

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 28, 2019 meeting.

I. APPLICATIONS FOR CERTIFICATION AND RECERTIFICATION

a. BLSE approved 117 applications for certification and recertification that were recommended by the area certification committees. We congratulate all who achieved or maintained their certification status!!

II. Rules & Policies

- a. Based upon a request from a member of the judiciary, the BLSE approved an amendment to Rule 6-10.3 (c) which now exempts various magistrates, executive branch adjudicators and administrative law judges from CLE requirements.
- b. Clarification to peer review exclusion language was approved to read as follows: "The names of lawyers who are relatives or currently practice in the applicant's law firm or in the applicant's government entity, or in the applicant's educational institution may not be submitted as references"

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

- a. The BLSE continues to study 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 qualify to meet certain substantial involvement criteria. These criteria for example include, trying a specified number of jury trials, handling a specified number of contested hearings and appeals as well as providing a waiver for health reasons for good cause shown. 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 dealing with cases in their area of certification; iii) judges that handle cases in their area of certification. The BLSE has sent out proposed waiver language 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. When serving in that capacity, it 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? Proposed language has also been sent to all area committees to solicit input. Thereafter a subcommittee will study the issues and make a recommendation for consideration by the BLSE.

IV. EXAM TASK FORCE

- a. The exam task force subcommittee recommended approval of the juvenile law certification exam specifications. This recommendation passed unanimously.
- b. The BLSE reviewed the May exam survey results. Based on the results, the BLSE will be developing an exam drafting roundtable to take place at the Florida Bar winter meeting. Representatives of each area committee will be encouraged to attend and take part in the roundtable to discuss exam development.

V. COMMUNICATION SUBCOMMITTEE

- a. Billboards advertising the benefits of Board Certification have been placed in Miami, Jacksonville, Orlando, Pensacola, Ocala and Tampa. The BLSE was provided with statistics highlighting the amount of views each billboard in the above listed areas have received.
- b. Board certification pamphlets are in the process of being redesigned to provide updated content and a new look. The certification flag for the "Carry the Flag" program is also being redesigned.
- c. The BLSE sponsored a recognition ceremony in conjunction with the Annual Meeting for all newly board certified lawyers. The reception was well attended, and speakers included 2019 BLSE Chair Kimberly A. Ashby and Florida Supreme Court Chief Justice Charles T. Canady.

VI. INSTALLATION OF NEW MEMBERS

- a. The BLSE bid farewell to Chair, Kimberly Ashby, as well as Susan J. Cole. Steven B. Lesser was appointed Chair of the BLSE for the 2019-2020 year. New members to the BLSE include John F. Eversole III and M. Sean Moyles.

The committee is grateful for the leadership of Kim and Susan and wish them the best in their future endeavors. The current members of the BLSE are excited to carry on under the leadership of Steve and look forward to continuing to expand board certification and strive to maintain our status as the flagship board certification program in the country.

VII. UPCOMING EVENTS

- a. The next BLSE meeting will be held on September 27, 2019 in Delray Beach, Florida.

ACTIVE: 11955357_1
8/13/19