

# The Florida Bar



## 2018-2019 Committee Leaders'

# Handbook

**Section and Committee Leaders' Handbook  
2018-2019**

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# **BAR ORGANIZATION AND SERVICES**

## THE FLORIDA BAR

[www.floridabar.org](http://www.floridabar.org)

The Florida Bar is the third-largest mandatory state bar in the United States. Its headquarters building and annex are located in Tallahassee just three blocks from Florida's Capitol. The organization has branch offices in Tallahassee, Orlando, Tampa, Fort Lauderdale and Miami. More than 350 people are employed by the Bar.

The [president of The Florida Bar](#) is elected as president-elect designate. After one year of service as president-elect, he or she automatically becomes president for the next year that begins at the June Annual Meeting. The president conducts meetings, makes various appointments to committees, commissions and task forces, and serves as official spokesperson for the Bar and its Board of Governors.

The [Board of Governors](#) is the governing body of The Florida Bar. The 52-member Board consists of the president, president-elect, the president and president-elect of the Young Lawyers Division, representatives elected by members of the Bar from each of the state's 20 judicial circuits, four out-of-state members, and two public members (nonlawyers) appointed by the Supreme Court of Florida.

Through membership in various [sections and divisions](#), lawyers can focus their involvement in an area of the law that interests them most. Section membership is voluntary and offers concentrated information and education in a specific area of law. Sections provide attorneys with access to other lawyers who share similar interests in a specific legal field. The sections are also involved in the production of specialized continuing legal education seminars and publications, and publication of newsletters covering their areas of professional interest. A section also may take a legislative or political stance on issues within the section's matter jurisdiction (must meet [Standing Board Policy](#) 9.50). Some sections allow affiliate memberships for nonlawyers and nonmembers.

All Bar members are invited to become involved in activities of the Bar's [standing committees](#). These various volunteer groups do much of the work of The Florida Bar. In addition to the [Board of Governors committees](#), [special committees](#) are appointed to study and make recommendations in response to issues of significance to the legal profession or system of laws in Florida.

The Florida Bar headquarters office has four divisions: Legal, Programs, Administration, and Ethics and Consumer Protection. All of the Bar's programs, which include Communications and General Counsel, fall under one of these divisions to ensure continuity and effectiveness. The [Staff Contacts page](#) provides information on how to contact the staff.

The Florida Bar -- as an organization -- had its genesis with a group of Florida lawyers who banded together in 1889. The history of the Bar reflects an honorable and noble tradition of service for the public's good.



## **THE FLORIDA BAR**

### **The 2016-19 Strategic Plan for The Florida Bar**

Mission: Inculcate in its members the principles of duty and service to the public, to improve the administration of justice, and to advance the science of jurisprudence.

#### **The Florida Bar Objectives**

- I. Ensure the Judicial System, a Coequal Branch of Government, is Fair, Impartial, Adequately Funded and Open to All.
- II. Enhance the Legal Profession and the Public's Trust and Confidence in Attorneys and the Justice System.
- III. Strive for Equal Access to and Availability of Legal Services.
- IV. Enhance and Improve the Value of Florida Bar Membership and the Bar's Relationship with its Members.
- V. Continue to Encourage and Promote Diversity and Inclusion in All Aspects of the Profession and the Justice System.

**Objective I: Ensure the Judicial System, a Coequal Branch of Government, is Fair, Impartial, Adequately Funded and Open to All**

**Actions**

1. Educate Florida Bar members and the public about the Constitutional Revision Commission (CRC) through a comprehensive outreach effort and assist the CRC by providing subject matter expertise.
2. Simplify and streamline the rulemaking process of The Florida Bar to make it more flexible/less cumbersome.
3. Develop a multi-year, long-term plan for reliable state courts system funding. Explore the possibility of including judicial funding in a constitutional amendment.
4. Determine what The Florida Bar can do, within the limitations of a mandatory organization, to become an even more active and effective advocate for maintaining a fair and impartial judiciary that is open and accessible to all.
5. Use all available resources, including a coalition of political leaders and business groups, to educate the public, Florida Bar members and legislators on the role of the judiciary and what it takes to ensure that the courts system is adequately funded.
6. Increase efforts to educate the public and Florida legislators about the role of the courts system and the need to maintain a fair and independent judiciary.
7. Increase education initiatives by studying and identifying what The Florida Bar does most effectively, institutionalizing and replicating those efforts, and including civics education within Florida high schools.
8. Work more closely with the Voluntary Bars to promote educational initiatives.
9. Continue to enhance outreach efforts to the Governor, as well as to the Executive and Legislative branches of government, to build a better relationship between the other branches of government and The Florida Bar.

**Objective II: Enhance the Legal Profession and the Public's Trust and Confidence in Attorneys and the Justice System**

**Actions**

1. Capitalize on innovative technology to effectively communicate The Florida Bar's message to its diverse membership, the general public and targeted groups.
2. Develop and implement a coordinated and cohesive plan to promote key issues of professionalism to Florida Bar members.
3. Work to change the ethics rules so that they contain a professionalism component and encourage the Florida Supreme Court to adopt a rule similar to Federal Rule 11 to reduce misbehavior and strengthen the Bar's professionalism commitment.
4. Use positive print and electronic media placement to achieve favorable media coverage for attorneys, judges and the judicial system.
5. Increase outreach and promotion, focus, participation and implementation for the Justice Teaching, Benchmarks, and Speakers Bureau programs.
6. Develop creative and dynamic social media messaging by The Florida Bar and its leadership to provide more positive recognition of member achievements on an individual basis.
7. Pursue more public announcements about the Judicial Qualifications Commission enforcement efforts in order to enhance public confidence in the judicial system.

### **Objective III: Strive for Equal Access to and Availability of Legal Services**

#### **Actions**

1. Use technology, self-help videos, and online delivery to increase access for members of the public and for pro se litigants to have easier access to the Florida Courts system.
2. Identify where unmet needs exist and thoroughly explore the development of other types of service delivery initiatives.
3. Devise innovative models to match unmet legal needs with underutilized attorneys.
4. Create a coalition of business and community leaders to address equal access and availability of legal service issues.
5. Continue to encourage and support The Florida Bar Foundation's "One" campaign.
6. Identify pro bono and access to justice programs that are successful, ensure that they are adequately funded, and replicate them in other areas.
7. Seek to implement various recommendations made by the Florida Access to Civil Justice Commission.



## **Objective IV: Enhance and Improve the Value of Florida Bar Membership and the Bar's Relationship with Its Members**

### **Actions**

1. Aggressively pursue new services/benefits for the membership and communicate them effectively.
2. Use technology to connect Florida Bar resources and information to Bar members and the general public.
3. Accelerate the Bar's use of technology and allocate resources on an annual and continual basis to improve Florida Bar communications and education processes.
4. Be supportive in the adoption of new technology by Florida Bar divisions, sections and committees.
5. Expand the outreach of the Practice Resource Institute (PRI) and continue to enhance member benefits through the use of teaching videos on the Bar's website or via a YouTube type format. Encourage members to both access this platform to educate themselves and create new videos to teach other lawyers.
6. Thoroughly study the concept of a mentoring "buddy system" between technology savvy lawyers and those lawyers who are seeking technology assistance.
7. Continue to monitor the evolving continuing legal education needs of Florida lawyers and develop new educational programs and resources to address those needs.
8. Work in conjunction with one or more banks to develop a totally computerized attorney trust accounting system that would be "error proof" (i.e. required information to make deposits and withdrawals would automatically generate all required journals, ledgers, reconciliations and other data).

## **Objective V: Continue to Encourage and Promote Diversity and Inclusion in All Aspects of the Profession and the Justice System**

*The term “diversity” has a dynamic meaning that changes as the demographics of Floridians change. Apart from differences in race, color, gender, national origin, religion, age, sexual orientation, citizenship, and geography, to mention a few, the public and our profession will experience changes in thought, culture, and beliefs. These demographics are constantly in flux. Defining “diversity” based on current differences would limit its application to future changes, and likewise restrict or limit The Florida Bar’s consideration of and response to such changes.*

*The Florida Bar is fully committed to the enhancement of diversity within the Bar, the legal profession, legal education, and in the justice system, and affirms its commitment toward a diverse and inclusive environment with equal access and equal opportunity for all.*  
– The Florida Bar Board of Governors.

### **Actions**

1. Create a diverse judiciary and Judicial Nominating Commissions that reflect the population of the state of Florida.
2. Continue the Bar’s “Get Involved” Campaign.
3. Encourage members to provide self-identity data to The Florida Bar and continue to develop baseline data.
4. Promote diversity and inclusion from both within and through the Judicial Nominating Commissions.
5. Request that the Board of Governors become more active in their outreach to members and the public by increasing the number of speeches they provide and participating in an ambassador outreach program.
6. Task recent graduates of the Wm. Reece. Smith, Jr. Leadership Academy to develop ideas for increased outreach.
7. Continue to enhance The Florida Bar’s diversity grant program.

# **FLORIDA BAR STAFF CONTACT LIST**

[The most current list is located on The  
Florida Bar website.](#)

## **WHAT SHOULD YOU EXPECT FROM STAFF & STAFF FROM YOU**

The most successful associations are those that maintain a careful balance between volunteer and staff lines of authority and responsibilities. Yet this is an area that can create some of the most frequent misunderstandings.

The volunteer-staff relationship should never disintegrate into an "us against them" battle. Yet, how do you maintain the delicate balance?

Here are some pointers suggested by Barnes & Roche, Inc., of Rosemont, Pennsylvania, a firm that provides consulting services in the areas of development and fundraising. These pointers apply equally well to many types of voluntary organizations.

### **What Should Volunteers Expect of Staff?**

1. A volunteer should expect to have the time the volunteer is freely giving used to its best advantage, not wasted on things others can do or on relatively unimportant tasks.
2. A volunteer should expect to receive from a staff member options and recommendations for activity, not "what should we do about this?" or "how should we handle this?"
3. A volunteer should expect the staff member to adhere to points of view the staff believes are professionally correct, notwithstanding the attitude of volunteers. At the same time, a volunteer should expect a staff member to be flexible and to incorporate the views of volunteers into the program as appropriate.
4. A volunteer should view the staff member as a valued professional colleague who is neither dictated to nor put on a pedestal.
5. A volunteer should expect the staff to identify the volunteer's role and activities and to provide all necessary background information to carry out those responsibilities.
6. A volunteer should expect to be told bad news or problems (as well as good news) and should be involved, when appropriate, in developing solutions.
7. A volunteer should expect from a staff member polite but firm pressure to achieve objectives and to move forward according to an agreed-upon plan.

### **What Should Volunteers Expect of Themselves?**

1. Plan to give the time committed to a program or organization.
2. Put limits on your involvement when you cannot meet your responsibilities.
3. Bring to your association work the same level of intellectual commitment and judgment you would in your own business or professional pursuits.
4. Respect the individuality and style of the organization you are involved with. Each association is unique. Each has its own purpose and characteristics.

### **What Should Staff Expect of Volunteers?**

1. A staff member should expect from volunteers creativity in addressing the program and issues and not a "rubber stamp" performance. At the same time, the staff member should expect the volunteers to respect staff's judgment and by and large to accept staff recommendations.
2. A staff member should expect that volunteers need education about the Bar. Every staff contact is an opportunity to tell the volunteer more about the organization and its programs and objectives.
3. A staff member should neither fear nor denigrate volunteers, but rather view them as valued colleagues.
4. A staff member should expect volunteers to ask hard questions.
5. A staff member should expect volunteers to have individual strengths and characteristics that must be identified and put to special use.
6. A staff member should be sensitive to the personal and business priorities of volunteers that may impinge on their ability to serve. The staff members must be certain that the things being asked for are substantive and important.
7. A staff member should remember that more good volunteers are lost because too little, rather than too much, is asked of them.

### **What Should Staff Members Expect of Themselves?**

1. Staff members should prepare plans and guidelines for volunteers so they can react to specifics, not generalities.
2. Staff members should view themselves as members of a team and should give public credit to volunteers for successful programs.
3. Staff members should provide not just service, but leadership. Staff members should provide options for activity, set a positive and forthright atmosphere, and create confidence in their judgment and the program that is being carried out.
4. Staff members should expect to have free access to volunteers and should make sure that all contacts with them are professional and productive.

These pointers add up to basic rules for human relationships. Staff and volunteers work together best in an atmosphere of open communication and mutual confidence and respect. Such relationships don't just happen; like a good marriage, you have to work at them.

## **Office Systems Services**

Through your staff liaison, Office Systems' services are available for reports, correspondence, scanning, PDF documents, data management, etc. Its typesetting/art department is available for brochures, newsletters, forms, graphic design, etc. Staff liaisons can present your thoughts, requirements and materials to the Office Systems staff, and they will assist in getting projects completed to your satisfaction.

# **DATES OF IMPORTANCE**

[See The Florida Bar Searchable Master Calendar.](#)

# **SECTIONS, COMMITTEES AND DIVISIONS**



## 2018-2019 SECTIONS, COMMITTEES AND DIVISIONS

### Board Committees

Audit	Investment
Budget	Legislation
Certification Plan Appeals	Program Evaluation
Communications	Review Committee on Professional Ethics
Disciplinary Procedure	Rules
Disciplinary Review	Strategic Planning
Executive	Technology

### Bar Service Committees

Advertising	Judicial Nominating Procedures
Annual Convention	Leadership Academy
Board of Legal Specialization & Education	Member Benefits
Constitutional Judiciary	Pro Bono Legal Services
Continuing Legal Education	Professional Ethics
Diversity and Inclusion	Professionalism
Federal Court Practice	Senior Lawyers
Florida Bar Center Commission	Student Education and Admissions to The Bar
Florida Bar Journal/News Editorial Board	Technology
Florida Registered Paralegal	Voluntary Bar Liaison
Grievance Mediation & Fee Arbitration	

### Certification Committees

Admiralty & Maritime Law Cert.	Immigration & Nationality Law Cert.
Adoption Law	Intellectual Property Law Certification
Antitrust & Trade Reg. Law Cert.	International Law Certification
Appellate Practice Certification	International Litigation & Arbitration
Aviation Law Certification	Juvenile Law
Business Litigation Cert.	Labor & Employment Law Cert.
City, Co. & Local Govt. Law Cert.	Marital and Family Law Certification
Civil Trial Law Certification	Real Estate Certification
Condominium and Planned Development Law	State & Federal Government Admin. Practice Certification
Construction Law Certification	Tax Certification
Criminal Law Certification	Wills, Trusts & Estates Cert.
Education Law	Workers' Comp. Certification
Elder Law Certification	
Health Law Certification	

### Court Rules Committee

Appellate Court Rules	Juvenile Court Rules
Civil Procedure Rules	Rules of Judicial Administration
Code & Rules of Evidence	Small Claims Rules
Criminal Procedure Rules	Traffic Court Rules
Family Law Rules	Workers' Compensation Rules Advisory
Florida Probate Rules	

### **Public Service Committees**

Citizens Advisory Committee  
Clients' Security Fund  
Consumer Protection Law  
Law Related Education

Legal Needs of Children  
Military Affairs  
Prepaid Legal Services  
Unlicensed Practice Of Law

### **Substantive Law Committees**

Admiralty Law  
Aviation Law  
Education Law

Eminent Domain  
Governmental and Public Policy Advocacy  
Media & Communications Law

### **Sections**

Administrative Law  
Alternative Dispute Resolution  
Animal Law  
Appellate Practice  
Business Law  
City, County & Local Government  
Criminal Law  
Elder Law  
Entertainment, Arts, and Sports Law  
Environmental and Land Use Law  
Family Law

Government Lawyer  
Health Law  
International Law  
Labor and Employment Law  
Public Interest Law  
Real Property, Probate and Trust Law  
Solo & Small Firm  
Tax  
Trial Lawyers  
Workers' Compensation

### **Divisions**

Out-of-State  
Young Lawyers

**2018-2019  
COMMITTEE DEADLINES**

July 20, 2018	Deadline for Meeting Room Requests for Fall Meeting
Nov. 2, 2018	Deadline for Meeting Room Requests for Winter Meeting
Dec. 1, 2018	2019-2020 Committee Preference opens in Member Portal
Jan. 15, 2019	Deadline for Receipt of 2019-2020 Preference Forms
Feb. 1, 2019	Deadline for Meeting Room Requests for Annual Convention
April 5, 2019	Annual Reports of Committees Due for online Bar Journal

**FLORIDA BAR MEETINGS**

June 13-16, 2018	Annual Florida Bar Convention; Hilton Orlando Bonnet Creek, Orlando
Oct. 17-19, 2018	The Florida Bar Fall Meeting of Rules & Other Select Committees; Tampa Airport Marriott
TBD 2019	Winter Meeting of Sections and Committees
June 26-29, 2019	Annual Florida Bar Convention; Boca Raton Resort & Club, Boca Raton
June 17-20, 2020	Annual Florida Bar Convention; Hilton Orlando Bonnet Creek, Orlando

# COMMITTEE REPORT FORM

See S.B.P. 5.22

Name of Committee: \_\_\_\_\_  
Chair: \_\_\_\_\_  
Date(s) of Meeting: \_\_\_\_\_  
Number of Attendance at Meeting: \_\_\_\_\_  
Bar Officers/Staff in Attendance at Meeting(s): \_\_\_\_\_

**USE ADDITIONAL PAGES AS NEEDED TO COMPLETE THE INFORMATION BELOW:**

**Major Items Discussed at Meeting:**

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**Current Projects and Completion Dates:**

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**Interim Status of Projects:**

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**Problems Encountered:**

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(Please attach copy of your minutes with this report)

Copies of this report should be mailed after each meeting to:

Michelle R. Suskauer  
c/o Executive Offices  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, FL 32399-2300

## SAMPLE COMMITTEE EVALUATION FORM\*

**Rating Key**

- 4 Excellent Attends Meetings, Participates Actively, Completes Assignments
- 3 Good Attends Most Meetings, Participates, Completes Assignments
- 2 Fair Rarely Attends Meetings, Must Be Urged To Participate
- 1 Poor Does Not Attend Meetings, Does Not Participate

**Return Form To:**

Committee Evaluation  
 The Florida Bar  
 651 E. Jefferson Street  
 Tallahassee, FL 32399-2300

### Number of Meetings Held

Committee Members			Member Rating	Recommend Reappointment	Attendance	Comments
	Term	Choice	Circle	Circle		
			1 2 3 4	C VC Y N	_ _ _ _ _	
			1 2 3 4	C VC Y N	_ _ _ _ _	
			1 2 3 4	C VC Y N	_ _ _ _ _	
			1 2 3 4	C VC Y N	_ _ _ _ _	
			1 2 3 4	C VC Y N	_ _ _ _ _	
			1 2 3 4	C VC Y N	_ _ _ _ _	
			1 2 3 4	C VC Y N	_ _ _ _ _	

**ANNUAL REPORT FORM FOR PUBLICATION  
IN THE BAR JOURNAL**

**DUE DATE: Friday, April 5, 2019**

Committee/Section Name: \_\_\_\_\_

Number of Meetings held in 2018-2019 \_\_\_\_\_ Average Attendance \_\_\_\_\_

NOTE: Your report should include what your goals were for this Bar year, what has been done thus far to reach these goals and what is planned in the future to finalize these goals. (Photographs are encouraged.) The report should be written as concisely as possible. This report will be placed in the library of The Florida Bar for future reference. If you desire, we will be happy to email a copy of your report to members of your committee or executive council.

Projects reviewed and accomplished during fiscal year include: (Use additional paper as needed for completion of report.)

A copy of the report (if submitted) will be published in the June 2019 issue of The Florida Bar Journal.

Mail to:  
Rawan Bitar, The Florida Bar Journal  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, FL 32399-2300

**STANDING BOARD POLICIES/  
RULES REGULATING  
THE FLORIDA BAR  
RELATING TO COMMITTEES**

## **STANDING BOARD POLICIES - COMMITTEES**

### **5.20 COMMITTEE STRUCTURE, MEMBERSHIP AND TERMS**

**(a) Committee Groups.** Bar committees are divided into 6 groups: substantive law committees, public service committees, bar services committees, certification committees, court rules committees, and special committees.

**(b) Structure.** Each committee will have a chair, a vice chair, and a sufficient number of members to meet the needs of the committee. The bar president may establish an executive committee for any committee. The executive committee is authorized to act on all matters that must be acted on before the next meeting of the committee.

**(c) Membership.** The bar president, on consultation with the committee chair, may remove and replace a committee member at any time if the member is no longer a bar member in good standing or no longer demonstrates an interest in the committee. This policy will be published in a manner accessible to all present or prospective committee members.

**(d) Terms.** A committee member may not serve on the same committee more than 6 years continuously. A member may not be reappointed to that committee for at least 3 years after the 6-year term has ended. This provision does not apply to substantive law committee memberships as defined in these policies.

### **5.21 COMMITTEE CHAIRS' AND MEMBERS' EXPENSES**

The bar will not reimburse committee members and chairs for meals, travel, entertainment or other expenses except as provided for regarding nonlawyer committee members and chairs elsewhere in these policies. The bar will not pay for expenses in connection with committee meetings, except as provided in the approved budget.

### **5.22 COMMITTEE REPORTS**

The chair of each committee will submit committee reports as follows:

**(a)** a status report within 10 days following each committee meeting to the bar president, president-elect and executive director;

**(b)** a committee attendance and evaluation form by February 1st to the bar president-elect and executive director; and

**(c)** an annual report for publication.

### **5.30 SUBSTANTIVE LAW COMMITTEES**

**(a) Scope; Function; Rights.** The scope and function of substantive law committees are to study recent developments in an area of practice of the law and to keep bar members informed of significant developments in this practice area. Substantive law committees may publish articles, sponsor continuing legal education (CLE) programs, and participate in other Florida bar programs to be an effective conduit



of information to the bar and the citizenry. Substantive law committees do not have all the rights and privileges of sections, but may seek section status by complying with applicable policy.

**(b) Creation of Substantive Law Committees.** An organized group of at least 25 bar members in good standing may request that the board create a new substantive law committee. The proposed substantive law committee must submit a proposed statement of activities and a budget for review by the program evaluation and budget committees. The proposal should include a description of any conflicts and overlaps with existing sections or committees. After approval of the interim substantive law committee by the board, the committee must reach a roster of at least 50 members who have attended at least 1 committee meeting or actively participated in the committee's activities during the year. The new roster must be submitted to the program evaluation committee, budget committee and board for approval. Once the minimum membership level has been achieved, substantive law committee status may be granted.

**(c) Minimum Membership Requirement.** Substantive law committees must maintain an active membership of at least 50 members. The program evaluation committee will review committees that fail to meet a membership threshold for 2 of 3 consecutive years. The program evaluation committee may make a recommendation to sunset the committee or merge the committee into an existing bar section or committee. A copy of the annual committee evaluation forms for each affected substantive law committee, used by the bar president-elect for appointment purposes, will be sent to the program evaluation committee.

**(d) CLE Activities of Committees.** Substantive law committees may conduct or sponsor CLE courses in compliance with applicable policy.

**(e) Legislative Activities of Committees.** Substantive law committees may advance legislative positions in compliance with applicable policy.

**(f) Committee Newsletters and Other Publications.** Newsletters, which include pertinent items of interest dealing with substantive law, may be produced and disseminated to the members of substantive law committees in print or electronic forms. Costs associated with newsletters should be budgeted according to subdivision (g) of this policy. Substantive law committees are encouraged to work with the bar *Journal* and *News* editorial board to reach a broader audience. Committees should include articles of interest related to a specific area of substantive law in an issue of the *Journal* each year.

**(g) Committee Budgets.** Substantive law committee budgets will be submitted annually to the budget committee for its review. Items in the budget may include postage, printing, supplies, costs associated with any newsletters, and costs due to free programs offered at meetings approved in the budget.

**(h) Committee Dues Prohibited.** A substantive law committee may not collect dues from its members. The bar may provide a reasonable budget from its general fund to support the activities of substantive law committees.

**(i) Review of Committee Programs.** The program evaluation committee will periodically review the activities and programs of each substantive law committee. Each year the program evaluation committee will review approximately 1/3 of the committees, but no more than 3 committees, in any year. The program evaluation committee will develop and provide forms and guidelines to each substantive law

committee chair. The chair must submit the forms to the program evaluation committee for review. This form should include, at a minimum:

- (1) information on the number of members who actively participate in committee matters and the basis for determining the level of activity;
- (2) a description of each CLE program produced and the attendance at each program;
- (3) budgetary information on revenues and expenses;
- (4) information describing newsletters and other publications;
- (5) a listing of other major accomplishments of the committee; and
- (6) other information deemed necessary for the program evaluation committee's review.

#### **5.40 SPECIAL COMMITTEES OR COMMISSIONS**

In addition to the bar's standing committees, the bar president may establish special committees or commissions with the board's advice and consent.

# **RULES REGULATING THE FLORIDA BAR APPLICABLE TO COMMITTEES**

## **2-8. COMMITTEES**

### **BYLAW 2-8.1 ESTABLISHMENT AND APPOINTMENT OF COMMITTEES**

In addition to those committees established elsewhere under this chapter or other chapters of the Rules Regulating The Florida Bar, the board of governors shall create such committees as it may deem advisable and necessary from time to time. The board of governors may dissolve a committee when it deems that the work of the committee has been completed or is no longer necessary. The board of governors may provide for members of any committee to serve for staggered terms beyond the current administrative year. Any vacancies in these committees shall be filled for the unexpired portion in order to provide a regular rotation of committee members. Before June 1 of each year, the president-elect shall appoint all committee members (except for grievance and unlicensed practice of law), who shall serve for the ensuing administrative year.

The president-elect shall report the membership of committees to the board of governors and shall, with the advice and consent of the board of governors, name and designate the chair and vice-chair of each committee. Persons who are not members of The Florida Bar may be appointed to committees with the advice and consent of the board of governors. The president shall fill vacancies occurring in the membership of the committees for the remainder of the unexpired term and may remove or appoint additional members to a committee.

### **BYLAW 2-8.2 COMMITTEE OPERATIONS**

Each committee shall select from its membership such officers other than the chair and vice-chair as it deems advisable and subcommittees may be designated by the chair from the membership of the committee. Each committee shall meet at such times and places as may be designated by the chair or vice-chair. Each committee shall file with the president and executive director all minutes, annual reports, and procedures and recommendations and such interim reports as desired or may be requested by the president or board of governors. No action, report, or recommendation of any committee shall be binding upon The Florida Bar unless adopted and approved by the board of governors.

### **BYLAW 2-8.3 STANDING AND SPECIAL COMMITTEES**

The board of governors shall determine and designate which committees shall be considered as standing committees (permanent) and which committees shall be considered as special committees (temporary or limited) and shall define the specific powers, duties, functions, and scope thereof.

### **BYLAW 2-8.4 COMMITTEE FINANCES**

No committee shall incur any debt payable by The Florida Bar without prior approval of the executive director. Each committee shall file with the executive director a detailed statement setting forth any funds needed or required in connection with the work of such committee during the ensuing administrative year for consideration by and inclusion in the annual budget of The Florida Bar after approval by the board of governors.

# **MEETING TIPS**

## **HOW TO CONDUCT MEETINGS THAT GET RESULTS**

### **Tips, pointers and guidelines**

Associations are composed not of products but of people, and meetings are the glue that holds them together, whether they are board meetings, committee meetings or informal discussion groups.

Those who aspire to positions of leadership in associations are familiar with the heavy load of meetings in which they must participate.

But the jump from participating in a committee to leading a task force or serving as chair of a committee or head of a board of directors is a big one. There's more difference between serving as a member and acting as a leader than most people suppose.

### **Leaders don't just happen**

The best leadership, like the best athletic or artistic effort, appears easy. The reality is that preparation, practice and diplomacy are all needed if the job is to be done well.

Leaders don't just happen. They must learn how to orchestrate the complex communications, personalities and problem-solving components involved in association meetings. Because of this, a leadership position should not be viewed as mere ego gratification, a ceremonial job or a reward for services rendered.

Experts acknowledge that the single most important ingredient in the effectiveness of committees, task forces or boards of directors is the chair's effectiveness in getting people to work together - usually at meetings.

Association staff members handle the administrative details of meetings, but the actual orchestration of the meeting is up to you as the volunteer association leader. Here are a few pointers to make the job easier.

### **Have a reason to meet**

When and where the meeting will be held are important considerations. However, the very first question a meeting chair or facilitator should ask is, "Why is this meeting being called and what do we want to accomplish?"

If there are no clear-cut answers to these questions, it would be better not to hold the meeting at all. Meetings with no meat set a bad precedent, and members, once burned, may be reluctant to heed the next call to action.

The dates of some meetings, such as those of standing committees and of the board of directors, may be set by the bylaws. But if there's no real content to the agendas of even these meetings, it may be time to rethink the goals and priorities of the association.

The where of a meeting is usually decided by custom, room availability or the condition of the association coffers. The time set for the meeting and how long it will run should be given careful consideration. The first half-hour of meetings scheduled too early in the day is usually spent priming members with coffee in order to achieve the level of alertness necessary for the ordinary conduct of business.

Those held at the end of the day seldom hold the attention of members once normal quitting time has passed. It's human nature to want to begin and end one's working day at one's own pace and place.

Ten o'clock in the morning and 2 o'clock in the afternoon are optimum times for meetings, particularly those that are scheduled to run for one or two hours. Whatever timetable you choose, stick with it. Begin on time, and don't let the meeting run over.

### **Know who participates**

The matter of who attends association meetings is seldom left to the leader. Participants are elected or selected, or they may simply volunteer. In working committees, it's best to have a definite limit on membership; the optimum size for getting results is five to 15 members. If there is no limit on committee membership and you have more than 15, divide the members into smaller groups for specific tasks.

Another consideration, particularly for standing committees and working groups, is the ratio of mature, successful members to those new to the profession. Ideally, there should be twice as many experienced members.

### **Be aware of hidden agendas**

People participate in meetings for a variety of sometimes overlapping reasons: exposure, a desire to develop professionally, a desire to bring about changes that will make their jobs easier, or simply a compulsion to join. With so many different agendas, it's up to the leader to be aware of and use these motives to encourage participants to get things done.

New committee members need to be brought up to date quickly. This is best done before they attend their first meeting by supplying them with minutes of the past year, a review of the committee accomplishments and a list of recommendations for future actions made by past committee members. The association staff can handle development and distribution of these materials, but as the leader you should ensure that materials are sent early enough to give time for review.

### **Preparing for the meeting**

Effective meetings don't just happen. They require advance planning and effort on the part of both the leader and the participants. In order to ensure this, an agenda should always be sent in advance of a meeting.

According to Frank Snell, author of "How to Hold a Better Meeting," an agenda should list the date, place, and estimated duration of the meeting. The names of the participants should be given together with the subject of the meeting, some background information and the status of the material to be discussed. Usually association staff will prepare the agenda, but you should be sure it covers topics that need to be covered.

Most important, the agenda should clearly set forth the goal of the meeting. This document doesn't have to be long and involved, but it should contain enough information so that the participants know what is expected of them. For example, a meeting plan could look something like this:

**Date of Meeting:**

January \_\_\_\_, \_\_\_\_\_

**Place:**

Widget Association Conference Room

**Time:**

10 a.m.-Noon

**Who Will Attend:**

Association President Bob X  
Public Affairs Director Sarah Y  
members Smith, Jones, Perez and Butler

**Subject:**

Consumer Information Program

**Background of Subject:**

Board has decided that association shall develop a public information program for widget consumers.

**Present Status:**

Staff members have developed three alternative plans.

**Goal of Meeting:**

To reach complete agreement on which plan to use.

Background information and samples of these plans should be included in the agenda mailing. Careful advance preparation of materials serves two purposes: It forces the leader to identify the problem and set a goal and it allows participants to thoughtfully review the subject and develop a point of view.

**Consider seating arrangement**

Studies have shown that human beings react in certain predictable ways in certain physical surroundings. Industrial psychologists have gone to great lengths to discover the best room size for meetings, the most effective wall color and the most efficient seating arrangements.

The first two items may be beyond your control, but the seating arrangements usually aren't. The first consideration involves the table at which you and your committee or board will sit.

Ideally, a round table is best, but this works only for a small group. A wide rectangular or U-shaped arrangement is effective for larger meetings. There are even some instances where squeezing the participants closely together side by side promotes communication. Strangely enough, the same proximity doesn't work when members are put face to face across a narrow table, particularly when opposing factions are lined up on either side.

The second consideration is where the leader sits. As a leader it's important that you can be easily seen by all participants. This means positioning yourself at the head of the table if you fancy an authoritarian setting or in the middle of the table if you want to appear to be one of the crowd.

A useful tactic to remember when dealing with a possibly disruptive member is to seat that person to your immediate right, which means that you will have no eye contact, thus enabling you to ignore signals for attention.

## **Start on time**

As leader you set the tone for the meeting. The one rule upon which all experts agree is this: Start on time. Don't wait for anyone. It sets a bad example and encourages others to be late at the next meeting.

Briefly state the purpose of the meeting in clear, lively language, and emphasize the positive aspects of the subject. If you predict gloom and doom from the beginning, members will become discouraged and tune out.

Once the meeting is underway, keep it going. B. Y. Auger explains in his book, "How to Run Better Business Meetings," that with a little practice, leaders can learn to keep a discussion moving along briskly.

His seven control points are:

1. Stimulate discussion; don't let it lag.
2. Balance the discussion; don't let any single point of view dominate when others are to be heard.
3. Keep the discussion on track; don't let people digress.
4. Break up hot controversies; they'll tear the meeting apart.
5. Keep the meeting lively; don't let people daydream.
6. Watch your timetable; finish on schedule.
7. Make sure there is a conclusion and some positive action initiated.

If the subject matter is complicated, go slowly and use a blackboard. This is also a useful tool in defusing a heated discussion, since listing the points being discussed seems to disassociate the idea from the person proposing it; it becomes more impersonal and easier to discuss freely.

## **Orchestrating results**

Generally speaking, it's usually easier to encourage and direct rather than to push and pull, and this is where knowledge of the personalities and inner agendas of the participants is important. Manipulation may sound like a dirty word, but it works, and it's certainly less irritating than ruling by fiat, particularly in a democratic organization like a trade or professional association.

Remember, peers are the most difficult people to command. Try a carrot instead of a stick.

It's important to give each participant a chance to speak. This is difficult with those who are naturally reticent or who choose to play it close to the vest. However, by getting this type of person to open up by asking him/her to share information, you can sometimes open the way for opinions to come out as well.

It may take time and coaxing, but it's worth the effort. The silent ones are taking everything in while the gregarious ones are just too busy talking to listen.

The close of a meeting is as important as an opening. The leader should point out what decisions have been reached, what differences remain and what needs to be done in the future.



## Qualities of a good leader

Strange as it may seem in this age of double talk, the duty of a leader is to lead. This doesn't mean to ride roughshod over others, but it does involve a responsibility which, if not exercised, can lead to group inaction or chaos.

A meeting leader should stay neutral, avoid lecturing and guide the meeting from problem to solution.

A leader should not hog the meeting, publicly rebuke a member or permit unnecessary interruptions such as phone calls, outside questions and so forth.

## After the meeting adjourns

Once the meeting is adjourned, the leader still has work to do. The results of the most successful meeting in the world will slip away if they are not put into concrete form almost immediately. Frank Snell, author of "How to Hold a Better Meeting," suggests setting up a standard form for a follow-up memo. It should be tailored to a group's or committee's specific needs and include the following information:

Date of Meeting \_\_\_\_\_

Name of Sender \_\_\_\_\_

Subject of Meeting \_\_\_\_\_

Participants \_\_\_\_\_

Conclusions reached \_\_\_\_\_

\_\_\_\_\_

Future Action \_\_\_\_\_

Send the memo to the participants, the association staff liaison and others who have a need to know. This memo can serve as the basis for the agenda for the next meeting.

## A good meeting gets results

A good meeting is one that meets its goal in the fairest and fastest manner possible. Only an effective leader can make this happen. The leader has temporary custody, after all, of the participant's most precious commodity -- time.

You can stretch money, you can cut staff, but you can't manipulate time. Twenty-four hours a day is all anyone gets. By coming to a meeting, an association member puts this finite commodity into the leader's hands. It's a good leader who values this trust and makes the most effective use of it.

Cami Hofstadter, Ph.D.  
Author and retired professor

**HOW TO CONDUCT A MEETING  
ACCORDING TO ROBERT'S RULES OF ORDER  
(NEWLY REVISED)  
&  
IN LIGHT OF CASE LAW**

**INTRODUCTION**

Since The Florida Bar has adopted *Robert's Rules of Order, Newly Revised* (henceforth cited as *RONR*) as its parliamentary authority, it is important to explore the main aspects of this particular manual. The rules are applicable to all other fora which have adopted the same authority, although legislative bodies and municipalities frequently have additional rules. In addition to statutory provisions for nonprofit organizations, the user should be alert to many factors influencing the effectiveness or pertinence of *RONR*, such as:

a. **Contractual relationship to adopted manual**

Courts have held that the adoption of parliamentary rules creates a contractual relationship between members and their organizations. Confusion caused by the existence of many other manuals and the peculiar rules in legislative bodies often results in erroneous interpretations of the contractual provisions contained in *RONR*.

b. **Case law**

While *RONR* is the most frequently used parliamentary manual (A. Sturgis, *Code of Parliamentary Procedure* being the second one), its rules are primarily for ideal situations under ideal circumstances. The rules in *RONR* are not always upheld in the courts. The test seems to be whether an individual's rights have been unduly violated. At least one court has said it will not stand on form alone, and another one has specifically refused to "sit as Grand Parliamentarian" in a dispute. As rules of parliamentary procedure are being contested in court, a growing body of common parliamentary law has been established.

c. **Lack of previous training**

Because admission to the Bar does not routinely carry with it familiarity with *RONR* and because each rule must be considered in its context as well as in light of any judicial interpretations of it, great care should always be exercised in the application of *RONR*. Please see the role of a parliamentarian, below at VII.

d. **Intent**

Correct vocabulary is essential for the understanding of the *intent* of the group when proper form is not observed. Often, the person recording the actions of a meeting cannot easily ascertain the intent of a group, unless accurate vocabulary is used during the proceedings. When this is not the case, the intent can easily be obscured or misrepresented by the recorder and lay the foundation for future litigation by malcontenters.

e. **Custom**

Organizations have a tendency to develop its own customary, unwritten rules--a fact, that *RONR* readily acknowledges in connection with the format of minutes. A presiding officer should, therefore, work closely with the parliamentarian on deciding when proper procedure may be overlooked to accommodate a custom which may be, politically or otherwise, more "correct." Members, on the other hand, should always be advised of the fact that objections must be made at the time of an alleged violation of the rules.

\* \* \* \* \*

Below is an outline of the most essential aspects of understanding proper procedure according to *RONR*:

**I. PROPER MEETING AGENDA**

- A. Convening a Meeting
- B. Opening Ceremonies
- C. Approval of Minutes
- D. Report of Officers
- E. Reports of Committees
- F. Unfinished Business
- G. New Business
- H. Announcements
- I. Adjournment

**II. MAIN MOTIONS**

- A. Ordinary Main Motions
- B. Resolutions
- C. General Consent

**III. RANKING MOTIONS**

- A. Subsidiary Motions
  - 1. Postpone Indefinitely
  - 2. Amend
  - 3. Commit or Refer (to a committee)
  - 4. Postpone to a Certain Time
  - 5. Previous Question, or Close Debate
  - 6. Lay on the Table
- B. Privileged Motions

**IV. NON-RANKING MOTIONS**

**V. RESTORATORY MOTIONS**

- A. Reconsider
- B. Rescind

**VI. ROLE OF PRESIDING OFFICER**

**VII. ROLE OF PARLIAMENTARIAN**

\* \* \* \* \*

## I. PROPER MEETING AGENDA

Some organizations customarily present members with an agenda at the beginning of a meeting. Sometimes, this merely serves an informative purpose, at other times adoption is proposed. Once an agenda is adopted, it sets the order of business for the day. By amendment, the assembly may however decide to delete from or add to the agenda. Some organizations, such as municipalities, operate with consent agendas. Items appearing on such agendas are then approved without a further vote. A combination of both kinds of agendas may also occur.

### A. Convening a Meeting

The call to order must include a mention of the nature of the meeting (special or regular, etc.). Meetings should convene at the set time, so as to alert members to punctuality in the future and as a courtesy to members who have arrived on time.

A quorum is presumed present and continuous unless that point is raised.

### B. Opening Ceremonies

Organizations invariably create their own traditions for the convening of a meeting. Examples are the invocation, roll call, Pledge of Allegiance, etc. As the rule is "God before country," the blessing precedes the Pledge. None of these procedures are, however, necessary.

### C. Approval of Minutes

Proper vocabulary is *approval*, not adoption. The best way for approving minutes is by *general consent* (see below at II-C). The minutes are either read (by the secretary), distributed in advance, or distributed to members upon arrival. The Chair then says: "are there any corrections?" ("additions" is inherent in this word). The Chair pauses and says: "The minutes are approved as read (published/mailed/distributed)." If there are corrections, the secretary simply makes the proper notation in the margin and the minutes are then approved "as corrected."

Minutes are not the secretary's personal report but a record of business transacted. Up till such a time that they are approved, they merely reflect the recorder's understanding of what transpired at the meeting. They should not contain debate, although many organizations have adopted a custom of including a synopsis of comments made. This is not a recommended procedure since it invariably alienates members whose opinions were not recorded, and also because it empowers the secretary to select between comments to be recorded and those not deemed significant enough. The name of the maker of a motion may be recorded, although it is not necessary, but the name of the seconder is not included. Minutes must always include the time when the meeting convened and adjourned. Also, it is no longer customary for the secretary to sign "respectfully."

### D. Report of Officers

The treasurer reports and the Chair then asks for questions, to which the chair responds, or requests the treasurer to address the inquiries. The report is then filed (not: "for audit"). Other officers, such as the Vice President, frequently report at this time.

E. Reports of Committees

The committee chairs report and either conclude with a motion proposing an action (on which the assembly votes), or the report is merely filed with the documents of the group. A motion deriving from a committee does not require a second since it is inherent in the proposal that more than one member supports it.

F. Unfinished Business

This is with all probability the most commonly abused and misunderstood item of an agenda. First of all, it is correctly called unfinished (not "old") and secondly, it only includes:

- i) any motion postponed definitely to the current meeting (as long as the group meets at least quarterly), but not set as a special order for a particular hour; or
- ii) a motion before the assembly when it adjourned last.

From the minutes of the previous meeting it is clear if there is any unfinished business: a good presiding officer will be aware of this in advance, rather than having the secretary bringing it to the officer's attention. Unfinished business particularly does not include incomplete committee reports or other items partially reported at the previous meeting.

G. New Business

The presiding officer opens the floor for new business by declaring "new business is now in order." In most instances, a presiding officer has previous knowledge of what items will come up and perhaps even who might wish to introduce one. Unless outlined on the agenda, these items will come to the floor through the line of recognition sought by members from the Chair.

For further information on proper presentation of new business, see Main Motions, II, below.

H. Announcements

Properly, this is a place where members can share non-controversial items of general concern which do not prompt any debate or vote. A pertinent example is to share practical arrangements for the next meeting or news of an absent member, or perhaps welcoming someone new.

I. Adjournment

Usually, there is a feel for when a meeting is near to closing: either all items on the agenda have been disposed of, or members seemingly indicate adjournment is expected. At such times, meetings are best adjourned by general consent. The Chair merely asks whether there is any further business or any objection to adjournment and then says, after pausing briefly: "hearing no objection, the meeting is adjourned." If there is dissent, the Chair puts the motion to the assembly.

## II. MAIN MOTIONS.

### A. Ordinary Main Motions

The main motion introduces a new item of business. Some motions may be both main (when no other business is pending) or privileged when some item of business is already on the floor. An example would be the motion to recess.

The following are the steps in the disposal of a main motion:

- a) The person proposing new business first seeks **recognition** of the presiding officer, either by raising a hand or by calling out, depending on the custom of the group. It is the duty of the Chair to give precedence to the first person seeking such recognition.
- b) Chair: "**The Chair recognizes** Mr. Smith" (only last names with or without title).
- c) Mr. Smith: "**I move that** ..." (RONR does not provide for any debate before the motion, unless the group consists of less than a dozen members). The motion should be worded in a concise and unambiguous way to enable the secretary to properly record it. "So move" is not a proper motion, since it does not reflect a contemplated action by the group and cannot be restated as such by the presiding officer or the secretary.
- d) Chair: "Is there a **second**?" (or, a second might automatically be called out by someone).

It is important to note that the maker of a motion must speak for it (but not necessarily vote for it, since they might change their mind during debate) but there is no implication whatsoever that the seconder is in support of the motion.

A second only infers that the seconder feels the motion warrants enough consideration to be brought to the floor.

- e) Chair: "**It has been moved and seconded that...**" "Is there any discussion?" (or: "Are you ready for the question", which, contrary to common belief only means that debate is in order).
- f) **Debate.** The maker of the motion speaks first. After this, the Chair should alternate, as much as possible, between proponents and opposers of the motion. The Chair might do so by asking whether the next person wishes to speak for or against the motion. *RONR* permits each member to speak twice, for no more than 10 minutes each time. Rights in regard to debate may not be transferred to another member.

Case law is clear that the Chair has no right to unilaterally stop debate. In fact, all major parliamentary authorities, as well as their history, hold that the right to debate is the most valuable right a member has.

The Chair should remain neutral. If the Chair wishes to participate in debate the Chair must relinquish the chair and physically move into the assembly while the next-in-line (usually the Vice-Chair) assumes the chair.

All debate must be impersonal and go through the Chair (ex: "I strongly disagree with Mr. Jones", **not** "John is wrong"). It must also be germane. Comments which do not pertain to the merits of the pending question must not be permitted.

Special procedures allow for debate to be cut short and/or the original motion to be amended (more on both under special motions, below). But once a motion is seconded and stated by the Chair it belongs to the assembly and the original maker has no control over it, such as withdrawing it according to the Chair's own wishes without permission of the assembly.

- g) The Chair **puts the motion**. Chair: "It has been moved and seconded to... All those in favor say 'aye', all those opposed say 'no'." "The 'ayes' have it and the motion is carried." (or, conversely, "the nays have it and the motion is lost"). The negative vote must always be called for to complete a proper motion.
- h) The Chair **announces the vote**. A commonly overlooked part of the procedure, this is an important last duty of the Chair when putting a main motion to the assembly. Until such a time that the vote has been announced a member has a right to change their vote.

If the adoption of the motion carries with it a duty to do something, the Chair concludes with a notation of what is to be done, such as "The Secretary will please order the items agreed upon."

- i) Chair: "Is there any **further** new business?" Etc.

#### B. Resolutions

A resolution is only a written, formal version of a main motion. It consists of a preamble ("whereas...") and the body, and follows a certain format ("resolved that..."). All complicated main motions are best presented in writing to both the Chair and the secretary although not necessarily in the form of a resolution, but under no circumstances should this be made a requirement with no exceptions so as not to unduly hinder members from presenting spontaneous, albeit complicated, motions arising out of the business at hand.

When considering a resolution, the preamble is always amended last.

#### C. General Consent

A form of main motion, this is the most convenient motion of all. Instead of the formal procedure for adoption of regular main motions, general consent provides for an effective and practical way to achieve the same goal in situations where disagreement is not anticipated. The presiding officer merely states "unless there is any objection (or: "is there any objection?") we will ...." Objections must be stated immediately as the disagreeable action occurs. Use of this motion is particularly recommended for adoption of minutes or adjournment.

### III. RANKING MOTIONS

RONR divides all ranking motions in three groups (bottom to top): main, subsidiary and privileged motions. A higher-ranking motion always takes precedence over a lower one. In



addition, there is the group of non-ranking motions, which include incidental as well as restoratory motions. Clearly, it is impossible to include all individually within the frame work of this chapter. Therefore, a selection has been made based on the frequency of usage in the opinion of this author. Additionally, RONR contains a quick reference chart on all motions.

A. Subsidiary Motions

a) Postpone Indefinitely

Often confused with the motion to table, the motion to postpone a matter indefinitely has the peculiar characteristics of opening the main question to debate and, if adopted, it effectively kills further consideration of an issue. This motion ranks immediately above the main motion. It takes a second and a majority vote.

b) Amend

Ranked second above the main motion, this subsidiary motion is probably the most difficult one to comprehend, primarily because of its many modes and its frequent abuse.

Among the main characteristics of the motion to amend:

- i) no more than two amendments, one primary and one secondary, may be pending at any one time.
- ii) an amendment must be germane to the motion to be amended, but it may be hostile to the spirit of the original motion.
- iii) once the amendment has been seconded and stated by the Chair, it becomes the property of the assembly and the maker may not "withdraw" it. The concept of a "friendly amendment" belongs in some legislative bodies, but is improper in other groups.
- iv) the amendment requires a majority vote, even when the motion it applies to requires a larger majority.

c) Commit or Refer (to a Committee)

Ranked third above the main motion, it provides the procedure for referring a matter to an existing or to-be-named committee. When creating a committee, the maker of the motion should be advised to include that suggestion in the motion (ex: "a committee of three..." ("...appointed by the Chair" or "elected by the assembly"). Once the motion is adopted the Chair must proceed with the selection, as such a committee may not commence its work until its make-up has been provided and announced to the assembly.

d) Postpone to a Certain Time

Frequently confused with the motion to table, the purpose of the motion to postpone to a certain time (ranking fourth above the main motion) is to bring a matter back for consideration at a later meeting. At that time it comes up

under unfinished business as a general order. If the matter has been designated as a special order for a specified time, it must be brought before the assembly at that time, no matter what item is pending then.

If an organization meets less than quarterly, RONR does not permit usage of this motion.

e) Previous Question, or Close Debate

Ranked sixth above the main motion, the motion to close debate is surrounded by so much erroneous vocabulary as to sometimes make it impossible to discern the intent of the assembly. Unfortunately, RONR still prefers the archaic usage of "previous question" which has led the general public to coin the unacceptable term of "question" (or "call the question"), frequently leading a presiding officer to believe that one person may unilaterally call for an end to debate. Case law is quite clear in **not** permitting this kind of abuse of the privilege of debate by one member alone, or even the Chair.

If another subsidiary motion is attached to the motion for which a motion is pending to close debate, it must specify whether the latter is "on all pending matters" or just on the immediately pending subsidiary motion.

Among characteristics of this motion is that it takes a second, is not debatable and takes a 2/3 majority.

Immediately beneath the motion to close debate is the lesser used motion to limit debate. While being useful for setting limits on the time each speaker may normally have, it generally follows the same rules as the motion to close debate, with the exception that it is amendable.

f) Lay on the Table

This motion tops all subsidiary motions and therefore has precedence over any of the other. It is not debatable or amendable. Its purpose is to set aside a pending matter temporarily, to be taken up later in the same meeting. If it is not taken from the table, by virtue of a motion to take from the table, by the end of the next meeting (provided the organization meets at least quarterly), the matter will die. The motion to table particularly does **not** serve the purpose of postponing a matter to a later meeting. (Also see, motion to postpone to a definite time.)

B. Privileged Motions

Some motions have been designated "privileged" because of the urgency of their nature. They have precedence between each other and supersede all subsidiary motions. Among the most commonly used only two warrant an inclusion in this chapter (in the order of rank, lower to higher):

a) Recess

The purpose of a recess is usually brief although there is no definite limitation of time. If the time has already been set in an agenda, there is no need for a

motion. It is a useful motion for allowing members to caucus in order to work out compromises, or simply to allow members a rest period.

Among the characteristics of this motion is its very high rank. It also takes a second and a majority vote. RONR permits no debate on the motion to recess, nor an interruption of another speaker.

b) Adjourn

Normally a motion presented by general consent, adjournment may also be proposed as a high-ranking privileged motion, only superseded by the motion to fix the time to which to adjourn. RONR permits no debate, nor an interruption of a speaker. The presiding officer should not permit a motion to adjourn when there is business remaining on the agenda.

Once the meeting has been adjourned (the presiding officer must clearly state adjournment), no business may be transacted. Case law confirms this parliamentary rule by holding such business null and void.

#### IV. NON-RANKING MOTIONS

Also called incidental, motions in this group are incidental to a pending matter. They have no assigned rank within the normal order of motions. Depending on circumstances, some incidental motions may occasionally supersede a pending motion. A brief overview of the four most commonly used follows below:

a) Appeal

A ruling (not an opinion or the statement of facts) by the presiding officer may be appealed to the assembly. A good chair should welcome an appeal since it takes the burden off the Chair and puts it where it belongs: with the membership. After the Chair states reasons for a ruling, the person proposing an appeal may debate it first. After every member has had an opportunity to debate once, the Chair may make concluding remarks before the vote.

An appeal takes a second and a majority vote. Since the question is on whether the decision of the Chair shall be sustained, a majority or tie vote upholds the Chair and the decision of the Chair then becomes the decision of the assembly.

A presiding officer may also profess doubt as to a certain ruling and simply submit it to the assembly personally.

The most frequent route to an appeal is through the incidental motion of a point of order. A member raises the point, the presiding officer rules and the ruling then becomes appealable. Members raising frivolous points of order should be called out of order.

An appeal must be made immediately when the disputed ruling is rendered. In fact, courts have held that an aggrieved member must go through the internal appeals process before litigating an issue.

b) Parliamentary Inquiry

While quite archaic, this incidental motion is a way of getting information about parliamentary rules. There is no second, debate or vote. The presiding officer merely responds to the inquiry. If a ruling is issued, it becomes appealable.

A good presiding officer will guide members through intricate procedural rules and when, in doubt, consult with the parliamentarian. See Role of Parliamentarian, below at VII.

c) Division of the Assembly

This incidental motion serves to verify a voice or hand vote by requiring participants to stand and even be counted. No second, debate or amendment is required or permitted. The presiding officer simply complies with this request.

d) Suspension of Rules

A useful motion for allowing members to take some action normally prevented by parliamentary rules or an adopted agenda, this requires a 2/3 majority because of its potential consequences. While it requires a second, it is not debatable. If adopted, the motion allows certain procedural rules to be set aside. However, rules contained in the charter, bylaws or applicable statutes may not be suspended. In addition, parliamentary rules of a common law nature (e.g. quorum requirements) may not be suspended.

V. RESTORATORY MOTIONS

a) Reconsider

Sometimes a main motion was adopted with erroneous information or before certain circumstances came to light. The motion to reconsider must then be presented at the same meeting where the original motion was adopted. A frivolous or capriciously presented motion of this nature is not in order.

The characteristics listed in RONR include the fact that only a person having voted on the prevailing side may propose the motion to reconsider. It requires a second and a majority vote. It has the peculiar quality of reopening debate on the merits of the main motion.

b) Rescind

This motion serves to cancel a main motion previously adopted regardless of when. The only time limitation is when irreversible actions have already taken place. The motion to rescind requires a second and is debatable, with the peculiarity of reopening debate on the main motion under reconsideration. *RONR* normally requires the same vote as for adoption of the original motion.

VI. ROLE OF THE PRESIDING OFFICER

Depending on custom, organizations use the term President or Chair/man/woman/person for the person designated to preside. No matter what the term, the presiding officer has a duty to lead the assembly into its primary goal of ascertaining the will of the majority "on a maximum number of questions...in a minimum time and under all kinds of internal climate

ranging from total harmony to...impassioned division of opinion" (RONR, p. xlii). The vehicle used for this is, of course, the proposition of a main motion followed by debate and a vote, according to set rules of procedure.

The Chair should remain impartial at all times and only express opinion on the merits of a main motion if willing to step down from the chair. Unless the vote is by ballot, the Chair loses neutrality by voicing a vote. In a tie the Chair might consider casting a vote, although there is no duty to do so.

The Chair should seek to maintain the decorum of the assembly at all times. Proponents of frivolous motions should be called out of order. An efficient presiding officer usually commands order by mere presence. The usage of a gavel should be very limited, certainly not beyond convening and adjourning a meeting.

It is the duty of a presiding officer to guide members through the intricacies of parliamentary law and procedure. Contrary to common belief, members with some knowledge of the rules can **not** accomplish their own personal agendas without the consent of the assembly. There just is no room for "filibusters" in ordinary organizations, unless the group willingly lets itself be anarchisticly ruled. At all times, the power belongs with the membership - not with one or more vocal members.

## VII. ROLE OF THE PARLIAMENTARIAN

Any organization is wise to have a designated parliamentarian, preferably one who has nothing personally at stake in the outcome of deliberations of the group. In no case can a presiding officer "serve as parliamentarian": either there is one or the Chair merely acts without the benefit of one.

It is the duty of a parliamentarian to enhance the presiding officer, not correct for the sake of correction. A good parliamentarian relieves the Chair of the pressure of having to make sound rulings on procedure under the most adverse conditions.

Contrary to common belief, though, a parliamentarian never rules. A parliamentarian only counsels the presiding officer who is free to disregard the advice. A parliamentarian should never claim the floor to explain or expound on a point of procedure, unless specifically asked by the Chair. Even so, a member may object to time being allotted to a parliamentarian and the Chair may then find it necessary to make decisions quietly consulting with the parliamentarian before issuing a ruling.

## **HOW TO DEVELOP AND USE AN AGENDA**

An essential element in the exercise of leadership in any operation involving committees, councils, boards, or similar groups is an effective agenda. The agenda is a road map, timetable, overview, advertisement, and goal-setter to cue the presiding officer, enlist the attention of the members, and keep everyone moving in the same direction.

An agenda is almost always necessary, even if it is only in the mind of the chair. A small, informal meeting may do without a written agenda, but even here it is usually helpful if points to be raised are mentioned at the outset so that members understand the task before them.

The most common practice is to have a prepared agenda available prior to the meeting. It's a good idea, especially if members must travel some distance, to have an agenda, along with the background information required for intelligent discussion, in the hands of members two weeks prior to the meeting. To prepare members for the meeting, the advance agenda should be detailed so that everyone will recognize at least the general import of each item, and it should be presented in as interesting a fashion as possible.

### **Is the meeting worthwhile?**

Members often use the agenda to help decide whether to attend the meeting. They want to know, frankly, whether it will be worth the trip. Those who must get travel time and expenses from their employers may need an agenda to justify their participation. An informative agenda also leaves members who decide not to come with no grounds for complaint if matters of importance are decided without them.

The agenda thus functions as a guide during the meeting, a preparation beforehand, and an inducement to attend. From the leader's point of view, however, the agenda ought to be a principal focal point of the entire group process. Ideally, it represents the best thinking of the leadership about what the organization ought to be doing. All the conversations and informal discussions and all the formal planning sessions converge in this one gathering place--the preparation of the agenda for the next meeting. It is a strategic point that ties thought to action. It is the point where the items calculated to get the best mileage out of the group are selected for consideration. In writing an effective agenda, there are three major considerations: content, sequence, and style.

### **Content**

A common problem is that agenda content so often seems to choose itself. It is governed by decisions made at previous meetings, issues that in the nature of things must be considered by this group at this time, matters that everyone knows will be of concern to the membership, assignments from supervisory bodies or agencies, and the like.

Rather than simply capitulating to the tyranny of compulsory agenda items, an alert leadership will examine and evaluate carefully each item and make judgments on its relative merit. See if there are some actions that can be taken on the authority of the chair or the staff without using valuable meeting time. Keep the group content by simply announcing that a certain action will be taken if there is no objection. If the leadership understands members' views well enough, chances are there will be no objection, and time will be saved. Care must be taken, of course, to avoid slipping something by for which objections do exist -- a ploy that tends to reduce the credibility of the leadership.

Some items can be set aside and revived at a later meeting. Consult with members known to have an interest in those subjects and get agreement to postpone or perhaps scale them back.

## **Complete the job**

The basic idea, of course, is to have enough time to discuss each issue adequately, and to complete everything within the time available.

One strategy is to place at the end of the agenda those items that would suffer least from being postponed in case there isn't enough time for them; however, there is always something a little demoralizing about a meeting that is adjourned before completing the job. It leaves an impression of poor organization and lukewarm commitment.

By the same token, there is something satisfying about setting out to do a job and then doing it. This factor works in favor of what is probably the best method of handling a tight agenda. Send it out with adequate background material, and include a note saying, in effect: "There is a lot to do, but we can do it. Inform yourselves and come prepared."

## **Use time wisely**

Groups with uncontrolled agendas are always so busy putting out fires that they have no time to plan ahead. It is worthwhile to work at minimizing time spent on less important issues and making discussions more efficient. In this way, time can be made available for discussion of innovative approaches and matters important for long-term effectiveness.

An active leadership looks ahead, stays alert to needed changes, and manages the agenda with those changes in mind. For a long-term program, agenda items may be sketched out for several meetings in advance.

## **Sequence**

While agenda content is obviously important, it is easy to overlook the fact that the sequence in which matters are presented for decisions can also affect the success of the meeting. The more easily matters seem to flow from one subject to the next, the more manageable the meeting will be.

Put first the things that are most accessible to mind, either because of high interest or ease of handling. It takes a while for the group to get its mind in gear. A few easy jobs to start with will get the participants in shape to tackle a more substantive program.

On the other hand, a complex issue on top of everyone's mind may well be put first if everyone is preoccupied with it and unwilling to pay much attention to anything else. However, in that case some skill on the part of the presiding officer may be required to close the discussion in time to deal with the balance of the agenda.

## **Force quick decisions**

There is also a philosophy that recommends squeezing a topic that is expected to engender lengthy commentary into the closing minutes of the meeting. The idea here is to force a quick decision just before everyone has to take off for the airport. This tactic is justified if the discussion is likely to be anecdotal and loaded with reminiscences, reflections, and recitals of complaint. Compressing the time squeezes out the nonessential verbiage and focuses attention on the essentials of what may be a relatively simple decision.

However, any issue that requires careful examination and needs input from all interested and informed sources is poorly served if the agenda does not allow adequate time for discussion.

Finally, there are some topics that benefit by being placed in a sequence so that a discussion on one resolves some of the problems that apply to the next one, or where one decision makes the next one easier.

Fine tuning an agenda is one of those subtle operations that may pass quite unnoticed but, when successful, gives the meeting a sense of smoothness, competence, and significant accomplishment.

## **Style**

The style or format of an agenda has two aspects: heading and main body. The heading may seem relatively unimportant, and certainly the name of the group and the date will suffice for a heading in many cases.

However, where the agenda becomes part of an official record, or where it is used to announce meeting details, more complete information is desirable.

Break the information into logical groups laid out in an interesting fashion; vary upper- and lower-case usage, spacing, and so on.

Once you have a heading that does the job, keep that format. Members will get used to it, will easily recognize which committee they are hearing from, and will know where to look for details.

## **Give enough information**

In the main body of the agenda, each item should be written in a way that leaves no doubt as to what the issue is. Subjects that are already well known may require only the briefest mention. On the other hand, if it is proposed that the number of meetings be increased, an item that says, "Approval of meeting schedule," is not as helpful as one that says, "Proposal to increase number of meetings from two to four each year." The basic rule here is that items should be brief and understandable.

Related items may be put in outline form, showing subtopics that need to be considered in support of the main decision. In special cases, consider an "annotated agenda," something like an annotated bibliography a title following by a three- or four-line description of the question to be decided. Whatever helps members to organize their thoughts in a meaningful way will eventually pay dividends in more efficient operation.

Another thing the agenda should convey is a sense of timing. One method is to put a time designation on each item in the program:

- 9:00           Introductory remarks.
- 9:10           Report of Program Subcommittee on guest speakers for the balance of the year; review and approve proposed program.
- 9:30           Proposal to study subject X; discussion and decision.
- 10:00          Break.



This format serves notice that time is important and that the leadership intends to meet all the objectives of the meeting. It works quite well where you have a series of set speeches or reports.

Where discussions leading to decisions are the order of the day, however, estimating times with precision is quite impossible, and setting down times that are not adhered to makes a slipshod impression. For this reason some people prefer to group several items in the morning and others in the afternoon.

Such a format conveys the message that work will be done on schedule but allows for some internal flexibility. It is still a very good idea, however, for the presiding officer to keep in mind a tentative target time for each item and to move things along as the target time is approached or passed.

### **In summary**

The committee or board meeting is a central fact of association life, and the agenda is the central device for planning and managing a good meeting. An effective agenda is an instrument of effective leadership.

## **ACTION AGENDAS MAKE BETTER MEETINGS**

Savvy planning of your next meeting's agenda can make a surprising difference in the success of the program.

An agenda defines the purpose of a meeting. More than just a list of topics, it tells attendees how and when they will make decisions. A good agenda is an action-oriented blueprint for the meeting, and it should be linked to the clock. Time limits and expected actions should be specified for each item in the agenda.

Too often, the agenda is scribbled on the back of an envelope a few minutes before a meeting, or even during the meeting. Prepare your agenda well in advance of the meeting so you can distribute it to everyone who will attend. With all the members properly prepared, you can get a lot of work done in a two-hour meeting.

Meetings rarely should last more than two hours. The time can be extended to three hours if necessary, but meetings that last longer than three hours become counterproductive. Don't believe it when people say they are willing to "meet all night if necessary." After about three hours, they will reach for any excuse to adjourn.

The old, typical agenda format begins with a reading of the minutes of the previous meeting, followed by reports, old business, new business, then miscellaneous business. This kind of agenda is no good. You can read the minutes if that is appropriate for your meeting, but frame the rest of the meeting according to the complexity of items and the clock.

Consider simple items in the early part of the meeting, then move to more difficult items just past the middle of the meeting. Return to simple items toward the end of the meeting. With this kind of structure, you should be able to cover about seven items in a two-hour meeting. The following are some basic, time-related rules for framing the meeting:

### **Read brief, agenda-relevant minutes (10 minutes)**

In a typical committee meeting, there is a reading of the minutes of the last meeting, changes in the minutes if necessary, and adoption of them.

"Agenda-relevant" minutes means the headings of the last agenda are repeated in the minutes. This way, anyone can compare the meeting's agenda and minutes to get a quicker understanding of actions taken.

The minutes should summarize the meeting and all decisions made. Refrain from a verbatim recording of what was said and emphasize instead what was decided. This will avoid bogging down the meeting with a rehash of the last meeting.

Summarizing any points of view expressed without naming members' names will further reduce controversy over the minutes. Accuracy is all that should concern the members.

If you do all of this and the members still want to go over the same ground again, focus on language to avoid fresh discussion. For instance, ask "What language do you feel would be more appropriate?"

Here are four rules for dealing with agenda-relevant minutes:

1. Record members' views without naming them.
2. Summarize debates and avoid verbatim reports.
3. Keep it crisp and brief; record the actions taken.
4. Write the minutes using headings from the previous meeting's agendas.

### **Reports (time varies)**

The number of reports should be kept to a minimum because they are great time-wasters. If you list a report, you can be sure that the reporting person will have something to say and often will ramble on interminably once given the floor. So, list on the agenda only those reports that are absolutely necessary.

As early as possible, find out if the subcommittee has something to report. If they do not, leave it out of the agenda. When you list a report in the agenda, clearly state the action that the members will be invited to take. This will encourage them to read the report outside the meeting, which is where reports belong. Many members never bother to read reports because they expect to be subjected to a reading of them at the meeting.

If a report is to be included in the agenda, circulate executive summaries of it to all members well in advance of the meeting. Such summaries should be no longer than about 10% of the original, preferably no longer than one or two pages. Good executive summaries will encourage members to read the reports beforehand, which is more efficient than their listening to them. Reading a paragraph is better than listening to a paragraph.

Here are four rules for handling reports:

1. List only relevant reports in the agenda.
2. Specify the expected activity relative to the report.
3. Summarize reports requiring no action.
4. Distribute executive summaries of scheduled reports before the meeting.

### **Announcements (15 minutes)**

This is a flexible category that allows you to fill time if people are late for the meeting. It is essential that you start meetings on time; this shows respect for those who are there at the scheduled time.

Announcements should be noncontroversial and declarative in nature, made simply to transmit information. They should provoke little or no discussion. If an announcement does stimulate a good deal of discussion, table it and schedule it for the next meeting's agenda.

### **Less controversial items (15 minutes)**

Light, relatively easy items should come early in the agenda. Easily reaching their first decision makes members optimistic and confident to tackle more difficult items. A quick, easy decision puts everyone in a decision-making frame of mind.

If the agenda is written in a way that specifies exactly what actions are required, members will be more prepared to deal with each item effectively. Examples are approval of minutes, appointment of the new membership director, and whether to purchase machine X or Y.

### **Most difficult time (25 to 40 minutes)**

The middle section of a meeting is typically the time of the peak attendance. And, in a two- or three-hour meeting, members have the most psychologic energy in the middle. So this is the best time to deal with the most difficult item.

The agenda should allow 30 to 40 minutes for dealing with the most difficult item. If more time is required, the members probably need more information. Table the item. Make the arrangements to get more information and bring the item back in a later meeting.

### **Break (3 to 4 minutes)**

Take a brief stretch break about two thirds of the way through the meeting. The mind can only absorb what the seat can bear, and the members will have been sitting for more than an hour. Besides, they need a mental break after dealing with the most difficult item.

The break itself need last only a few minutes, but the mental break will continue with the discussionable items.

### **Discussion-only items (15 to 30 minutes)**

Putting discussion-only items after the most difficult item helps reduce tensions that might have built up. Discussing an item without having to reach a decision allows for ventilation of feelings. It also allows members to assess the political orientations of other members and their feelings about the issue. This sets the stage for compromises that members can make between meetings. And they will be prepared to get down to business when the item comes up at the next meeting.

Members know in advance that no decision is required on discussion-only items. This is an advantage because it provides adequate discussion of an issue, which helps avoid premature decisions.

Taking a straw vote can also help avoid wasted research by giving preliminary indications of which alternatives are preferred.

The "in-principle" technique should be used to help keep the discussion from getting out of hand. This is an agreement to stick to the major elements of an issue and leave the lesser how-to aspects for later. Without an in-principle agreement, members tend to oscillate between discussing major elements and minor details. It is better to have a thorough discussion of the major elements and leave the minor details for the next meeting.

**Least difficult item (10 minutes)**

Put your least difficult item -- a quickie that can be dispatched with ease -- in the final minutes of your meeting. This allows you to end the meeting on a positive note of agreement. That way, people can leave with a sense of orderliness and accomplishment.

The feelings that people have on leaving a meeting are important. The end of one meeting is the beginning of the next one, so good feelings at the end make the beginning of the next one more positive.

# **LEGISLATIVE INFORMATION**

## THE FLORIDA BAR'S LEGISLATIVE PROGRAM

The Governmental Affairs Office of The Florida Bar administers the legislative program for the Bar. The office is staffed by Patrick "Booter" Imhof, General Counsel, and Joni Wussler, his assistant. Their primary functions include: coordination of the legislative and political activities of The Florida Bar and various sub-groups; staffing the Legislation Committee; advising elected leaders and outside consultants on various governmental issues; and serving as general information resources to all members of The Florida Bar on legislative and political matters. In addition, legislative counsel and advisers are retained to advocate the official positions of The Florida Bar in the Legislature.

Every proposal for a legislative position must be reviewed and considered by the Legislation Committee. The committee meets prior to Board of Governors meetings, usually on Thursday afternoons. In order for proposals to be placed on the committee's agenda, a Legislative Position Request Form must be submitted to the Governmental Affairs Office at least 20 days prior to the meeting of the committee.

Standing Board Policy 9.50(d) requires a section or committee to circulate its legislative proposals to other sections or committees that may have an interest in the matter prior to the presentation of the request to the Legislation Committee. In order to ensure that all interested parties have an opportunity to comment on the proposal, the Legislative Position Request Form specifically requires a listing of the groups (both inside and outside the Bar) from whom your section or committee has solicited comments.

The Legislation Committee chair may request that a person who is familiar with the substance of a legislative position be present and available for questions during consideration by the Legislation Committee (and by the Board of Governors, if the matter is controversial). If a knowledgeable representative does not appear before the Legislation Committee, the committee may defer the matter because of inadequate information.

Once a legislative position has been favorably acted upon by the Board of Governors, it is recorded on The Florida Bar's master list of positions, maintained by the Governmental Affairs Office. Legislative positions are considered active for the two-year period coinciding with the legislative biennium. The master list is revised after each new position is approved. A current version of that list may be accessed on The Florida Bar's website.

Consistent with the distinction between "big bar" and section lobbying, many sections of The Florida Bar have developed separate grassroots lobbying programs. Some sections retain their own outside advisers, who further assist volunteer members in advocating particular positions in the Legislature or before other governmental bodies.

A key contact program is in place. Lawyers who have access to or a personal relationship with state and federal officials can volunteer to participate in the program. Those who volunteer are kept informed on various issues that comprise the Bar's political agenda and are called upon to present the Bar's views as necessary. These lawyers serve as the localized components of an

influential statewide network that often augments the efforts of the Bar's Tallahassee-based legislative resources. Such localized efforts by various attorneys and lay volunteers have been highly effective in defending the Florida Supreme Court's regulation of the legal profession, and in explaining selected aspects of the Bar's political platform.

The Governmental Affairs Office provides a variety of services to assist all Bar leaders in keeping abreast of the issues regarding the legal profession as well as significant political developments which may affect the Bar.

Throughout the legislative session, each bill is reviewed for its potential interest to every group within The Florida Bar. Within "Legislation of Interest to the Legal Profession," separate bill reports – specific to each section, division and committee – can be found on the legislative pages of The Florida Bar website. These reports provide real-time updates on the progress of all legislation and allow members to access copies of any bill, amendment, or legislative analysis.

To facilitate the tracking of bills throughout regular and special sessions, the Bar utilizes a commercial online governmental information service. That bill-tracking service includes a governmental directory, committee information, statute tracking, daily agendas and voting records.

Additionally, the official website of the Florida Legislature – "Online Sunshine" – provides a wealth of useful legislative information. The site also provides an alert service for intense bill tracking. The system supplies full text of bills, their complete parliamentary history, proposed amendments, up-to-date vote information, all state statutes, House and Senate rules, legislator information, House and Senate calendars, and lobbyist information.

All of this data is available free of charge through the Internet via <http://www.leg.state.fl.us/>. The Department of State posts new laws to its website one day after action by the governor. Those postings can be found in the "Laws of Florida" section of the Department of State's website, accessed via <http://laws.flrules.org/>.



**PERTINENT LEGISLATIVE POLICIES & PROCEDURES FROM  
STANDING BOARD POLICIES**

9.10 Authority

9.20 Action by Board

9.21 Action by Executive Committee or President

9.30 Legislation Committee

9.40 Procedure for Hiring Advisor and Consultants

9.50 Legislative and Political Activities of Bar Sections

9.51 Procedure for Hiring Section Advisors

9.60 Legislative and Political Activities of Bar Divisions and Committees

9.70 Advice and Consultation with Governmental Officials or Others by Bar Members

**9.10 AUTHORITY**

These policies and procedures, combined with the amicus curiae policy and procedures in standing board policy 8.10, establish the board's powers to maintain and supervise the bar's legislative program. The legislative program will provide information and advice to the courts and all other branches of government concerning current law and proposed or contemplated changes in the law. The bar will not advocate a legislative or political issue unless the board determines that the matter is related to the bar's purposes as set forth in the Rules Regulating The Florida Bar and is otherwise consistent with applicable court decisions. These policies govern the limits and procedures regarding legislative or political involvement by bar committees, sections and divisions.

**9.20 ACTION BY BOARD**

**(a) Procedure for Requesting Board Action.**

(1) A request that the board take action on a legislative or political issue must be submitted in the form and with the information specified in subdivision (c) of this policy. The request must be received by the executive director at least 20 days before the beginning of any regular board meeting.

(2) The executive director will circulate copies of all requests for board action on a legislative or political issue to all board members and to the legislation committee for review and action in accordance with these policies.

(3) A request for board action on a legislative or political issue that is not submitted by the deadline will not be considered until the next succeeding board meeting unless:

(A) the request is presented in writing to the legislation committee at its meeting preceding the board meeting; and

(B) the board by majority vote agrees to include the request on its agenda.

(4) The board may be called on to act on a request for action on a legislative or political issue either by:

(A) a recommendation of the legislation committee made in the form of a motion by its chair or 1 of its members; or

(B) motion of a board member addressed to matters previously considered by the legislation committee.

(5) Consideration of any request for action on a legislative or political issue by the board must be consistent with the Rules Regulating The Florida Bar and proceed in the following order:

(A) an affirmative vote by a 2/3 majority of those present and voting that the proposed legislative or political action is within the scope of the bar's authority under the Rules Regulating The Florida Bar and applicable court decisions;

(B) if the vote is affirmative, a second affirmative vote by 2/3 of those present and voting that the specific legislative or political position is adopted.

**(b) Appearances before Board or Committees.** The legislation committee, the board, or the executive committee may allow any interested person to appear before it in support of or in opposition to any legislative or political action being considered, subject to reasonable limitations on available time.

**(c) Requests for Bar Position.** Requests that the bar take a position on a legislative or political issue must be accompanied by a copy of the pertinent legislation or a detailed presentation of the political issue, together with the following information:

(1) identification of, reference to, or copies of similar legislation or presentation being considered by the legislature or other body;

(2) a statement concerning the known principal proponents and opponents of the legislative or political issue including, if possible, a brief statement of the reasons for opposition or support by the other interests;

(3) a statement of the known position on the legislative or political issue taken by any bar division, section, or committee that considered the matter including the principal reasons for support of or opposition to the issue; and

(4) confirmation that notice of the proposed legislative or political action has been circulated to all bar divisions, sections, and committees that may be interested in the issue, together with a statement identifying all groups the notice has been submitted to for comment, and reciting the comments received.

**(d) Duration of Bar Positions; Notice to Board.** A position with regard to a legislative or political issue, once adopted or recognized by the board, will remain a bar position for the full biennial legislative session during which the board adopted or recognized the position, unless reversed or rescinded. The executive director will notify the board at its July meeting of the bar's legislative and political positions.

**(e) Form of Position.** If formalized, a position on legislative or political issue will indicate support of, opposition to, or a neutral position on, the issue. The position may be that the bar will provide nonpartisan technical assistance on the issue.

**(f) Categories of Legislative Activity.** The board or the executive committee may provide for different categories designating the extent of the bar's activity in support of, or in opposition to, a legislative or political issue. The categories may include the following:

(1) *Active Support or Opposition.* The bar, through its agents, will actively support or oppose a legislative or political issue in appropriate public and governmental forums.

(2) *Approved or Disapproved.* The bar either approves or disapproves a legislative or political issue.

**(g) Effect of Board Consideration.** Requested legislation or political action must receive a 2/3 vote by the board to be considered board action. Legislative or political issues that do not receive the required 2/3 vote will not be considered action by the board.

**(h) Review of Past or Current Positions.** Any member of the board or the executive committee may request review of a past position. Review of a past position is required on a majority vote of those present. A current position on a legislative or political issue may be altered, amended, or withdrawn by a 2/3 vote of the board members present at the meeting.

**(i) Publication of Legislative and Political Positions.** The Rules Regulating The Florida Bar govern the official notice and publication of positions on legislative and political issues adopted on behalf of the bar.

**(j) Objection to Legislative and Political Positions.** The Rules Regulating The Florida Bar and applicable court decisions govern the procedures for member objections to legislative and political positions adopted on behalf of the bar.

## **9.21 ACTION BY EXECUTIVE COMMITTEE OR PRESIDENT**

**(a) Action by Executive Committee.** The executive committee will not take action on a legislative or political issue unless the executive committee determines by majority vote of those voting that:

(1) the requested legislative or political action could not reasonably have been submitted for board consideration in accordance with existing policies, or,

(2) there has been a significant material change in circumstances since the last board meeting making it necessary that the bar take legislative or political action.

**(b) Review of Matters Previously Considered by Board.** The executive committee will not take action on a matter previously acted on by the board unless there has been a significant material change in circumstances.

**(c) Required Votes.** When making recommendations or acting on a legislative or political issue, the executive committee must:

(1) affirmatively establish by 2/3 majority vote of the committee that the proposed legislative or political action is within the scope of the bar's authority as set forth in the Rules Regulating The Florida Bar and applicable court decisions; and

(2) if the vote is affirmative, a second affirmative vote by 2/3 of those present that the specific legislative or political position is adopted.

**(d) Action by President.** The bar president, on consultation with the bar president-elect and the chair of the legislation committee (if possible), may act on a pending request for action on a legislative or political issue if the legislature is in session or an emergency exists and it is not feasible for the executive committee to act.

**(e) Report to Board.** Any legislative or political action taken by the executive committee or bar president must be reported to the board at its next meeting.

### **9.30 LEGISLATION COMMITTEE**

**(a) Structure.** The legislation committee is composed of 9 current board members.

**(b) Appointment; Terms.** The bar president-elect appoints 3 members and names a chair-elect. The chair-elect becomes chair when the bar president-elect becomes president. Terms of all members are 3 years.

**(c) Purpose.** The legislation committee will develop recommendations for the board on requests that the board adopt or recognize a legislative or political position.

**(d) Report to Board.** The legislation committee will make a recommendation to the board. The committee will determine whether the proposed action is within the scope of the bar's authority under the Rules Regulating The Florida Bar and applicable court decisions. The committee will also determine whether any legislative or political position should be formally adopted or recognized by the board.

**(e) Authority to Draft Legislative or Political Concepts.** The legislation committee has the authority to draft and submit recommendations to the board on legislative or political concepts which may, or should be, the subject of legislation or other advocacy.

### **9.40 PROCEDURE FOR HIRING ADVISOR AND CONSULTANTS**

**(a) Counsel or Advisor.** The bar may hire an advisor on a part-time as needed basis to advise the bar on legislative or political matters. The advisor may also represent the bar in communicating the bar's position to the committees and individual members of the legislature or to other governmental officials. The person employed may or may not be an attorney. If the person employed is an attorney, the person will be known as "legislative counsel."

**(b) Term of Employment.** The person will be employed for a 2-year period to coincide with the 2-year legislative session. The term will commence July 1st and end June 30th 2 years later.

**(c) Review of Performance.** The bar president, president-elect, executive director, and/or the chair of the legislation committee will review the performance of the legislative counsel or advisor and, when appropriate, review the terms and conditions of a contract and consider any applicants for the position.

**(d) Recommendation of Employment.** Six members of the legislation committee must affirmatively vote to recommend employment of a legislative advisor.

**(e) Time of Recommendation.** The committee will make its recommendation to the board no later than October. The legislative counsel or advisor should be retained by the bar in time to attend and participate in the Florida Legislature's organizational meetings held in November.

**(f) Retention of Other Consultants and Experts.** The legislation committee may recommend and the board may approve retaining consultants and expert witnesses for legislative and political

matters. If the board is unable to timely act on the recommendation, the executive committee may approve retainers for consultants and expert witnesses provided the cost is within the previously approved budget for legislative and other political activities.

## **9.50 LEGISLATIVE AND POLITICAL ACTIVITIES OF BAR SECTIONS**

**(a) Authority.** The board will permit a bar section to take a position on a legislative or political issue only when the issue:

- (1) is within the section's subject matter jurisdiction as described in the section's bylaws;
- (2) either is beyond the scope of the bar's permissible legislative or political activity, or is within the bar's permissible scope of legislative or political activity and the proposed section position is consistent with an official bar position on that issue; and
- (3) does not have the potential for deep philosophical or emotional division among a substantial segment of the bar's membership.

**(b) Procedures.** Sections engaging in legislative or political activities must adopt procedures to determine legislative and political positions. The procedures must be reviewed by the board's legislation committee and approved by the board before each legislative biennial. The procedures must include the establishment of a legislation committee composed of at least 3 members who will serve staggered terms. Two-thirds of the executive council members present must determine that the matter is within the section's scope. A majority of the executive council members present must approve the position.

**(c) Notice of Bar Positions.** The executive director will give periodic notice to the sections of their recognized positions or activity and the bar's official positions on legislative or other political issues.

**(d) Notice of Bar Section Proposals.** Bar sections must advise the bar of proposed legislative or political activity by providing written notification to the executive director. The proposal must be circulated to all bar divisions, sections, and committees that may be interested in the issue. The written notice must identify in writing all groups the proposal has been submitted to for comment and include the comments received. When a decision is needed within 60 days, the proposal must include an explanation of the need for an expedited decision, and request a specific deadline for a decision by the bar.

**(e) Bar Response.** The legislation committee and the board will review a section's proposed legislative or political activity unless an expedited decision is required. The executive committee may review the section proposal if expedited review is requested. The bar president, president-elect, and chair of the legislation committee may review a section proposal if the legislature is in session or an emergency exists and the executive committee is unable to act. The bar must immediately give written notice to the section of the decision on proposed legislative or political activity.

**(f) Prohibition from Advancing Section Position.** The bar may prohibit the section from acting on or advancing a position only when it finds that the position fails to meet the criteria of subdivision (a). The section may not advocate a position or take other proposed action if the board or a court prohibits the proposed position or activity. The board must provide written notice of the board's prohibition within 60 days after the executive director receives the section's notice.

**(g) Review of Executive Committee or President's Action.** The section may request board review of the executive committee or bar president's decision to prohibit the section's proposed

legislative or political activity. The review must be at the board meeting immediately following the date the section was noticed of the decision.

**(h) Coordination with The Florida Bar.** A section must clearly distinguish its legislative and political activity from that of the bar. Each section must coordinate its legislative and political activity with the bar. Each section must advise of any section representatives who might make direct personal contact with governmental officials to further any section position or activity on a legislative or political issue.

#### **9.51 PROCEDURE FOR HIRING SECTION ADVISORS**

**(a) Bar Approval Required.** The board must approve a bar section's retention of a legislative or political advisor.

**(b) Request for Approval; Contents.** A section must submit a request for approval to retain a legislative or political advisor. The request for approval must be submitted to the board and contain the following information:

- (1) the name and address of the proposed advisor;
- (2) the proposed contractual terms for the advisor's contract;
- (3) a statement showing the need for hiring the advisor;
- (4) a list of current legislative clients of the advisor and the advisor's firm;
- (5) an agreement that subsequent legislative or political clients will be disclosed to the bar at least 5 days prior to the advisor or any member of the advisor's firm beginning representation of the subsequent client and that any subsequent conflicts will be disclosed immediately;
- (6) a provision that the bar may terminate the contract if it decides that the section advisor or a member of the advisor's firm does not act within the bar's best interests; and (7) an agreement that the advisor will work on bar legislative or political matters if the executive director believes bar participation is necessary and in the best interests of the bar's membership. If this occurs, the cost of the advisor's time will be assessed against the section, unless this creates a shortage or hardship on the section. In that event, the bar may reimburse the section for the appropriate amount of the expense.

**(c) Review of Requests and Report to Board.** The legislation committee and the executive director will review proposed contracts and make recommendations to the board for a section's legislative or political advisor.

**(d) Notice to Executive Director.** A section's advisor must agree to communicate all significant legislative or political developments to the executive director.

**(e) Budget Limit on Section Legislative or Political Activity.** A section may use section membership dues and other revenue for legislative activities, but may not budget or expend for legislative activities any amount that will result in a negative projected year-end fund balance.

#### **9.60 LEGISLATIVE AND POLITICAL ACTIVITIES OF BAR DIVISIONS AND COMMITTEES**

Bar divisions and committees may advance a legislative or political position only if the issue is within the scope of the bar's permissible activity, is within the area of subject matter interest of the bar division or committee, and is authorized by the board.

**9.70 ADVICE AND CONSULTATION WITH GOVERNMENTAL OFFICIALS OR OTHERS BY BAR MEMBERS**

These policies do not preclude lawyers from presenting their individual personal views to the Florida Legislature, the United States Congress, or any other person or body on any legislative or political matter.

# SELECTED RULES REGULATING THE FLORIDA BAR RELATING TO POLITICAL ADVOCACY

## CHAPTER 1. GENERAL INTRODUCTION

The Supreme Court of Florida by these rules establishes the authority and responsibilities of The Florida Bar, an official arm of the court.

### **1-1 NAME**

The name of the body regulated by these rules shall be THE FLORIDA BAR.

### **1-2 PURPOSE**

The purpose of The Florida Bar shall be to inculcate in its members the principles of duty and service to the public, to improve the administration of justice, and to advance the science of jurisprudence.

## CHAPTER 2. BYLAWS OF THE FLORIDA BAR

### **2-3 BOARD OF GOVERNORS**

#### **BYLAW 2.3.2 POWERS**

\* \* \*

**(d) Programs.** The board of governors may establish, maintain, and supervise:

(4) a program for providing information and advice to the courts and all other branches of government concerning current law and proposed or contemplated changes in the law;

### **2-7 SECTIONS AND DIVISIONS**

#### **BYLAW 2-7.5 LEGISLATIVE ACTION OF SECTIONS AND DIVISIONS**

**(a) Limits of Legislative Involvement.** Sections and divisions may be involved in legislation that is significant to the judiciary, the administration of justice, or the fundamental legal rights of the public or interests of the section or division or its programs and functions.

**(b) Procedure to Determine Legislative Policy.** Sections and divisions shall be required to adopt and follow a reasonable procedure, approved by the board of governors, for determination of legislative policy on any legislation.

**(c) Notice to Executive Director.** Sections and divisions shall notify the executive director immediately of determination of any section or division action regarding legislation.

**(d) Identification of Action.** Any legislative action taken by a section or division shall be clearly identified as the action of the section or division and not that of The Florida Bar.



## **2-9 POLICIES AND RULES**

### **BYLAW 2-9.3 LEGISLATIVE POLICIES**

**(a) Adoption of Rules of Procedure and Legislative Positions.** The board of governors shall adopt and may repeal or amend rules of procedure governing the legislative activities of The Florida Bar in the same manner as provided in bylaw 2-9.2; provided, however, that the adoption of any legislative position shall require the affirmative vote of two-thirds of those present and voting at any regular meeting of the board of governors or two-thirds of the executive committee or by the president, as provided in the rules of procedure governing legislative activities.

**(b) Publication of Legislative Positions.** The Florida Bar shall publish notice of adoption of legislative positions in The Florida Bar News, in the issue immediately following the board meeting at which the positions were adopted.

**(c) Objection to Legislative Positions of The Florida Bar.**

(1) Any member in good standing of The Florida Bar may, within 45 days of the date of publication of notice of adoption of a legislative position, file with the executive director a written objection to a particular position on a legislative issue. The identity of an objecting member shall be confidential unless made public by The Florida Bar or any arbitration panel constituted under these rules upon specific request or waiver of the objecting member. Failure to object within this time period shall constitute a waiver of any right to object to the particular legislative issue.

(2) After a written objection has been received, the executive director shall promptly determine the pro rata amount of the objecting member's membership fees at issue and such amount shall be placed in escrow pending determination of the merits of the objection. The escrow figure shall be independently verified by a certified public accountant.

(3) Upon the deadline for receipt of written objections, the board of governors shall have 45 days in which to decide whether to give a pro rata refund to the objecting member(s) or to refer the action to arbitration.

(4) In the event the board of governors orders a refund, the objecting member's right to the refund shall immediately vest although the pro rata amount of the objecting member's membership fees at issue shall remain in escrow for the duration of the fiscal year and until the conclusion of The Florida Bar's annual audit as provided in bylaw 2-6.16, which shall include final independent verification of the appropriate refund payable. The Florida Bar shall thereafter pay the refund within 30 days of independent verification of the amount of refund, together with interest calculated at the statutory rate of interest on judgments as of the date the objecting member's membership fees at issue were received by The Florida Bar, for the period commencing with such date of receipt of the membership fees and ending on the date of payment of the refund by The Florida Bar.

**(d) Composition of Arbitration Panel.** Objections to legislative positions of The Florida Bar may be referred by the board of governors to an arbitration panel comprised of 3 members of The Florida Bar, to be constituted as soon as practicable following the decision by the board of governors that a matter shall be referred to arbitration.

The objecting member shall be allowed to choose 1 member of the arbitration panel, The Florida Bar shall appoint the second panel member, and those 2 members shall choose a third member of the panel who shall serve as chair. In the event the 2 members of the panel are unable to agree on a third member, the chief judge of the Second Judicial Circuit of Florida shall appoint the third member of the panel.

**(e) Procedures for Arbitration Panel.**

(1) Upon a decision by the board of governors that the matter shall be referred to arbitration, The Florida Bar shall promptly prepare a written response to the objection and serve a copy on the objecting member. Such response and objection shall be forwarded to the arbitration panel as soon as the panel is properly constituted. Venue for any arbitration proceedings conducted pursuant to this rule shall be in Leon County, Florida; however, for the convenience of the parties or witnesses or in the interest of justice, the proceedings may be transferred upon a majority vote of the arbitration panel. The chair of the arbitration panel shall determine the time, date, and place of any proceeding and shall provide notice thereof to all parties. The arbitration panel shall thereafter confer and decide whether The Florida Bar proved by the greater weight of evidence that the legislative matters at issue are constitutionally appropriate for funding from mandatory Florida Bar membership fees.

(2) The scope of the arbitration panel's review shall be to determine solely whether the legislative matters at issue are within those acceptable activities for which compulsory membership fees may be used under applicable constitutional law.

(3) The proceedings of the arbitration panel shall be informal in nature and shall not be bound by the rules of evidence. If requested by an objecting member who is a party to the proceedings, that party and counsel, and any witnesses, may participate telephonically, the expense of which shall be advanced by the requesting party. The decision of the arbitration panel shall be binding as to the objecting member and The Florida Bar. If the arbitration panel concludes the legislative matters at issue are appropriately funded from mandatory membership fees, there shall be no refund and The Florida Bar shall be free to expend the objecting member's pro rata amount of membership fees held in escrow. If the arbitration panel determines the legislative matters at issue are inappropriately funded from mandatory membership fees, the panel shall order a refund of the pro rata amount of membership fees to the objecting member.

(4) The arbitration panel shall thereafter render a final written report to the objecting member and the board of governors within 45 days of its constitution.

(5) In the event the arbitration panel orders a refund, the objecting member's right to the refund shall immediately vest although the pro rata amount of the objecting member's membership fees at issue shall remain in escrow until paid. Within 30 days of independent verification of the amount of refund, The Florida Bar shall provide such refund together with interest calculated at the statutory rate of interest on judgments as of the date the objecting member's membership fees at issue were received by The Florida Bar, for the period commencing with such date of receipt of the membership fees and ending on the date of payment of the refund by The Florida Bar.

(6) Each arbitrator shall be compensated at an hourly rate equal to that of a circuit court judge based on services performed as an arbitrator pursuant to this rule.

(7) The arbitration panel shall tax all legal costs and charges of any arbitration proceeding conducted pursuant to this rule, to include arbitrator expenses and compensation, in favor of the prevailing party and against the nonprevailing party. When there is more than one party on one or both sides of an action, the arbitration panel shall tax such costs and charges against nonprevailing parties as it may deem equitable and fair.

(8) Payment by The Florida Bar of the costs of any arbitration proceeding conducted pursuant to this bylaw, net of costs taxed and collected, shall not be considered to be an expense for legislative activities, in calculating the amount of membership fees refunded pursuant to this bylaw.

## **GUIDELINES FOR LEGISLATIVE ACTION BY THE FLORIDA BAR, BAR COMMITTEES & BAR SECTIONS**

### **THE FLORIDA BAR**

- **The Florida Bar re Schwarz**, 552 So.2d 1094 (Fla. 1989), *cert. denied* 498 U.S. 951, (1990) reconfirmed in **The Florida Bar re Frankel**, 581 So.2d 1294 (Fla. 1991)

The following subject areas clearly justify legislative activity by The Florida Bar:

1. questions concerning the regulation and discipline of attorneys;
2. matters relating to the improvement of the functioning of the courts, judicial efficacy and efficiency;
3. increasing the availability of legal services to society;
4. regulation of attorneys' client trust accounts; and
5. the education, ethics, competence, integrity and regulation as a body, of the legal profession.

Additionally, the following criteria are to be used to determine the type of legislative matters that The Florida Bar may become actively involved with when an issue appears to fall outside of the specifically identified areas listed above:

1. that the issue be recognized as being of great public interest;
2. that lawyers are especially suited by their training and experience to evaluate and explain the issue; and
3. the subject matter affects the rights of those likely to come into contact with the judicial system.

The Supreme Court of Florida has further suggested that the Board of Governors of The Florida Bar "exercise caution in the selection of subjects upon which to take a legislative position so as to avoid, to the extent possible, those issues which carry the potential of deep philosophical or emotional division among the membership of the Bar."

- **Keller v. State Bar of California**, 496 U.S. 1 (1990)

The compelled association within a unified bar is justified by the state's interest in regulating the legal profession and improving the quality of legal services. "The State Bar may therefore constitutionally fund activities germane to those goals out of the mandatory fees of all members. It may not, however, in such manner fund activities of an ideological nature which fall outside of those areas of activity."

The guiding standard must be whether the challenged expenditures are necessarily or reasonably incurred for the purpose of regulating the legal profession or "improving the quality of the legal service available to the people of the State."

# **COMMUNICATIONS PROGRAMS**

## STANDING BOARD POLICIES

### 13.10 COMMUNICATIONS POLICY

**(a) Responsibility of Staff and Committees.** The bar's communications staff and related committees conduct the bar's external and internal communications activities in accordance with communications policies and priorities established by the board through its communications committee.

**(b) Responsibility of Executive Director.** The executive director has ultimate management responsibility and is responsible to the board for the activities and programs of the communications staff.

**(c) Authorized Staff Activities.** Bar staff will:

(1) publish the bar *Journal*;

(2) publish the bar *News*;

(3) maintain an Internet website to communicate timely information to members, the news media, the general public, and other interested parties and to provide two-way communication with members in addition to or in lieu of other modes of communication;

(4) assist in gathering and interpretation of public opinion from internal and external sources as input for bar policymakers;

(5) counsel leaders of the bar on ways to maintain good communications and devise and carry out programs designed to enhance understanding of the bar's policies and programs;

(6) coordinate activities of the bar's Citizens Advisory Committee, a voluntary advisory group established by the board representing major citizen constituencies, the operation and responsibilities of which are defined in the Citizens Advisory Committee charter;

(7) establish and maintain communication with the general public, local/voluntary bar associations, bar members, judiciary, news media, and the bar's sections, committees, and divisions;

(8) make recommendations to the communications committee as to the need, cost effectiveness and priority of any advertising campaign proposed by any of the bar's sections, committees, divisions or programs;

(9) provide all communications services, including selection, coordination and supervision of outside consultants, for all communications activities of the bar's programs, sections, divisions or committees; and

(10) engage in continuous fact and opinion research affecting the bar; develop and distribute public education/information pamphlets, news releases and announcements for TV and radio; operate a bar speakers bureau; and continuously evaluate public reception to the bar's operations and policies.

**(d) Crisis Management/Disaster Response Plan.** The bar's crisis management/disaster response plan, approved by the communications committee, establishes guidelines for

responding to crisis or disaster situations significantly impacting the bar, its members and the state of Florida. Under the plan:

(1) The bar president and/or executive director will:

(A) determine that a crisis exists;

(B) declare the Crisis Management/Disaster Response Plan in force; and

(C) expeditiously convene the crisis management task force (executive committee and designated key staff members) to oversee implementation of the plan.

(2) After determining the extent of the crisis and pooling all available information, the crisis management task force will develop an initial statement, designate primary and secondary spokespersons, and determine if a crisis response team should be dispatched to the impacted area.

(3) Board members and other key bar leaders will be expeditiously notified of actions being taken, and appropriate information will be disseminated to bar members and the general public.

(4) When the crisis has passed, the communications director will prepare a full report to the board on the crisis situation, its impact and associated actions taken.

(5) Operational details of the plan will be updated annually. A copy of the updated plan will be furnished to each board member, and copies of the plan will be on file in the offices of the bar president, the executive director and the communications director.

**(e) Bar *Journal* and News Editorial Policy.**

(1) *Subject Matter of Published Material.* The editorial policy of the bar *Journal* and *News* is to publish articles, news and other information that may help advance the education, competence, ethical practice and public responsibility of Florida lawyers and increase their awareness of the official and informal activities of their profession. Articles of publishable quality and scholarship that meet these criteria may be published even though they may involve controversial subjects or unpopular points of view.

(2) *Publication of Comments from Membership.* The bar *Journal* and *News* policy is to publish member comments on matters of concern to the legal profession, provided the comments:

(A) are directed specifically to the *Journal* or *News* for publication;

(B) are neither patently false nor defamatory; and

(C) focus criticism on issues, rather than individuals acting in their individual capacities.

Staff may clarify or edit comments based on space considerations, or the number and nature of comments received on any single topic.

(3) *Notice to Chair of Editorial Board.* The executive director will give notice to the chair of the bar *Journal* and *News* editorial board of any topic for publication or of any matter affecting editorial policy or content of the bar *Journal* or *News* considered by the board.

**(f) Advertising Policy of the Bar Journal, News and Website.**

(1) *Illegal or Inappropriate Advertising.* The bar *Journal, News* and website will accept all advertising except advertising:

(A) for products or services that are illegal or whose movement in interstate commerce is illegal;

(B) relating to contests, lotteries, or the offering of prizes based on chance, unless clearance is obtained from the United States Postal Service;

(C) that is not in keeping with the publications' standards of ethics and propriety; or

(D) that is derogatory or demeaning.

(2) *Advertising Contrary to Bar Rules or Code of Judicial Conduct.* Advertising by which the advertiser violates or enables another to violate the Rules of Professional Conduct or the Florida Code of Judicial Conduct will not be accepted. The opinions and interpretations of staff counsel and appropriate bar committees charged with authority to interpret the rules or codes will be controlling.

(3) *Restricted Products or Services.* If the advertising of a product or service is prohibited or regulated in a state or states, but not in all states or by federal law, the publisher or web coordinator reserves the right to reject the advertising unless proper disclaimers are included in the copy regarding the validity of the advertising in the restricting states.

(4) *Advertising Affecting Bar's Mailing Status.* Advertising must not contain material or be designed in a manner that would jeopardize the mailing status of the publication. The publisher may require clearance from the United States Postal Service prior to acceptance of an advertisement.

may require examination of a product before accepting an advertisement for mail order products.

(6) *Priority of Advertising.* Advertising space for the bar and its affiliated programs will be provided at cost and as space permits, with priority space given to commercial advertising. Space for public service advertising will be provided free of charge when available.

(7) *Advance Payment.* The publisher or web coordinator may require partial or full payment before publishing advertising.

(8) *Political or Ideological Advertising.* The bar *Journal, News* and website will segregate and identify all classified advertisements of a political or ideological nature under the "miscellaneous" heading, and distinctly mark each display advertisement as a "paid advertisement."

(9) *Disclaimer.* The bar *Journal, News* and website will publish an appropriate disclaimer stating that publication of an advertisement reflects no endorsement of the advertiser's goods, services or opinions.



## **13.20 COMMITTEE ORGANIZATION**

### **(a) Communications Committee.**

(1) *Membership.* The communications committee is composed of at least 10 members including:

(A) a member of the budget committee;

(B) a member of the program evaluation committee;

(C) board liaisons to the *Journal* and *News* editorial board, voluntary bar liaison committee, and media and communications law committee; and

(D) a chair-elect appointed by the bar president-elect who will become chair when the bar president-elect becomes president.

The bar president-elect should consider reappointments to help achieve continuity of bar communications policy and programs.

(2) *Responsibilities.* The primary role of the communications committee is to ensure continuity and focus of internal/external communications to support the bar's organizational and strategic objectives. The committee will make recommendations to the board on the bar's communications policies, the communications impacts of strategic plans and objectives, and the coordination of issues and crisis communications. The committee ensures that the bar uses the most effective means for communicating with bar members, the news media and the general public. An element of the bar's communications program is The Florida Bar Speakers Bureau which promotes and coordinates the delivery of the bar's key messages directly to the general public by lawyers.

**(b) The Bar *Journal* and *News* Editorial Board.** The bar *Journal* and *News* editorial board advises and assists the editorial staff to develop articles of current interest and concern to the profession and, as a reviewing board, in selecting worthy manuscripts for publication.

**(c) Media and Communications Law Committee.** The media and communications law committee coordinates the bar's media-law activities such as the media-law conference, law-related educational programs for journalists, the Reporter's Handbook and the media awards program.

**(d) Voluntary Bar Liaison Committee.** The voluntary bar liaison committee recommends improvements in relationships with local/voluntary bars to the communications committee. The voluntary bar liaison committee promulgates and sponsors publications and conferences to improve relations with and effectiveness of local bar leadership. The committee also promulgates and promotes Florida bar and voluntary bar information and programs to promote public understanding of the legal system, the judiciary, the role of lawyers, patriotism, and the responsibilities of citizenship, with special emphasis on development of themes and programs for law week.