

# Member-driven petition to amend Bar rules concerning conditionally admitted members

Pursuant to Rule 1-12.1(f), over 50 members of The Florida Bar gave notice to The Florida Bar on May 7, 2019, of their intent to file a petition on August 7, 2019, with the Supreme Court of Florida to amend Rule 1-3.2(b) and propose new Rule 3-4.8. The amendment appears in legislative format below. The amendment must be filed with the Supreme Court of Florida and will not become effective unless approved by the court. Rule 1-12.1 governs this matter. Members wishing to provide comments to the Bar's Board of Governors as it decides whether and how to respond to the petition may send their comments to [eto@floridabar.org](mailto:eto@floridabar.org) referencing Rule 1-3.2 amendments. Comments may be filed directly with the court within 30 days after the petition is filed.

## **RULE 1-3.2 MEMBERSHIP CLASSIFICATIONS**

**(a) Members in Good Standing.** [no change]

~~**(b) Conditionally Admitted Members.** The Supreme Court of Florida may admit a person with a prior history of drug, alcohol, or psychological problems to membership in The Florida Bar and impose conditions of probation as the court deems appropriate on that member. The period of probation will be no longer than 5 years, or for an indefinite period of time as the court deems appropriate by conditions in its order. The conditions may include, but not be limited to, participation in a rehabilitation program, periodic blood and urine analysis, periodic psychological examinations, or supervision by another member of The Florida Bar. The probation will be monitored by The Florida Bar and the costs paid by the member on probation. A failure to observe the conditions of probation or a finding of probable cause as to conduct of the member committed during the period of probation may terminate the probation and subject the member to all available disciplinary sanctions. Proceedings to determine compliance with conditions of admission will be processed in the same manner as matters of contempt provided elsewhere in these Rules Regulating The Florida Bar. If necessary, the court may assign a judicial referee to take testimony, receive evidence, and make findings of fact in the manner prescribed in the rule concerning procedures before a referee. The findings of the referee may be appealed as provided in the rule for procedures before the supreme court.~~

**(c)(b) Inactive Members.** [no change]

## **RULE 3-4.8 CONSENT AGREEMENTS**

The Supreme Court of Florida may admit a person to membership in The Florida Bar under a consent agreement as provided in the Rules Relating to Admissions to the Bar. The consent agreement will be monitored by The Florida Bar. The Supreme Court of Florida may require that the member admitted under the consent agreement pay monitoring costs. A failure to observe the conditions of the consent agreement or a finding of probable cause as to conduct of the member committed during the period of the consent agreement may terminate the agreement and subject the member to all available disciplinary sanctions. Proceedings to determine compliance with conditions of admission will be processed in the same manner as matters of contempt provided elsewhere in these Rules Regulating the Florida Bar.