

BYLAW 2-9.4 ETHICS

(a) Rules of Procedure. The board of governors adopts rules of procedure governing the manner in which opinions on professional ethics may be solicited by members of The Florida Bar, issued by the staff of The Florida Bar or by the professional ethics committee, circulated or published by the staff of The Florida Bar or by the professional ethics committee, and appealed to the board of governors of The Florida Bar.

(b) Amendment. The adoption of, repeal of, or amendment to the rules authorized by subdivision (a) is effective only under the following circumstances:

(1) The proposed rule, repealer, or amendment is approved by a majority vote of the board of governors at any regular meeting of the board of governors.

(2) The proposal is published in *The Florida Bar News* at least 20 days preceding the next regular meeting of the board of governors.

(3) The proposal receives a majority vote of the board of governors at its meeting following publication.

(c) Waiver. The rules of procedure adopted as required in subdivision (a) may be temporarily waived as to any particular matter only on unanimous vote of those present at any regular meeting of the board of governors.

(d) Confidentiality. Each advisory opinion issued by Florida Bar ethics counsel will be identified as a “staff opinion” and be available for inspection or production. The names and any identifying information of any individuals mentioned in a staff opinion will be deleted before the staff opinion is released to anyone other than the member of The Florida Bar making the original request for the advisory opinion.

(e) Disqualification as Lawyer Due to Conflict.

(1) *Representation Prohibited.* Lawyers may not represent any person or entity other than The Florida Bar in proceedings for the issuance of opinions on professional ethics authorized by these rules if they are:

(A) currently serving on the professional ethics committee or the board of governors;

(B) employees of The Florida Bar; or

(C) former members of the professional ethics committee, former members of the board of governors, or former employees of The Florida Bar if personally involved to any degree in the matter while a member of the professional ethics committee or the board of governors, or while an employee of The Florida Bar.

(2) *Representation Permitted With Consent by the Board of Governors.* Lawyers may represent a person or entity other than The Florida Bar in proceedings for the issuance of

opinions on professional ethics authorized by these rules only after receiving consent from the executive director or board of governors if they are:

(A) former members of the professional ethics committee, former members of the board of governors, or former employees of The Florida Bar who did not participate personally in any way in the matter or in any related matter in which the lawyer seeks to be a representative and who did not serve in a supervisory capacity over the matter within 1 year of the service or employment;

(B) a partner, associate, employer, or employee of a member of the professional ethics committee or a member of the board of governors; or

(C) a partner, associate, employer, or employee of a former member of the professional ethics committee or a former member of the board of governors within 1 year of the former member's service on the professional ethics committee or board of governors.

(3) *Participation in Issuance of Ethics Proceedings for Oneself.* The disqualification under this rule does not prohibit lawyers described above from participating on their own behalf in proceedings for the issuance of opinions on professional ethics authorized by these rules and the Florida Bar Procedures for Ruling on Questions of Ethics.

Amended March 2, 1988; July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); Oct. 29, 1992 (608 So.2d 472); May 20, 2004 (875 So.2d 448); amended Jan. 4, 2019, effective March 5, 2019 (267 So.3d 891).