1 after reviewing comments received from bar members. One member requested Florida Bar Board of Governors review on behalf of the Miami Chapter of the Florida Association of Criminal Defense Lawyers. The Board Review Committee on Professional Ethics voted 6-0 to affirm Proposed Advisory Opinion 04-1 as written.

The board approved the recommendation of the Board Review Committee on Professional Ethics.

24. Special Commission on Lawyer Regulation Report

Chair Hank Coxe reported that the commission had written its recommendations. The report is 260 pages, with 130 pages being text and 130 being appendices. The report covers issues that implicate serious adverse public opinion for the Bar, as well as the speed of the in take process. He told the board that it may be in a good draft form for people to start reading prior to December.

25. President-elect Report

President-elect Coxe reported that the Member Outreach committee met in Tampa for 3 hours. The group has to talk to other associations about diversity. The committee recognized that despite the initial mission to reach out to all members of the Florida Bar, the real focus of this committee is what can be done to increase participation of various diverse groups. One of the ideas proposed was to have everyone get together in the same room with a professional facilitator and see what can be done to bridge the differences and encourage people from diverse backgrounds to get involved in Bar activities.

Coxe told the board that he had testified in front of the House of Representative Governmental Operations committee on the House Bill 61 by Representative Quinones on DNA. He told the board that Senator Villalobos, the sponsor of the identical Senate bill on DNA had also come to testify. He said that the bill repeals the time limits on DNA testing for all people convicted of a crime. He reminded them that Governor Bush has issued an executive order prohibiting the destruction of any DNA evidence, and the Supreme Court had issued an opinion extending the deadline to July 2006, which would give the Legislature time to statutorily repeal the deadline.

Coxe also told the board that on the topic of advertising, Senator Skip Campbell is looking at the issue, Steve Metz and Paul Hill met with Senator Campbell about a bill, but that the constitutionality would be suspect and hopefully the Bar won't have to deal with it during the 2006 session.

26. President's Report

President Bookman informed the board that he had to submit 156 names to the Governor's Office by April 2006 for the Judicial Nominating Commissions. He said that the Bar had sent e-mails to all local bar associations, particularly minority bar associations for applicants, and they already have steering commissions to come up with 156 names to send to the Governor's Office. He urged the board members to go to their voluntary bars to get names. Bookman reminded the board that currently there is an opening in the 4th District Court of Appeals Judicial Nominating Commission.

27. Special Committee on Paralegal Regulation Report

Chair Ross Goodman reported that the Paralegal committee would be holding a public forum in Tampa on October 28, 2005. He reported that they would have about 25 speakers. President Bookman told the board that this is a very active committee with about 99% attendance.

28. Program Evaluation Committee Report

Member Richard Tanner reported that the committee had met with the leaders of the Animal Law committee to discuss allowing the committee to become a permanent substantive law committee. He told the board that the committee members had thoroughly questioned the ALC to make sure that they weren't planning to become an animal rights committee or an animal rights advocacy committee. Tanner reminded the board that the committee would be based on animal law education, not animal rights. The committee recommended that the board approved the ALC's request to become a permanent substantive law committee committee. The board concurred with the committee recommendation.

Review of Rule Amendment 6-25: Standards for Certification of a Board Certified State and Federal Government and Administrative Practice Lawyer

Tanner told the board that the Government Law section and the administrative law section were in a dispute on the certification process. Currently the administrative lawyers and Government lawyers are negotiating once again and expect to have a submission by December.

Review of Rule Amendment 6-26: Standards for Certification of a Board Certified Intellectual Property Lawyer

Tanner told the board that the committee recommends that the board approve a request to create a new board certification area in Intellectual Property Law. The board concurred with the committee recommendation.

Review of Proposal/Questionnaire for a Study on New Lawyer Job Stress, Socialization and Ethics

Tanner told the board that Carl Zahner had attended the PEC meeting and provided an overview of the proposal for a study on new lawyer job stress, socialization, and ethics. Tanner mentioned how this is a joint effort between the Henry Latimer Center for Professionalism and the University Of Florida College Of Business. This study will collect information from young lawyers regarding their transition from law school to the practice of law. By having information on the issues of ethics, professionalism and the various stresses that young lawyers face, the programs of the Commission on Professionalism and the Standing Committee on Professionalism can be better designed and more focused.

Richard Tanner mentioned how this study will have a zero impact on the Bar's budget, and stated that it would be entirely funded by the University of Florida. The University of Florida faculty will disseminate the survey, tabulate the data, and the Bar would then have access to those final results. He recommended that input be sought from the Quality of Life and Career Committee before the questionnaire is sent out.

Tanner reported that the next item is primarily for information purposes. The interest is to undertake a study of disable Florida lawyers to see what further might be accomplished to bring down the barriers. At this point, there are 44 lawyers standing by to be assigned to subcommittee to do a survey. The lawyers said that before they begin, they wanted to know that the PEC would support their efforts.

Tanner told the board that the PEC discussed the issue that was raised once again about whether there ought to be a formal bridge liaison between the Bar and the medical profession. Tanner said that the committee had tabled all action on this until President Bookman had the opportunity to meet with the President of the Florida Medical Association.

29. Young Lawyers Division Report

Young Lawyer Division President Jamie Moses told the board that the YLD had found out at their last meeting that their administrator Austin Newberry was asking for change in position, due to the amount of travel required. Austin has been replaced with Mustafa Mahdi.

She told the board that they YLD will have an out of state meeting in Washington D. C. She informed that board that the Practicing with Professionalism retreat that was planned was scheduled for Saturday, October 22, 2005. However it had been cancelled because of Hurricane Wilma. She said that they are hopefully going to do the retreat in January.

Moses said that in March the YLD is putting on their Government symposium at the University of Florida law school. They will have Florida Supreme Court Chief Justice Pariente, the Governor's General Counsel, Rocky Rodriguez and Representative Jeff Kottkamp on their panel and Alan Bookman as the introductory speaker. The topic of the symposium is going to be on the separation of powers.

Moses told the board that this year the YLD is networking more with the law schools. They have prepared a seminar on "Getting ahead without losing your head". This is about ways to get ahead within the Florida Bar and get ahead in practicing law. She said that the seminar had been very well received. It encourages the students to get involved in the Bar.

Moses said that since their last board meeting, she has spoken at the minority student reception at the University of Florida. She said that about 20 UF students went to the minority picnic. The YLD is considering having a second picnic in Orlando so that students in north Florida could easily travel there.

Finally, the YLD is holding its affiliate outreach conference in January in Cape Canaveral.

30. Time and place of next meeting

The Board of Governors will meet in December 13-17, 2005 at the Ritz-Carlton in Amelia Island Florida.

There being no further business to discuss, the meeting adjourned at 2:50 PM.

Respectfully submitted,

Dana M. Watson

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