

Florida Bar Board of Governors  
May 20, 2022  
Tampa

**1. Roll Call**

Michael G. Tanner, President  
Gary S. Lesser, President-elect  
Jeremy C. Branning, 1st Circuit  
Lawrence E. Sellers, Jr., 2nd Circuit  
Melissa VanSickle, 2nd Circuit  
Kris B. Robinson, 3rd Circuit  
Michael Fox Orr, 4th Circuit  
W. Braxton Gillam, IV, 4th Circuit  
Gordon J. Glover, 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  
Jorge L. Piedra, 11th Circuit  
Judge Leslie B. Rothenberg, 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  
Ronald P. Ponzoli, Jr., 15th Circuit  
Robin I. Bresky, 15th Circuit  
Michael J. Gelfand, 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  
Laird A. Lile, 20th Circuit  
John D. Agnew, 20th Circuit  
E. Duffy Myrtetus, Out of State  
Donald A. Workman, Out of State  
Eric L. Meeks, Out of State  
Iris A. Elijah, YLD President-elect  
Joseph "Jody" D. Hudgins, Public Member  
Linda Goldstein, Public Member

**Members Absent**

Nikki L. Simon, 11th Circuit  
Jordan A. Dresnick, 11th Circuit  
Jeffrey Rynor, 11th Circuit  
Clifford C. Higby, 14th Circuit  
R. Sia Baker-Barnes, 15th Circuit  
Gregory S. Weiss, 19th Circuit  
Brian D. Burgoon, Out of State  
Todd L. Baker, YLD President

**2. Staff in Attendance**

Joshua Doyle, Executive Director  
Elizabeth Clark Tarbert, Director, Lawyer Regulation Division  
Gypsy Bailey, General Counsel & Director, Division of Ethics & Consumer Protection  
Terry Hill, Director, Programs Division  
Cynthia Jackson, CFO & Director, Administrative Division  
Rick Courtemanche, Deputy General Counsel  
Jonathan Grabb, Ethics Counsel  
Patricia A. Savitz, Staff Counsel  
Jennifer Krell Davis, Director of Communications  
Mike Garcia, Director, Research, Planning and Evaluation

Mikalla Davis, Attorney Liaison, Rules  
Leslie Reithmiller, Assistant to the President  
Jim Ash, Senior Editor, Florida Bar News

### **3. Invocation and Pledge of Allegiance**

Board member Carter Andersen delivered the invocation and board member Paige Greenlee led the Pledge of Allegiance.

### **4. Admonishment**

President Michael Tanner admonished the respondent in Case No. 202010628.

### **5. Remarks, Chief Judge Ronald Ficarrota, 13th Judicial Circuit**

Chief Judge Ronald Ficarrota welcomed board members to Tampa and thanked them for their service.

### **6. Guests**

President Michael Tanner recognized the following guests:

Andy Sasso, Parliamentarian

Michael T. Davis, Virgil Hawkins Florida Chapter, NBA

Karen Ladis, Legal Aid Representative

Jenny Scavino Sieg, Florida Association for Women Lawyers

Javier Ley-Soto, Cuban American Bar Association

The Hon. Ronald Ficarrota, Chief Judge, 13th Judicial Circuit

Governor-elect Victor R. Smith, 10th Circuit

Governor-elect Jesse R. Butler, 12th Circuit

Governor-elect John A. Schifino, 13th Circuit

Gwynne Alice Young, former Florida Bar President (2012)

Leonard Gilbert, former Florida Bar President (1980)

Lisa Marie Thelwell, National Black Prosecutors Association

### **7. Non-Roll Call Grievance Agenda Items**

Item No. 6 (f)

### **8. Minutes Approval**

The board approved the minutes from its March 25, 2022, regular meeting. That included ratifying the following actions taken by the Executive Committee:

- On May 3, 2022, the Executive Committee voted to approve each of the JNC Screening Committees' recommended slates for the Supreme Court, 1st Circuit, 4th Circuit, 8th Circuit, 14th Circuit, Second DCA, 6th Circuit, 10th Circuit, 12th Circuit, 13th Circuit, 20th Circuit, 11th Circuit, Fourth DCA, 15th Circuit, 19th Circuit, 7th Circuit, and 9th Circuit.
- On May 11, 2022, the Executive Committee reconvened the May 3 meeting and voted to approve each of the JNC Screening Committees' recommended slates for the First DCA, 2nd Circuit, Third DCA, 17th Circuit, Fifth DCA, and 18th Circuit. Application deadlines were extended for the 3rd Circuit, 16th Circuit, and 5th Circuit, and those slates could not be reviewed.

### **9. Consent Calendar**

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

- The following appointees to UPL Circuit Committees: Committee 17-A, **Brad C. Emler**, public member; Committee 17-C, **Alexandra Kate Hershorn**, attorney member; Committee 4, **Gartrell Milam**, public member.
- The following UPL Standing Committee nominations: **Anita Browning** and **Mariah Richardson**, public members; **Cydney Bulger** and **Jeff Cynamon**, attorney members. The following renominations: **Manohar Athavale**, **Eva Bartczak-Carbone**, **Marcie Bour**, and **Gwendolyn Lisker**, public members; **Jordon Brill**, **Barbara Burke**, **Gregory Redmon**, and **Martin Jay Sperry**, attorney members.
- The following Florida Registered Paralegal District Committee nominations: **Rebecca S. Wilt**, Tampa, FRP. The following renominations: **Anita Browning**, Fort Lauderdale, FRP; **Alyssa Joy Flood**, Orlando, attorney; **Lance Robert Kiss**, Miami, attorney; **Kathleen Mann**, Tallahassee, public member.
- An agreement between The Florida Bar and Metz, Husband & Daughton, P.A., for legislative advising services.
- An agreement between The Florida Bar and Metz, Husband, & Daughton, P.A., for state governmental policy research, monitoring, and strategic advice.
- An agreement between The Florida Bar and Pamela Burch Fort for her services as legislative counsel.
- Approval of the following Real Property, Probate and Trust Law Section proposed legislative position: "Section 117.201, Florida Statutes, is

- amended to add: ‘Witness,’ when used as a noun, means an individual whose electronic signature is affixed to an electronic document or record as an attesting or subscribing witness. Section 2. The amendment made by this act is remedial in nature and shall apply retroactively to January 1, 2020. Section 3. This act shall take effect upon becoming law.”

### **10. Real Property, Probate and Trust Law Section’s Condominium Law and Policy on Life Safety Issues Advisory Task Force Report**

Chair William Sklar presented.

The task force was formed in response to the June 24 collapse of Champlain Towers South that killed 98 Surfside residents. The mission was to recommend policy to prevent another disaster. The task force did not advocate for specific legislation. The task force met 19 times over 90 days to receive presentations from experts. Florida has 922,000 condominium units 30 years or older and lacks a statewide reinspection mandate. The task force will be available for a pending special session.

### **11. Juvenile Court Rules Committee Report**

Chair Candice Brower presented.

Items on Final Action: Pursuant to Rule of General Practice and Judicial Administration 2.140(b), the committee proposed amendments to Rule 8.013 (Detention Petition and Order), Rule 8.245 (Discovery), Rule 8.250 (Examinations, Evaluation, and Treatment), and Form 8.961 (Shelter Order). The board voted 37 to recommend acceptance, 0 to recommend rejection, and 0 to recommend amendment.

### **12. Civil Procedure Rules Committee Report**

Chair Jason Stearns presented.

Items on Final Action: Pursuant to Rule of General Practice and Judicial Administration 2.140(b), the committee proposed amendments to Form 1.902 (Summons), Form 1.910 (Subpoena for Trial), Form 1.911 (Subpoena Duces Tecum for Trial), Form 1.912 (Subpoena for Deposition), adoption of new Form 1.9135 (Proof of Service of Subpoena), Form 1.996(a) (Final Judgement of Foreclosure), and Form 1.996(b) (Final Judgement of Foreclosure for Reestablishment of Lost Note). The board voted 36 to recommend acceptance, 0 to recommend rejection, and 0 to recommend amendment.

### **13. Rules of General Practice and Judicial Administration Committee Report**

Chair Stanford “Sandy” Solomon presented.

Items on Final Action: Pursuant to Rule of General Practice and Judicial Administration 2.140(b), the committee proposed amendments to Florida Rule of General Practice and Judicial Administration 2.540 (Request for Accommodations by Persons with Disabilities). The board voted 40 to recommend acceptance, 0 to recommend rejection, and 0 to recommend amendment.

The committee proposed a comment to “*In re: Report and Recommendations of the Workgroup on Improved Resolution of Civil Cases,*” Case No. SC22-122. The board voted without objection, and with one amendment, to approve the committee’s submission of the comment.

### **14. Budget Committee Report**

Chair Jeremy Branning presented.

Items on Final Action: The committee proposed an amendment to the FY 2022-23 proposed General Fund Budget that would increase Florida Lawyers Assistance, Inc., spending by \$71,500. The board voted without objection to approve.

The committee proposed three amendments to the FY 2022-23 proposed General Fund Budget that would increase the YLD’s Affiliate Outreach Conference attendee travel reimbursement by \$4,000; increase YLD board member travel reimbursement by \$21,000; increase the YLD meeting budget by \$30,000 to accommodate six in-person meetings; and increase YLD president and president-elect officer allowances by \$5,000 each. The board voted with objection to approve.

The committee moved the FY 2022-23 proposed General Fund Budget, as amended, which calls for \$44.7 million in expenses, with a \$2.5 million loss and an ending fund balance of \$33.6 million. The board voted without objection to approve.

The committee proposed increasing The Florida Bar’s \$8,217 contribution to cover the cost of an Elder Law Section cancellation fee by \$12,973 to a total of \$21,190. The board voted without objection to approve.

Items on First Reading: Proposed amendments to Standing Board Policy 3.12 Finances (YLD Board Reimbursement & Officer Allowance); Standing Board Policy 5.54 Section Disbursement Policies (Section Contract Cancellation Fees); Standing Board Policy 5.71 General Division Administrative Policies (YLD Financial Policies);

and Standing Board Policy 6.31 Distribution of Proceeds (Section Contract Cancellation Fees).

### **15. Judicial Nominating Commission Appointments**

President Michael Tanner presented.

Judicial Nominating Commissions, (two nominees for each of 26 JNCs for a four-year term commencing July 1, 2022.) With board member Larry Sellers abstaining from the First DCA and the 18th Circuit, the board voted with objection to approve the following Executive Committee recommended slates for: Supreme Court; First DCA, Second DCA, Third DCA, Fourth DCA, Fifth DCA, 1st Circuit, 2nd Circuit, 4th Circuit, 5th Circuit, 6th Circuit, 7th Circuit, 8th Circuit, 9th Circuit, 10th Circuit, 11th Circuit, 12th Circuit, 13th Circuit, 14th Circuit, 15th Circuit, 17th Circuit, 18th Circuit, 19th Circuit, and 20th Circuit. (Application deadlines were extended for the 3rd Circuit, 5th Circuit, and 16th Circuits.)

### **16. Legislation Committee Report**

Chair Sandra Diamond presented.

Pursuant to Standing Board Policy 9.20(e), the committee is reviewing the process for sunseting all Florida Bar legislative positions for the 2020-2022 biennium. Legislative advocate Jim Daughton reported that a pending special session on property insurance will focus on alleged lawsuit abuse. Gov. Ron DeSantis has not yet received a proposed \$112.1 billion state budget, or SB 1796, an alimony reform measure, from the Legislature.

### **17. Special Committee for the Review of Professionalism in Florida Report**

Co-Chairs Gary Lesser and Elizabeth Hunter presented.

President Michael Tanner formed the 20-member panel a year ago to recommend ways to improve professionalism. The recommendations include a proposed Supreme Court administrative order that would establish a “Code for Resolving Professionalism Referrals.” Local professionalism panels would have a more uniform procedure for receiving, screening, and acting on complaints of unprofessional conduct and addressing them informally, outside of the disciplinary process. The work of the panels would remain confidential. Education is a key component. Law students would receive more comprehensive training. A proposed rule amendment would increase to 3 hours the number of professionalism CLE credits a lawyer must earn every three-year reporting cycle.

President Tanner moved that the board approve forwarding the recommendations to the Supreme Court as an informational item only. The board voted without objection to approve.

### **18. Technology Committee Report**

Chair Paige Greenlee presented.

The committee is working on updates to “The Florida Bar Best Practices Guide to Remote Court Proceedings.” The board received a comprehensive presentation on cybersecurity. The committee will focus on cybersecurity in the coming year.

### **19. Audit Committee Report**

Chair Duffy Myrtetus presented.

The committee completed a routine review of the regulatory compliance checklist. The Disaster and Recovery Plan was reviewed after recent updates. The new committee Dashboard reporting system is an “informative and powerful tool.” The engagement letter was recently completed for the Bar’s new auditing firm.

### **20. Investment Committee Report**

Committee member Hilary Creary presented.

On April 30, 2022, The Long-Term Fund contained \$64.08 million, and the Short-Term Fund contained \$12.47 million. The Long-Term fund averaged a 14% rate of return over the past several years. Bar investments generated \$10.2 million in income over the past four years. A broad-based portfolio mitigates against large market fluctuations. The Bar’s investments are sound.

### **21. Rules Committee Report**

Chair Hilary Creary presented.

Items on Final Action: Proposed amendments to Rule 1-7.3 Membership Fees. The board voted without objection to approve.

Proposed amendments to Rule 4-7.22 Referrals, Directories and Pooled Advertising. The board voted without objection to approve.

Items on First Reading: Proposed amendments to Rule 4-3.8 Special Responsibilities of Prosecutor; Chapter 11 Rules Governing the Law School Practice Program; Rule 20-5.1 Generally.



## **22. Disciplinary Procedure Committee Report**

Chair Robin Bresky presented.

Items on First Reading: Proposed amendments to Fee Arbitration Procedural Rules, Rule IV. Hearings; Grievance Mediation Policies, Rule IV. Procedures; Rule 3-3.4 Grievance Committees; Rule 3-5.2 Emergency Suspension and Interim Probation or Interim Placement on the Inactive List for Incapacity Not Related to Misconduct; Rule 3-5.3 Diversion of Disciplinary Cases to Practice and Professionalism Enhancement Programs; Rule 3-7.3 Review of Inquiries, Complaint Processing, and Initial Investigatory Procedures; Rule 3-7.4 Grievance Committee Procedures; Rule 3-7.6 Procedures Before a Referee; Rule 3-7.7 Procedures Before Supreme Court of Florida (electronic filing); Rule 3-7.7 Procedures Before Supreme Court of Florida (jurisdiction for notice/cross notice); Rule 3-7.10 Reinstatement and Readmission Procedures (education requirement for 5-year ineligibility); Rule 3-7.10 Reinstatement and Readmission Procedures (electronic filing); and Rule 3-7.12 Disciplinary Revocation of Admission to The Florida Bar.

## **23. Board Review Committee on Professional Ethics Report**

Chair Wayne Smith presented.

The Board Review Committee on Professional Ethics has formed a subcommittee to review a proposed rule regarding celebrity testimonials in lawyer advertising and instances when a celebrity is also a client.

## **24. Executive Session**

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

## **25. President-Elect's Report**

President-elect Gary Lesser moved approval of 2022-2023 Standing Committee Officers. The board voted without objection to approve.

Nominations were requested for appointment to the Executive Committee. The board voted to appoint board members Thomas Wert, Paige Greenlee, and Michael Orr.

## **26. Program Evaluation Committee Report**

Chair Roland Sanchez-Medina presented.

Items on Final Action: A Program Evaluation Committee review and recommendations for the Mental Health and Wellness of Florida Lawyers Committee. The board voted without objection to approve the review and proposed recommendations.

A Proposal for a Florida Bar High School Appellate Brief Writing & Moot Court Program. The Florida Supreme Court's Justice Teaching program would host an annual event that features teams competing in mock oral arguments. The board voted without objection to approve.

A Proposal by President-elect Gary Lesser to create a "Special Committee on Mentoring New Lawyers." The program would focus on attorneys with three or less years of experience and who work in firms with three or less attorneys. The board voted without objection to approve.

Items on First Reading: Proposed amendments to bylaws of the Workers' Compensation Section.

## **27. COVID-19 Pandemic Recovery Task Force Report**

Co-Chair Jay Kim Presented.

Items on Final Action: Recommendations for a proposed automated platform for the resolution of small-value civil claims, including recommendations that it be hosted by Matterhorn; that it be integrated with the Florida E-Filing Portal, and that procedures be developed to facilitate asynchronous management of claims. The board voted without objection to forward the recommendations to the Supreme Court's Florida Courts Technology Commission for further review.

The task force developed a proposed Florida Bar comment to "*In re: Report and Recommendations of the Workgroup on Improved Resolution of Civil Cases*," Case No. SC22-122. The proposed comment will be filed June 2.

The task force continues to monitor the progress of various Supreme Court workgroups, including the Workgroup on Trial Court Technology Strategies, the Workgroup on Judicial Practices in Trial Courts, and the Workgroup on Sanctions for Vexatious and Sham Litigation.

The workgroup continues to monitor the pandemic and update the COVID-19 Information and Resources webpage and has developed a presentation to summarize member efforts.

## **28. Communications Committee Report**

Chair Amy Farrior presented.

The committee is reviewing the Bar's social media. President-elect Gary Lesser previewed his communications priorities for the coming Bar year.

Communications Director Jennifer Krell Davis presented updates to The Florida Bar's Benchmarks civics education program.

## **29. Special Appointments**

President Michael Tanner presented.

Florida Board of Bar Examiners, (six lawyers for two vacancies to serve five-year terms commencing November 1, 2022.) The board voted without objection to approve **Ira Cohen**, Davie; **Kristen A. Corpion**, Miami; **Brandice D. Dickson**, Tallahassee; **Laura E. Pincus**, West Palm Beach; **Harry Rein**, Longwood; and **Chrystal S. Thornton**, Lakeland.

Florida Lawyers Assistance, Inc. Board of Directors, (three lawyers to serve three-year terms commencing July 1, 2022.) The board voted without objection to approve **Hillary B. Cassel**, Hollywood; **Natasha Dorsey**, Elmhurst, Illinois; and **Lisa A. McNelis**, Boca Raton.

Florida Medical Malpractice Joint Underwriting Association Board of Directors, (one lawyer to serve a two-year term commencing July 1, 2022.) The board voted without objection to approve **Rafael E. Martinez**, Orlando.

## **30. Young Lawyers Division President's Report**

President-elect Iris Elijah presented.

New YLD President-elect Designate Anisha Patel earned law degrees from the London School of Economics and Stetson University and has devoted countless hours to local, state, and national Bar service. CFO Marcy Jackson and Programs Division Director Terry Hill assisted the division with a project to update CLE policy and procedures. The YLD Health and Wellness Olympics is ongoing. The YLD Council of Affiliates meeting attracted 57 participants on April 25. YLD programming for the Annual Convention will include an interactive young lawyer town hall.

### **31. Executive Director's Report**

Executive Director Joshua Doyle urged board members to review the new committee Dashboard Reports. A comprehensive Lawyer Regulation Division self-study generated internal improvements and may require proposed rule amendments.

### **32. President's Report**

President Michael Tanner thanked Bar staff for their service. The Executive Committee will make the final JNC nominations in the coming week. The host hotel for the June 22-25 Annual Convention has sold out.

### **33. Time and Place of Next Meeting**

There being no further business before the board, President Michael Tanner adjourned the meeting at 3:59 p.m. The next board meeting convenes July 27-29, 2022, at the Eau Palm Beach Resort & Spa, Manalapan.

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