

The Florida Bar Board of Governors
June 17, 2020
By Zoom

1.Roll Call

John M. Stewart, President
Dori Foster-Morales, President-Elect
Jeremy C. Branning, 1st Circuit
Lawrence E. Sellers, Jr., 2nd Circuit
Melissa Van Sickle, 2nd Circuit
Bruce W. Robinson, 3rd Circuit
Michael Fox Orr, 4th Circuit
Michael G. Tanner, 4th Circuit
Renée E. Thompson, 5th Circuit
Joshua T. Chilson, 6th Circuit
Sandra Fascell Diamond, 6th Circuit
Sam Nicholas Masters, 7th Circuit
Stephanie M. Marchman, 8th Circuit
Thomas P. Wert, 9th Circuit
Julia L. Frey, 9th Circuit
C. Richard Nail, 10th Circuit
Roland Sanchez-Medina, Jr., 11th Circuit
Nikki L. Simon, 11th Circuit
Jordan A. Dresnick, 11th Circuit
Jorge L. Piedra, 11th Circuit
Jeffrey Rynor, 11th Circuit
Steven W. Davis, 11th Circuit
John H. (Jack) Hickey, 11th Circuit
F. Scott Westheimer, 12th Circuit
Thomas Roe Bopp, 13th Circuit
Amy S. Farrior, 13th Circuit
J. Carter Andersen, 13th Circuit
Paige A. Greenlee, 13th Circuit
Clifford C. Higby, 14th Circuit

R. Sia Baker-Barnes, 15th Circuit
Ronald P. Ponzoli, Jr., 15th Circuit
Robin I. Bresky, 15th Circuit
Gary S. Lesser, 15th Circuit
Wayne LaRue Smith, 16th Circuit
Jay Kim, 17th Circuit
Diana Santa Maria, 17th Circuit
Lorna E. Brown-Burton, 17th Circuit
Hilary Creary, 17th Circuit
Adam G. Rabinowitz, 17th Circuit
Gregory S. Weiss, 19th Circuit
Laird A. Lile, 20th Circuit
John D. Agnew, 20th Circuit
E. Duffy Myrtetus, Out of State
Ian A. Comisky, Out of State
Eric L. Meeks, Out of State
Brian D. Burgoon, Out of State
Santo DiGangi, YLD President
Adam White, YLD President-Elect
Joseph “Jody” D. Hudgins, Public Member
Sharon B. Middleton, Public Member

New Members

Kris B. Robinson, 1st Circuit
W. Braxton Gillam, IV, 4th Circuit
Philip J. Bonamo, 7th Circuit
Tad A. Yates, 9th Circuit
Alice Sum, 11th Circuit
Kenneth G. Turkel, 13th Circuit
Linda Goldstein, Public Member
Todd Baker, YLD President-elect Designate

Members Absent

James G. Vickaryous, 18th Circuit
Wayne L. Helsby, 9th Circuit

2. Staff in Attendance

Joshua Doyle, Executive Director
Gypsy C. Bailey, Director and General Counsel
Allison Sackett, Director, Legal Division
Terry Hill, Director, Program Division
Cynthia Jackson, CFO & Director, Administrative Division
Rick Courtemanche, Deputy General Counsel
Francine Walker, Director, Public Information and Bar Services
Elizabeth Clark Tarbert, Ethics Counsel
Mike Garcia, Director, Research, Planning and Evaluation
Patricia A. Savitz, Staff Counsel
Krys Godwin, Director, Legal Publications
Rosalynd A. Scott, Assistant to the President
Jim Ash, Senior Editor, Florida Bar News

3. Executive Session

Board members went into executive session to discuss disciplinary and other matters.

4. Invocation and Pledge of Allegiance

Board member Jack Hickey delivered the invocation and board member Sam Masters led the Pledge of Allegiance.

5. Introductions of Incoming Board Members

Board member Bruce Robinson introduced his successor and son, Kris B. Robinson. Board member Michael Tanner introduced his successor, W. Braxton Gillam, IV. Board Member Sam Masters introduced his successor, Philip J. Bonamo. Board Member Julia Frey introduced Board Member Wayne Helsby's successor, Tad A. Yates. Board Member Jack Hickey introduced his successor, Alice Sum. Board Member Thomas Bopp introduced his successor, Kenneth G. Turkel.

Board Member Santo DiGangi announced the incoming YLD President-elect, Todd L. Baker. Board Member Paige Greenlee introduced Public Member Linda Goldstein.

6. Guests

President Stewart recognized the following guests:

Dax Bello, Cuban American Bar Association

Grasford W. Smith, Virgil Hawkins Florida Chapter, NBA

David Aronberg, Government Lawyer Representative

Judge Angela Cowden, Florida Conference of Circuit Judges

Andy Sasso, Parliamentarian

Michael Schmid, Chair of Joint Rules Committee

7. Minutes Approval

The board approved the minutes from its Board of Governors meeting on May 15. That included ratifying the following Executive Committee actions taken since then:

- On June 3, 2020, the Executive Committee met via conference call to discuss The Florida Bar, through its president, making a statement as to recent current events. The committee unanimously approved the president making a statement. Such statement will be subject to approval in content by the Bar's communications and legal teams. Also participating were Frances Guasch-De La Guardia, Kyleen Ann Hinkle, Grasford Smith, Jr., Kevin Cox, Joshua Doyle, Gypsy Bailey, Francine Walker and Rosalyn Scott.

8. Consent Calendar

The board approved the consent calendar, including the following items:

- UPL Circuit Committee Member Nominations – Committee 18 “A”, **Jonathan J.A. Paul**, attorney member.
- Florida Registered Paralegal Committee Member Nominations – **Janet Betancourt**, FRP, for a term that expires in 2023; **Lyndsey E. Siara**, attorney member, for a term that expires in 2023.

- Legal Services of North Florida Board of Directors Appointment Recommendation – **Stephanie Tillery**, beginning immediately, for a term that expires May 31, 2022.
- Florida Bar Foundation Designations – Joseph “Jody” Hudgins, Renée E. Thompson, Lorna Brown-Burton.

Rules, Bylaws and Policies:

- Rule 1-3.2 Membership Classifications – Within subdivisions (a)(1) and (a)(2), adds disbarred and revoked.
- Rule 1-7.3 Membership Fees – Within subdivisions (a), adds “revoked”.
- Rule 1-13-1 Time – Within subdivision (b), removes e-mail from the additional 5 days for mailing time.
- Rule 3-7.7 Procedures Before the Supreme Court of Florida – Within subdivisions (a)(2) and (3), changes “resignation” to “revocation”.
- Rule 4-6.1 Pro Bono Public Service – Within Subdivision (d), deletes specific wording requirements for categories to be included for the pro bono reporting requirement to be included on the membership fees statement but includes that hours and dollar amounts must be specified.
- Rule 6-3.6 Recertification – Within Subdivision (b)(4), changes terminology of current requirement to membership in good standing rather than a list of reasons a lawyer could fail to be in good standing.
- Rule 10-2.1 Generally – Within subdivision (c), adds “or been revoked”.
- Rule 20-5.1 Generally – Within subdivision (a), adds “or been revoked”.

9. Annual Convention Committee Report

Chair Vivian Cortes Hodz presented. By the second day, the Annual Convention featured 7,600 total registrants for 18 virtual seminars and 2,300 participants. More than 650 people downloaded the convention app. No board action was required.

10. Disciplinary Review Committee Report

Chair Brian Burgoon thanked committee members and Bar staff for their service. No board action was required.

11. Disciplinary Procedure Committee Report

Chair Ron Ponzoli presented.

Final Action:

- Rule 3-5.2 Emergency Suspension and Interim Probation or Interim Placement on the Inactive List for Incapacity Not Related to Misconduct – Within subdivision (g), adds an exception when the Bar has demonstrated through hearing or trial the likelihood of prevailing on the merits on underlying rule violations. The board voted unanimously to recommend approval.
- Florida Standards for Imposing Lawyer Sanctions – Amends standards to reflect changes to rules and case law relating to lawyer discipline. The board voted unanimously to approve.
- Rule 3-7.1 Confidentiality – Within subdivision (j) adds judges and justices in confidentiality of information in Bar disciplinary cases regarding treatment for chemical dependence and mental health issues. The board voted to approve, including waiver of first reading by more than two-thirds vote, with 1 objection.

12. Legislation Committee Report

Chair Larry Sellers thanked committee members for their service.

Anticipated spending reductions in the FY 2020-2021 state budget could impact Bar priorities. No board action was required.

13. Rules Committee Report

Chair Amy Farrior presented.

Final Action:

- Recommendation to the Board of Governors on Florida Access to Civil Justice Commission Proposal for Chapter 20 amendments to create Advanced Florida Registered Paralegal Program. The board voted unanimously to postpone indefinitely.

First Reading:

- Standing Board Policy 1.20 Board Meetings – Within subdivision (d), adds that the bar president-elect may appoint up to 6 non-voting members of the Board of Governors, 3 from state-wide and 3 from regional/local organizations, or other individuals to be seated at any 1 time for the year in which the bar president-elect will become bar president. No board action was required.

14. Budget Committee Report

Chair Steven Davis thanked committee members and Bar staff for their service. No board action was required.

15. Traffic Court Rules Committee Report

Board Liaison Jorge Piedra presented.

Final Action:

- The committee proposes amending Florida Rule of Traffic Court 6.490 by extending the number of days an official may reduce a legal penalty from 60 days to 180 days. Pursuant to Florida Rules of Judicial Administration 2.140(b)(3), the board voted 35-0 to accept so that it may be filed with the Supreme Court.

16. Program Evaluation Committee Report

Chair Scott Westheimer presented.

Final Action:

- BLSE Policy 6.02 Reporting – Changes the pro rata credit hours in subdivision (f) from 10-hour increments to 11-hour increments for a 12-month period. The board voted unanimously to approve.
- Proposal to merge Consumer Protection Law into the Anti-Trust & Trade Regulation Certification Area. The board voted unanimously to oppose the merger and allow the 9 board-certified attorneys in Anti-Trust & Trade Regulation to maintain their certification status until they no longer seek, or are approved for, recertification.

- Student Education and Admissions to the Bar Committee Mission Statement. The board voted unanimously to approve the revised statement, which includes the following language: “Work with Florida law schools to ensure the highest caliber of legal education and preparedness for bar admission and work with Florida law schools to cultivate the highest caliber legal practitioners.”
- Review of Executive Director Compensation – Best Practices. The board voted unanimously to approve the committee’s five recommendations regarding periodic performance evaluations and compensation reviews.
- Proposed COVID-19 Pandemic Recovery Task Force – the board voted unanimously to approve President-elect Dori Foster-Morales’s request to create a Florida Bar Covid-19 Pandemic Recovery Task Force.

17. Investment Committee Report

Chair Ian Comisky presented.

Despite volatility in the financial markets, the Long-Term Fund remains relatively unchanged. On June 10 it contained \$52.5 million, up slightly from \$52.3 million on June 30, 2019. Chair Comisky reported on the sale of \$960,000 of the Galliard Capital Management investments and a corresponding purchase of other financial instruments in accordance with the established investment policy.

18. Communications Committee Report

Chair Duffy Myrtetus presented. A subcommittee conducted a COVID-19 pandemic recovery survey of 3,671 members and received 877 responses for a 24% response rate. He thanked committee members and Bar staff for their service. No board action was required.

19. Rules of Judicial Administration Committee Report

Joint Committee Chair Michael Schmid presented Rule 2.423, “Marsy’s Law” Crime Victim Information Within Court Filing. Pursuant to Florida Rules of Judicial Administration 2.14(b)(3), the board voted 30-0 to accept so that it may be filed with the Supreme Court.

20. Appellate Court Rules Committee Report

Board Liaison Amy Farrior presented. Rule 9.143 Crime Victims. Pursuant to Florida Rules of Judicial Administration 2.14(b)(3), the board voted 30-0 to accept so that it may be filed with the Supreme Court.

21. Special Appointments

Screening Committee Chair Amy Farrior presented. Florida Board of Bar Examiners – (Five lawyers to serve a five-year term beginning November 1, 2020.) The committee approved the following slate: **Robert Joseph Alwine II**, Key Biscayne; **Diana Kay Bock**, Tampa; **Karen Meta Chastain**, Jacksonville; **Timothy Stephen Danninger**, Jacksonville; **Mark D. Davis**, Santa Rosa Beach; **Stanley Howard Eleff**, Tampa; **Ita M. Neymotin**, Fort Myers; **Camellia Noriega**, Juno Beach; **Melissa Giselle Thorn**, Fort Lauderdale. The board voted unanimously to approve.

22. Technology Committee Report

Chair Renée Thompson presented. The committee is studying the continuity of operations and proceedings for remote hearings. She thanked committee members and Bar staff for their service. No board action was required.

23. Executive Director’s Report

Executive Director Joshua Doyle thanked board members for volunteering their service during a difficult year, and the Bar staff for its responsiveness to the COVID-19 pandemic. No board action was required.

24. President-Elect's Report

President-elect Dori Foster-Morales moved approval of officer appointments for standing committees. The board voted unanimously to approve. The board meeting scheduled for July 15 on Amelia Island could be cancelled and convened remotely.

25. Young Lawyers Division Report

YLD President Santo DiGangi presented. More than 300 young lawyers attended the annual Affiliate Outreach Conference with more than 40 affiliates presenting. YLD revamped its practicing and professionalism program. YLD members participated in Free Legal Answers. The YLD Stigma Free campaign expanded. The YLD board has become more diverse and accessible to division members. No board action was required.

26. Remarks, Outgoing Members

Board members Sharon Middleton, Sam Masters, Tom Bopp, Bruce Robinson, and Jack Hickey recounted their years of service and thanked fellow board members and Bar staff for their friendship and support. No board action was required.

27. President's Remarks

President John Stewart delivered farewell remarks, thanking board members and Bar staff for their service and support. No board action was required.

28. Time and Place of Next Meeting

There being no further business before the board, President John Stewart adjourned the meeting at 5:51 p.m. The next board meeting is scheduled for July 17 on Amelia Island.

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