



# The Florida Bar

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## THE FLORIDA BAR PROFESSIONAL ETHICS COMMITTEE

### AGENDA

Friday, June 17, 2016

2:00 p.m. until 5:00 p.m.

Hilton Orlando Bonnet Creek  
Orlando, Florida

1. Approval of the minutes of the January 22, 2016 meeting.
2. Report from Subcommittee for the Masters Seminar on Ethics 2016 by subcommittee chair Loula Giannet. No backup.
3. Informational Item. Ethics Inquiry 35426 was on The Florida Bar Board of Governors agenda at its May 20, 2016 meeting. The inquirer requested reinstatement of Florida Ethics Opinion 67-5 regarding conflicts involved for a lawyer lobbying the legislature when the lawyer's partner is a legislator. The opinion was withdrawn by The Florida Bar Board of Governors on February 12, 1999, because the legislature instituted its own conflict of interest policy for public officials. The Professional Ethics Committee voted at its January 22, 2016 meeting to recommend that The Florida Bar Board of Governors direct the Professional Ethics Committee to issue an advisory ethics opinion on the issue. The Board Review Committee on Professional Ethics deferred this item until its December 2016 meeting at the request of the original inquirer.
4. Consideration of draft Proposed Advisory Opinion 16-1 on the issue of waiving all or part of a lawyer's fee in a personal injury case. The draft advisory opinion is based on review of Florida Bar Staff Opinion 35283 at the request of a member of the subcommittee to review Florida Bar staff opinions. Florida Bar Staff Opinion 35283 concludes that the inquirer, who waived attorney's fees in a personal injury cases, may not also reduce the costs the inquirer advanced to the client in the matter now that there is a recovery under Rule 4-1.8(e), which prohibits financial assistance to a client. The subcommittee member disagreed and requested that the committee issue an opinion stating that the lawyer may reduce or waive costs the lawyer advanced to the client. The Professional Ethics Committee voted at its January 22, 2016 meeting

to direct staff to draft a proposed advisory opinion based on the facts provided that the conduct is permissible. Backup includes draft Proposed Advisory Opinion 16-1, the original inquiry (dated July 28, 2015), Florida Bar Ethics Hotline Call Record 397275 (dated May 28, 2015), Florida Bar Staff Opinion 35282 (dated August 11, 2015), and Florida Ethics Opinion 96-1.

5. Consideration of a request for review of staff's response to Ethics Inquiry 35884, in which the inquirer asked about involvement with a finance company that advances attorney's fees for criminal cases. Backup includes the original inquiry (dated February 23, 2016), staff's response (dated March 10, 2016), the inquirer's request for Professional Ethics Committee review (dated March 14, 2016), and relevant Florida ethics opinions.

6. Consideration at the request of the Vision 2016 Commission Bar Admissions Sub-group of either an amendment to the Rules Regulating The Florida Bar or an ethics opinion regarding a safe harbor for Florida Bar members who work with law firms with nonlawyer ownership that are located in a jurisdiction that allows nonlawyer ownership of law firms. Backup includes the request from Vision 2016 Commission Bar Admissions Sub-group chair, Lansing Scriven and relevant Florida and out-of-state ethics opinions.

7. Discussion of Issue Paper on Legal Checkups by the American Bar Association Commission on the Future of Legal Services. Backup includes issue paper (dated March 22, 2016).

8. American Bar Association Commission on Future of Legal Services issue paper on alternative business structures. Backup includes issue paper (dated April 8, 2016).

9. Informational Item. Request by Professionalism Commission regarding professionalism complaints and panel. Backup includes March 28, 2016 letter from John Berry and list of professionalism panels by judicial circuit.

10. Recognition of departing members who are term limited: Grey Squires-Binford, Ana Maria Martinez, and D. Culver "Skip" Smith, III.

11. Discussion of other items at the direction of the chair. No backup materials.

12. Discussion of the future meeting schedule. The next meeting of the Professional Ethics Committee is tentatively scheduled for **Friday, October 21, 2016, from 9:30 a.m. until 12:30 p.m. at the Tampa Airport Marriott in conjunction with The Florida Bar Fall Meeting**. An orientation will precede the meeting from 9:00 a.m. until 9:30 a.m. on the same date and at the same location. No backup materials.