

As administrator of Florida's nation leading legal certification program, the Board of Legal Specialization & Education (BLSE), meets frequently to consider improvements to our program to enhance the experience of Florida's board certified lawyers. We provide the following report to bring you up-to-date on issues that the BLSE reviewed at its June 15, 2018 meeting.

I. APPLICATIONS FOR CERTIFICATION AND RECERTIFICATION

a. BLSE approved applications for certification and recertification that were recommended by the area certification committees. We congratulate all who achieved or maintained their certification status!!

II. REVIEW OF CERTIFICATION AREAS

a. The Board Certified Intellectual Property and International Law Committees appeared before the BLSE to discuss the issue concerning the elimination of subspecialties in certification examinations. The two Committees discussed that some members have a narrower expertise in a certified area and believe it to be appropriate to test for subspecialties on the examination. The issue discussed is at odds with the overall objective of the BLSE to certify lawyers that have the requisite knowledge that matches the subject matter of a given certification area as opposed to certifying lawyers that have a narrow specialty area within a certification area. BLSE expressed to both Intellectual Property and International Law its goal to achieve uniformity among all areas. Through this effort, the BLSE will assist the public in retaining the services of a certified lawyer that has knowledge and expertise in the certified area. To provide for subspecialties within a given area fails to meet the overall objective of the BLSE. The BLSE will continue to work with the area committees to meet the goals of the BLSE and the certification committees.

b. The State and Federal Government and Administrative Law ("SFGAP") area has a relatively small number of certified lawyers. BLSE considered "sun setting" this area and replacing it with a new certification area focusing on Florida Administrative Law Practice. The Florida Bar sent a survey to all State and Federal Government and Administrative Practice members and 56% responded they would support the change of the area. The SFGAP has been encouraged to draft a proposal to present to the BLSE for consideration about creating a new Administrative Law Certification Area. The BLSE remains committed to increase the number of board certified lawyers.

c. The area committee for Condominium and Planned Development certification requested that its exam cycle be changed from the first cycle in March to the second cycle in May. A significant issue was to avoid any conflict with the Real Estate Certification Examination which is administered in the second cycle. Many practitioners of Condominium and Planned Development also practice real estate law and may also seek certification in that area. The BLSE considered the request along with a survey from practitioners and decided to maintain the Condominium and Planned Development Certification Examination in the first cycle in March.

III. RULES AND POLICIES

a. BLSE discussed and approved changes to policies regarding the manner and timing of notice to applicants who have filed a grade review petition. The BLSE approved in concept the opportunity for Grade Review Petitioner to appear before the BLSE. A proposed policy revision (BLSE Policy 2.13(f)) is in the process of being prepared for consideration at the next BLSE Meeting in September 2018.

b. Rule 6-3.5(b) was discussed relative to revising the rule to restrict an applicant from applying for board certification if they have been disciplined in the 10 years prior to application . After discussion, the BLSE elected not to change the current rule. The BLSE was satisfied with having the certification committees and staff research the applicant's history and have discretion in determining the severity of any applicable discipline.

IV. ADMINISTRATIVE MATTERS

a. BLSE approved support for the Guardian ad Litem offices to submit a proposal to the legislature to enhance compensation of board certified attorneys.

b. BLSE continued its discussion about creating a program in which certified lawyers can be contacted by a legal aid organization seeking consultation, on a pro bono basis, in the certified lawyer's area of expertise. The program is tentatively called "Certified Lawyers on Call," or "CLOC." At this point, in excess of 100 certified members responded to an email expressing an interest in participating in this program. Representatives of the BLSE Strategic Planning Committee are in the process of gathering additional information to implement this Program.

c. The proposed survey to all lawyers regarding the certification program is in the process of being finalized and disseminated. The BLSE also discussed the use of outdoor advertising such as billboards as an effective tool to advertise board certification. The BLSE is seeking input from the Florida Bar Communications Coordinator about pursuing this method of advertising for board certified lawyers.

d. The BLSE Forum was presented on June 14th during the 2018 Annual Meeting. Representatives of area committees attended, and the panel addressed subjects such as peer review, exam preparation and grading, grievance and malpractice issues, promotion of board certification as well as issues surrounding the "substantial involvement" component of board certifications.

V. UPCOMING EVENTS

a. The next BLSE meeting will be held on September 14, 2018 in Winter Park, Florida.