

RULES REGULATING THE FLORIDA BAR

CHAPTER 9 - LEGAL SERVICES PLANS RULES AND REGULATIONS

RULE 9-1.1. AUTHORITY

Pursuant to provisions of bylaw 2-3.2(d), the Board of Governors of The Florida Bar hereby establishes these rules and regulations for the operation of Legal Services Plans in this state.

RULE 9-1.3. DEFINITIONS

Unless otherwise described in this chapter, the following terms shall have the following described meanings:

(c) **Committee.** The committee shall mean the Prepaid Legal Services Committee, a standing committee of The Florida Bar.

(d) **Group.** Group shall mean an organization of 2 or more persons whose individual members are identifiable in terms of some common interest or affinity. Examples of groups shall include, but not be limited to, the following:

- (1) churches;
- (2) educational institutions;
- (3) credit unions;
- (4) employing units; and
- (5) associations.

(e) **Legal Services Plan.** Legal Services Plan shall mean an arrangement whereby a sponsor contracts directly with a managing attorney for the provision of legal services to its members, hereinafter referred to as a plan.

(f) **Managing Attorney.** Managing attorney shall mean a member in good standing of The Florida Bar who shall be the person responsible to The Bar for the proper conduct and operation of a plan.

(i) **Sponsor.** Sponsor shall mean a group that provides a plan for the benefit of its members.

ADDITIONAL INFORMATION ON LEGAL SERVICES PLANS

For additional information on the operation of Legal Services Plans in the State of Florida, please feel free to contact the following resources:

1. The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300
1-850-561-5600
www.floridabar.org

**2. Prepaid Legal Services Committee of
The Florida Bar**

For specific information relative to Chapter 9 Legal Services Plans, go to The Florida Bar website listed above [www.floridabar.org] and then click on “Inside The Bar”, then “Committees”, then “Standing Committees”, and then “Prepaid Legal Services” under “Public Service Committees”.

3. Florida Office of Insurance Regulation
200 East Gaines Street
Tallahassee, Florida 32399-0305
1-850-413-3140
www.flor.com

For specific information relative to *non*-Chapter 9 Legal Services Plans, go to the Florida Office of Insurance Regulation website listed above [www.flor.com] and then click on “Company Search”, and then select “LEGAL EXPENSE INSURANCE” under “Company Type”.

The material in this pamphlet represents general legal advice. Because the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular legal situation.

LEGAL SERVICES PLANS

WHAT EVERY *FLORIDA* ATTORNEY SHOULD KNOW ABOUT CHAPTER 9 LEGAL SERVICES PLANS

Chapter 9 Legal Services Plans are arrangements, in compliance with Chapter 9 of the Rules Regulating The Florida Bar, whereby a Sponsor contracts directly with a Managing Attorney for the provision of legal services to its members.



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BENEFITS FOR FLORIDA ATTORNEYS IN BECOMING MANAGING ATTORNEYS UNDER CHAPTER 9

- Built-in client base comprised of members of the sponsor eligible to receive legal services under a Chapter 9 Plan (being “plan participants”)
- Ability to tailor the types and kinds of legal services rendered to plan participants based upon a managing attorney’s present law practice
- Potential for receipt by the managing attorney of recurring monthly “retainer” income from plan participants depending upon the economic model utilized in the establishment of the Chapter 9 Plan
- Potential for the managing attorney to generate income *in addition to* the income derived from a Chapter 9 Plan upon the following:
 - Provision of legal services to plan participants on legal matters **not** covered by and under the Chapter 9 Plan at the managing attorney’s normal and customary fees
 - Increase in the built-in Chapter 9 Plan client base upon a plan participant referring a member of the sponsor eligible to receive legal services under the Chapter 9 Plan to so join the plan
 - Increase in private client base upon a plan participant referring a non-member of the sponsor for services rendered at the managing attorney’s normal and customary fees

REQUIREMENTS FOR A MANAGING ATTORNEY TO ESTABLISH A CHAPTER 9 LEGAL SERVICES PLAN

RULE 9-2.1. REQUIREMENTS FOR ESTABLISHING A PLAN

A managing attorney shall not be permitted to operate a plan in this state without first obtaining approval by the board of governors to establish such plan. A managing attorney seeking to obtain board approval of a plan shall file with the committee a plan application pursuant to the requirements of this chapter.

RULE 9-2.2. FORM AND CONTENT OF PLAN APPLICATION

A plan application shall consist of the following:

- (a) **Assurances by the Managing Attorney to The Bar.**
- (b) **Agreement by and between Managing Attorney and Sponsor.**
- (c) **Agreement by and between Managing Attorney and Plan Attorney.**
- (d) **Other Documents.**
- (e) **Application Fee.**

PERMISSIBLE ACTIVITIES OF MANAGING ATTORNEYS

RULE 9-3.1. ACTIVITIES OF MANAGING ATTORNEYS

Managing attorneys and their employees or agents may:

- (a) directly contact representatives or fiduciaries of groups for the purpose of informing them of the availability of a plan offered by the managing attorney;
- (b) upon board approval of a plan, provide any written form of communication to members of the sponsor for the purpose of informing them of the availability of said plan and inviting them to become plan participants therein but only in accordance with the advertising and solicitation provisions of these Rules Regulating The Florida Bar; and
- (c) do any and all things necessary and proper in order to fully and completely administer the plan.

Examples of permissible administrative activities shall include, but not be limited to, the compilation of the following:

- (1) types of legal services performed;
- (2) time expended per legal matter;
- (3) number of plan participants receiving legal services under the plan; and
- (4) the amount and method of payment of the fees paid to the plan attorney(s).

Notwithstanding any other provision herein to the contrary, the managing attorney is expressly prohibited from contracting with any third party of whatsoever type or kind to perform any administrative activities regarding the plan whatsoever.