

Florida Bar Board of Governors Interim Meeting
November 16, 2020
By Videoconference

1. Roll Call

Dori Foster-Morales, President
Michael G. Tanner, President-Elect
Jeremy C. Branning, 1st Circuit
Lawrence E. Sellers, Jr., 2nd Circuit
Melissa VanSickle, 2nd Circuit
Michael Fox Orr, 4th Circuit
W. Braxton Gillam, IV, 4th Circuit
Renée E. Thompson, 5th Circuit
Joshua T. Chilson, 6th Circuit
Sandra Fascell Diamond, 6th Circuit
Philip J. Bonamo, 7th Circuit
Stephanie M. Marchman, 8th Circuit
Thomas P. Wert, 9th Circuit
Julia L. Frey, 9th Circuit
Tad A. Yates, 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
Alice Sum, 11th Circuit
F. Scott Westheimer, 12th Circuit
Kenneth G. Turkel, 13th Circuit
Amy S. Fariior, 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
James G. Vickaryous, 18th Circuit
Gregory S. Weiss, 19th Circuit
Laird A. Lile, 20th Circuit
John D. Agnew, 20th Circuit
E. Duffy Myrtetus, Out of State
Ian M. Comisky, Out of State
Eric L. Meeks, Out of State
Brian D. Burgoon, Out of State
Adam White, YLD President
Todd L. Baker, YLD President-Elect
Joseph “Jody” D. Hudgins, Public Member
Linda Goldstein, Public Member

Members Absent

Kris B. Robinson, 3rd Circuit

2. Staff in Attendance

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

3. Invocation and Pledge of Allegiance

Board member J. Carter Andersen delivered the invocation and board member Hilary Creary led the Pledge of Allegiance.

4. Guests

President Dori Foster-Morales recognized the following guests:

Andy Sasso, Parliamentarian.

A. Dax Bello, Cuban American Bar Association.

Kimberly E. Hosley, Florida Association for Women Lawyers.

Kevin Nash, Virgil Hawkins Florida Chapter, NBA.

Karen Ladis, Legal Aid Representative.

Vivian Cortes Hodz, Voluntary Bar Representative

Altanese P. Phenelus, Government Lawyer Representative.

5. Legislative Advocate Report

Legislative Advocate Jim Daughton presented.

The November 3 General Election generated a 75% turnout in Florida, “typical” for a presidential year and below the 1992 record of 83%. Voters cast 70% of ballots by mail or via early voting. Republican majorities increased to 24-16 in the Senate and 78-42 in the House. The Senate has 10 attorney/legislators, the House 33. A November 17, 2020 organizational session is closed to the public due to COVID-19 health restrictions. Committee assignments are expected in December. Interim committee weeks convene in January and February. The 2021 legislative session convenes March 2. No board action was required.

6. Task Force On The Distribution Of IOTA Funds Report

Chair Mayanne Downs presented.

An October 25, 2019 Supreme Court order created the Task Force on the Distribution of IOTA Funds to “examine and make recommendations to the Court on alternative models for the distribution of IOTA funds; whether specific priorities should be established for the use of available IOTA funds; whether specific requirements or limitations should be imposed on the use of IOTA funds; whether reporting requirements regarding the distribution and use of IOTA funds should be adopted; and any other matters related to ensuring the most effective use of IOTA funds.” The task force’s September 15, 2020 report unanimously recommended amendments to Rule 5-1.1(g) that would, among other things:

- Require grantee agencies to spend no more than 10% of IOTA funds on administrative costs and The Florida Bar Foundation to spend no more than 15% of IOTA funds on administrative costs.
- Prohibit The Florida Bar Foundation from expending IOTA funds for grants to improve the administration of justice.
- Require IOTA funds to be distributed within six months of collection.
- Establish comprehensive reporting requirements.
- Require a review of the proposed changes after two years.

The proposed amendments are posted online and will be published in the December editions of the *Bar News*. Comments are due to the Supreme Court by January 4, 2021. The task force must respond by January 25, 2021. The Florida Bar was not asked to take a formal position. No board action was required.

7. Remarks, Board Member Jody Hudgins

Board members are urged to consider proposed amendment to Rule 5-1.1(g) by the Disciplinary Procedure Committee that would set the minimum interest rate on IOTA trust accounts at 25 basis points and tie future changes to the rate of inflation. Every basis point increase generates an additional \$670,000 for legal aid.

8. President's Report

The Florida Supreme Court will conduct a virtual ceremonial session to commemorate the centennial of the 19th Amendment and to honor Florida women who have elevated the rule of law. Justice Jamie R. Grosshans, President Dori Foster-Morales and others will deliver remarks. The ceremony is scheduled for December 16, 2020 at 2 p.m. and will be broadcast on the Florida Channel and YouTube.

9. Time and Place of Next Meeting

There being no further business before the board, President Dori Foster-Morales adjourned the meeting at 4:46 p.m. The next board meeting will convene virtually on December 4, 2020.

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