

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 January 18, 2019 meeting.

I. APPLICATIONS FOR CERTIFICATION AND RECERTIFICATION

a. BLSE approved 510 applications for certification and recertification that were recommended by the area certification committees (November 2018 through January 2019). We congratulate all who achieved or maintained their certification status!!

II. CONSIDERATION OF WAIVERS FOR THE SUBSTANTIAL INVOLVEMENT COMPONENT FOR CERTIFICATION AREAS

a. The BLSE is studying issues surrounding waivers for certain certification area committees relative to the substantial involvement component for recertification applications. This issue generally arises in light of an aging certified lawyer population that desire to retain their certification status but may not be able to satisfy certain substantial involvement criteria. These criteria for example include, participation as lead counsel for a specified number of jury trials, handling a specified number of contested hearings and appeals. At present, ten (10) of the twenty- seven (27) committees already have a waiver component. The details surrounding these waivers vary among those committees but, for the most part, a waiver will only be considered after a lawyer has been certified for minimum of 14 years. The areas of study by the BLSE will include but not be limited to whether a waiver is appropriate for: i) certified lawyers that become in house counsel; ii) certified lawyers that become mediators, arbitrators or referees and handle those matters in their area of certification; iii) judges that handle cases in their area of certification and iv) for health reasons for good cause shown. The BLSE has sent out a survey to all area committees to solicit input. Thereafter a subcommittee will study the issues and make a recommendation for consideration by the BLSE.

b. One additional issue to be studied relates to those certified lawyers serving as a mediator, arbitrator or judge. Presently, serving in that capacity does not constitute the practice of law because they do not render legal advice and therefore, certification would not be appropriate. This is another area where the BLSE is requesting input from area committees. Another issue pertains to those judges that are certified but no longer preside over cases in their area of certification. When a judge returns to practice after serving on the bench, what must be done for the judge to reactivate their certification and how this scenario is interpreted in light of the inactive status afforded to certified lawyers?

III. EXAM TASK FORCE

a. BLSE approved hiring a new examination consultant to assist our area committees in the preparation and grading of certification examinations. In addition, the BLSE discussed proposed exam drafting guidelines. These revised guidelines encourage the use of test banks for recycled multiple choice and essay questions. Although test bank questions are encouraged, new questions should also be prepared each year. Test bank questions should be

routinely updated to deal with changes in the law. All area committees should review their examination specifications each year to make sure the areas to be tested correspond to the current state of the law. All area committee chairs will be requested to certify to the BLSE on an annual basis that the exam specifications have been updated.

IV. COMMUNICATION SUBCOMMITTEE

a. Billboards that advertise the benefits associated with hiring board certified lawyers has been approved by the Florida Bar. At this point, five billboards will be placed at various locations in Florida. The billboards will be provided by the Florida Outdoor Advertising Association which has provided favorable pricing to the Florida Bar. It is anticipated that the first billboards will be erected in late February and early March, 2019.

b. The Capstone will now feature interviews with the judiciary to emphasize the importance of board certification. In addition, the Capstone will also feature interviews with other board certified lawyers throughout the state to emphasize the “value added” of being a board certified lawyer.

c. The Florida Bar Website for board certified lawyers is in the process of being updated.

d. The BLSE Forum will be presented on Thursday, June 27, 2019 during the 2019 Florida Bar Annual Meeting, in Boca Raton, Florida. Representatives of area committees will be invited to attend. Panel discussions are in the process of being planned and will deal with issues such as peer review, handling grievance and malpractice issues, promotion of board certification as well as issues surrounding the “substantial involvement” component of board certification.

e. The BLSE is also planning a recognition ceremony in conjunction with the Annual Meeting for all newly board certified lawyers.

V. UPCOMING EVENTS

a. The next BLSE meeting will be held on April 12, 2019 in Key West, Florida.