The Florida Bar

August 2023*
Section Leadership Conference
Handbook

*The Section Leadership Conference Handbook was updated prior to the August 2022 Virtual Section Leadership Conference. This 2023 edition of the Handbook contains updates, but it will be more substantially updated prior to the next Section Leadership Conference in 2024.
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SECTION ADMINISTRATION
SECTION RESPONSIBILITIES AND ASSIGNMENTS

For the Florida Bar to serve its members successfully, Bar staff in Tallahassee and volunteer section leaders from around the state must understand and carry out the respective and mutually dependent roles. As in every organization, good communication and a clear delineation of responsibilities are keys.

The Section’s Program Administrator provides guidance on Bar policies and procedures to the Section Chair, the Executive Council, and other Section volunteers. The Administrator gives direction as Section Leadership pursues section goals and objectives. As the bar liaison assigned by The Bar, the Administrator is trained to advise Section Leadership on Standing Board Policies, budget considerations, publication parameters, advertising deadlines, CLE program planning, and myriad other matters; not to perform secretarial functions. Thus, the position of Program Administrator is unique within The Florida Bar in that Administrators must coordinate with virtually every other Bar department to effectively administrate for the Section. Ultimate decision-making rests with Section Leadership, whose decisions must, of course, comport with Bar policy.

The following summary of Bar procedures, as well as the text of relevant Standing Board Policies and Rules Regulating the Florida Bar, are provided within this handbook to facilitate section leaders and bar staff working together to serve section membership. Section leaders can reference this handbook for overview and details to ensure a successful term.

Thank you.

Leroy Smith
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TIPS FOR SECTION LEADERS

CHAIR:

Develop a Vision

1. Have a clear theme and formulate objectives for your term
2. If a Long Range / Strategic Planning session has not been held in recent years, organize one prior to your term.
3. Maintain open communications with past Chairs and continually seek their advice

Building Your Team

1. Enlist other Section members to help in appropriate matters
2. Appoint co-chairs and have back up volunteers to ensure success of important projects
3. Personally call to remind or thank Section members who volunteer for projects
4. Identify and groom future leaders who care about the Section, and place them in committee chair positions where they may prove themselves.
5. Recruit and groom new, young and diverse members during your tenure

Stay Connected

1. Place a Chair’s Welcome with detailed goals on your Section website
2. Contact Board of Governors Representative, TFB President and President-Elect to garner their support
3. Attend meetings of other Sections to address joint efforts or related controversies

Follow the Money

1. Know the budget for your term (adopted while you are Chair-Elect)
2. Stay within your budget
3. Maintain strong revenue:
   - Keep membership strong with prominent benefits
   - Assign hard-working program chairs to CLEs and Retreats
   - Identify other special events, sponsors or products that produce revenue

Action Agendas

1. Obtain input and feedback from other Officers and Executive Council members
2. Circulate agendas a minimum of two weeks in advance of each meeting
3. Post agendas on your website or send a link by e-mail to members
Run Efficient Meetings

1. Start on time, end on time
2. Anticipate controversial items, and allow time for debate
3. Know Roberts Rules and tools to maintain the tempo of the meeting
4. Take notes, supplemented by Secretary's minutes, of action items

Maximize Publicity

1. Ensure completion of at least two newsletters, four newsletters if possible
2. Alert The Florida Bar NEWS of newsworthy projects or activities
3. Submit an annual report for inclusion in The Florida Bar Journal

Manage Authority

1. Respond to emails and letters from The Florida Bar President and Board of Governors
2. Respond to emails and letters from other Sections, Committees and Bar leaders
3. Delegate authority to your Legislative Chair, CLE Chair and Sponsor Chair to make decisions on behalf of the Section – with your goals and mission in mind

Engage The Council of Sections

1. You or the section alternate should attend all meetings
2. Be prepared to report on Section achievements or requests
3. Offer agenda items

Finish Strong

1. Publish year-end article highlighting successes during the year
2. Discuss unfinished projects with incoming Chair, find common ground for ongoing items
3. Invite your members to a special reception during your year-end meeting
4. Be sensitive to new Chair’s plans, and lend them a hand when asked

TIPS FOR FUTURE LEADERS

PARTICIPATE!

1. Attend - show up at as many meetings and events as possible
2. Volunteer - don't wait to be asked when help is needed
3. Available? - be a person who can be relied upon in a pinch, especially last-minute
4. Execute - deliver as promised on seminars, workshop and events
5. Collaborate - Foster relationships with other leaders and section officers
6. Grow - bring new people to events and seminars, recruit new members
7. Reach-out - mentor new Executive Council members
WHAT SHOULD YOU EXPECT FROM STAFF & STAFF FROM YOU

What Should Volunteers (Sections/Divisions) Expect of Staff (Program Administrator)?

1. A volunteer should expect to have the time the volunteer is freely giving used to its best advantage, not wasted on things others can do or on relatively unimportant tasks.

2. A volunteer should expect to receive from a staff member options and recommendations for activity, not “what should we do about this?” or “how should we handle this?”

3. A volunteer should expect the staff member to adhere to points of view the staff believes are professionally correct, notwithstanding the attitude of volunteers. At the same time, a volunteer should expect a staff member to be flexible and to incorporate the views of volunteers into the program as appropriate (or provided by policy).

4. A volunteer should view the staff member as a valued professional colleague who is neither dictated to nor put on a pedestal.

5. A volunteer should expect the staff to identify the volunteer’s role and activities and to provide all necessary background information to carry out those responsibilities.

6. A volunteer should expect to be told bad news or problems (as well as good news) and should be involved, when appropriate, in developing solutions.

7. A volunteer should expect from a staff member polite but firm pressure to achieve objectives and to move forward according to an agreed-upon plan.

What Should Volunteers Expect of Themselves?

1. Plan to give the time committed to a program or organization.

2. Put limits on your involvement when you cannot meet your responsibilities.

3. Bring to your association work the same level of intellectual commitment and judgment you would in your own business or professional pursuits.

4. Respect the individuality and style of the organization you are involved with and not assume that your dealings with one association will be exactly the same as your dealings with other associations. Each association is unique. Each has its own purpose and characteristics.
What Should Staff Expect of Volunteers?

1. A staff member should expect from volunteers creativity in addressing the program and issues and not a “rubber stamp” performance. At the same time, the staff member should expect the volunteers to respect staff’s judgment and by and large to accept staff recommendations.

2. A staff member should expect that volunteers need education about the organization. Every staff contact is an opportunity to tell the volunteer more about the organization and its programs and objectives.

3. A staff member should neither fear nor denigrate volunteers, but rather view them as valued colleagues.

4. A staff member should expect volunteers to ask hard questions.

5. A staff member should expect volunteers to have individual strengths and characteristics which must be identified and put to special use.

6. A staff member should be sensitive to the personal and business priorities of volunteers which may impinge on their ability to serve. The staff members must be certain that the things being asked for are substantive and important.

7. A staff member should remember that more good volunteers are lost because too little, rather than too much, is asked of them.

What Staff Members Expect of Themselves?

1. Staff members should prepare plans and guidelines for volunteers, so they can react to specifics, not generalities.

2. Staff members should view themselves as members of a team and should give public credit to volunteers for successful programs.

3. Staff members should provide not just service, but leadership. Staff members should provide options for activity, set a positive and forthright atmosphere, and create confidence in their judgment and the program that is being carried out.

4. Staff members should expect to have free access to volunteers and should make sure that all contacts with them are professional and productive.

These pointers add up to basic rules for human relationships. Staff and volunteers work together best in an atmosphere of open communication and mutual confidence and respect. Such relationships don’t just happen; like a good marriage, you have to work at them.
HOW TO CONDUCT MEETINGS THAT GET RESULTS
TIPS, POINTERS, AND GUIDELINES

Associations are composed not of products but of people, and meetings are the glue that holds them together, whether they are board meetings, committee meetings, or informal discussion groups.

Those who aspire to positions of leadership in associations are familiar with the heavy load of meetings in which they must participate.

But the jump from participating in a committee to leading a task force or serving as chair of a committee or head of a board of directors is a big one. There’s more difference between serving as a member and acting as a leader than most people suppose.

Leaders don’t just happen

The best leadership, like the best athletic or artistic effort, appears easy. The reality is that preparation, practice, and diplomacy are all needed if the job is to be done well.

Leaders don’t just happen. They must learn how to orchestrate the complex communications, personalities, and problem-solving components involved in association meetings. Because of this, a leadership position should not be viewed as mere ego gratification, a ceremonial job, or a reward for services rendered.

Experts acknowledge that the single most important ingredient in the effectiveness of committees, task forces, or board of directors is the chair’s effectiveness in getting people to work together-usually at meetings.

Association staff members handle the administrative details of meetings, but the actual orchestration of the meeting is up to you as the volunteer association leader. Here are a few pointers to make the job easier.

Have a reason to meet

When and where the meeting will be held are important considerations. However, the very first question a meeting chair or facilitator should ask is, “Why is this meeting being called and what do we want to accomplish?”

If there are no clear-cut answers to these questions, it would be better not to hold the meeting at all. Meetings with no meat set a bad precedent, and members, once burned, may be reluctant to heed the next call to action.

The dates of some meetings, such as those of standing committees and of the board of directors, may be set by the bylaws. But if there’s no real content to the agendas of even these meetings, it may be time to rethink the goals and priorities of the association.
The location of a meeting is usually decided by custom, room availability, or the condition of the association coffers. The time set for the meeting and how long it will run should be given careful consideration. The first half-hour of meetings scheduled too early in the day is usually spent priming members with coffee in order to achieve the level of alertness necessary for the ordinary conduct of business.

Those held at the end of the day seldom hold the attention of members once normal quitting time has passed. It’s human nature to want to begin and end one’s working day at one’s own pace and place.

Ten o’clock in the morning and 2 o’clock in the afternoon are optimum times for meetings, particularly those that are scheduled to run for one or two hours. Whatever timetable you choose, stick with it. Begin on time, and don't let the meeting run over.

**Know who participates**

The matter of who attends association meetings is seldom left to the leader. Participants are elected or selected, or they may simply volunteer. In working committees, it’s best to have a definite limit on membership; the optimum size for getting results is five to 15 members. If there is no limit on committee membership and you have more than 15, divide the members into smaller groups for specific tasks.

Another consideration, particularly for standing committees and working groups, is the ratio of mature, successful members to those new to the profession. Ideally, there should be twice as many experienced members.

**Be aware of hidden agendas**

People participate in meetings for a variety of sometimes overlapping reasons; exposure, a desire to develop professionally, a desire to bring about changes which will make their jobs easier, or simply a compulsion to join. With so many different agendas, it’s up to the leader to be aware of and use these motives to encourage participants to get things done.

New committee members need to be brought up to date quickly. This is best done before they attend their first meeting by supplying them with minutes of the past year, a review of the committee accomplishments, and a list of recommendations for future actions made by past committee members. The association staff can handle development and distribution of these materials, but as the leader you should ensure that materials are sent early enough to give time for review.

**Preparing for the meeting**

Effective meetings don’t just happen. They require planning and effort on the part of both the leader and the participants. In order to assure this, an agenda should always be sent in advance of a meeting.
According to Frank Snell, author of *How to Hold a Better Meeting*, an agenda should list the date, place, and estimated duration of the meeting. The names of the participants should be given together with the subject of the meeting, some background information, and the status of the material to be discussed. Usually association staff will prepare the agenda, but you should be sure it covers topics that need to be covered.

Most importantly, the agenda should clearly set forth the goal of the meeting. This document doesn’t have to be long and involved, but it should contain enough information so that the participants know what is expected of them. For example, a meeting plan could look something like this:

**Date of Meeting:**
April 5, 2022

**Place:**
Widget Association Conference Room

**Time:**
10 a.m. - Noon

**Who Will Attend:**
Association President Bob X  
Public Affairs Director Sarah Y  
Members Smith, Jones, Perez and Butler

**Subject:**
Consumer Information Program

**Background of Subject:**
Board has decided that association shall develop a public information program for widget consumers.

**Present Status:**
Staff members have developed three alternative plans.

**Goal of Meeting:**
To reach complete agreement on which plan to use.

Background information and samples of these plans should be included in the agenda mailing. Careful advance preparation of materials serves two purposes: It forces the leader to identify the problem and set a goal; and it allows participants to review the subject thoughtfully and develop a point of view.
Consider seating arrangement

Studies have shown that human beings react in certain predictable ways in certain physical surroundings. Industrial psychologists have gone to great lengths to discover the best room size for meetings, the most effective wall color, and the most efficient seating arrangements.

The first two items may be beyond your control, but the seating arrangements usually aren’t. The first consideration involves the table at which you and your committee or board will sit.

Ideally, a round table is best, but this only works for a small group. A wide rectangular or U-shaped arrangement is effective for larger meetings. There are even some instances where squeezing the participants closely together side by side promotes communication. Strangely enough, the same proximity doesn’t work when members are put face to face across a narrow table, particularly when opposing factions are lined up on either side.

The second consideration is where the leader sits. As a leader it’s important that you be easily seen by all participants. This means positioning yourself at the head of the table if you fancy an authoritarian setting or in the middle of the table if you want to appear to be one of the crowd.

A useful tactic to remember when dealing with a possibly disruptive member, is to seat that person to your immediate right, which means that you will have no eye contact, thus enabling you to ignore signals for attention.

Start on time

As leader you set the tone for the meeting. The one rule upon which all experts agree is this: Start on time. Don’t wait for anyone. It sets a bad example and encourages others to be late at the next meeting.

Briefly state the purpose of the meeting in clear, lively language, and emphasize the positive aspects of the subject. If you predict gloom and doom from the beginning, members will become discouraged and tune out.

Once the meeting is underway, keep it going. B. Y. Auger explains in his book, How to Run Better Business Meetings, that with a little practice, leaders can learn to keep a discussion moving along briskly.

His seven control points are:

1. Stimulate discussion; don’t let it lag.

2. Balance the discussion; don’t let any single point of view predominate when others are to be heard.

3. Keep the discussion on track; don’t let people digress.

4. Break up hot controversies; they’ll tear the meeting apart.

5. Keep the meeting lively; don’t let people daydream.
6. Watch your timetable; finish on schedule.

7. Make sure there is a conclusion and some positive action is initiated.

If the subject matter is complicated, go slowly and use a flip chart. This is also a useful tool in defusing a heated discussion, since listing the points being discussed seems to disassociate the idea from the person proposing it; it becomes more impersonal and easier to discuss freely.

**Orchestrating results**

Generally speaking, it’s usually easier to encourage and direct rather than to push and pull, and this is where knowledge of the personalities and inner agendas of the participants is important. Manipulation may sound like a dirty word, but it works, and it’s certainly less irritating than ruling by fiat, particularly in a democratic organization like a trade or professional association.

Remember, peers are the most difficult people to command. Try a carrot instead of a stick.

It’s important to give each participant a chance to speak. This is difficult with those who are naturally reticent or who choose to play it close to the vest. However, by getting this type of person to open up by asking him/her to share information, you can sometimes open the way for opinions to come out as well.

It may take time and coaxing, but it’s worth the effort. The silent ones are taking everything in while the gregarious ones are just too busy talking to listen.

The close of a meeting is as important as it’s opening. The leader should point out what decisions have been reached, what differences remain, and what needs to be done in the future.

**Qualities of a good leader**

Strange as it may seem in this age of double talk, the duty of a leader is to lead. This doesn’t mean to ride roughshod over others, but it does involve a responsibility which, if not exercised, can lead to group inaction or chaos.

A meeting leader should stay neutral, avoid lecturing, and guide the meeting from problem to solution.

A leader should not hog the meeting, publicly rebuke a member, or permit unnecessary interruptions such as phone calls, outside questions, and so forth.
After the meeting adjourns

Once the meeting is adjourned, the leader still has work to do. The results of the most successful meeting in the world will slip away if they are not put into concrete form almost immediately. Frank Snell, author of *How to Hold a Better Meeting*, suggests setting up a standard form for a follow-up memo. It should be tailored to a group’s or committee’s specific needs and include the following information:

Date of Meeting

Name of Sender

Subject of Meeting

Participants

Conclusions reached

Future Action

Send the memo to the participants, the association staff liaison, and to others who have a need to know. This memo can serve as the basis for the agenda for the next meeting.

A good meeting gets results

A good meeting is one that meets its goal in the fairest and fastest manner possible. Only an effective leader can make this happen. The leader has temporary custody, after all, of the participant's most precious commodity -- time.

You can stretch money, you can cut staff, but you can’t manipulate time. Twenty-four hours a day is all anyone gets. By coming to a meeting, an association member puts this finite commodity into the leader’s hands. It’s a good leader who values this trust and makes the most effective use of it.
FLORIDA BAR SOCIAL MEDIA GUIDELINES

DISCLOSURE
Members of Florida Bar entities communicate via social media platforms. Consequently, any communication on such platforms may be subject to monitoring and disclosure to third parties.

CODE OF CONDUCT
The Florida Bar welcomes comments, replies and other interaction to its posts via social media channels and to share content directly related to the program. All content posted on Florida Bar social media accounts is expected to be relevant and respectful.

INAPPROPRIATE COMMENTS
The Florida Bar has the right to delete any inappropriate content from this page, including but not limited to: irrelevant content, redundant content, hateful content, malicious content, uncivil or disrespectful content, attacks or complaints against an individual, financial solicitations, endorsements of a political candidate or party, opposition to a political candidate or party, and content that violates the social media platforms’ terms of use, codes of conduct, or other policies. Content that violates those policies may also be reported. Repeated inappropriate comments will result in the user being blocked.

DISCLAIMER
The Florida Bar accepts no liability or responsibility whatsoever for the contents of any target site linked from its social media accounts. The Florida Bar also accepts no responsibility or liability for any data, text, software, music, sound, photographs, images, video, messages, or any other materials or content whatsoever generated by users and publicly posted via its social media accounts.

Effective Jan. 1, 2017, updated 2021
OVERVIEW
The Board of Governors has approved the use of social media for The Florida Bar and Florida Bar Sections/Divisions (also referred to in this policy as “Florida Bar entities”) subject to compliance with this policy.

NOTIFICATION REQUIREMENT
When a Florida Bar program (e.g., Leadership Academy, Practice Resource Institute) or Section/Division determines it has a business need for use of social media, or for use of additional social media platforms, notification will be submitted to the communications director of The Florida Bar or his/her designee who will:

- Provide the current Florida Bar social media policy, guidelines for setting up new social media accounts, guidelines for handling negative comments, guidelines for users/participants and other guidelines and information as needed;

- Maintain a current list of all employee administrators, Bar member administrators, user IDs and passwords;

- Provide through IT a page monitoring account for public records archiving of postings via installation of software to the staff administrator’s office computer; and

- Provide ongoing counsel for use of social media and generally oversee Bar entities’ use of social media.

SOCIAL MEDIA USE BY COMMITTEES
Committees may only use social media after a proposal is submitted to and approved by The Florida Bar’s Communications Director. The Communications Director may consult with the BOG Communications Committee and its technology consultant before approval. If approved, the notification requirements listed above must be followed.

ACCEPTABLE USE
All use of social networking sites by Florida Bar entities should be consistent with applicable state, federal, and local laws and regulations, and policies, including public records obligations.

COMPLIANCE WITH FLORIDA BAR PUBLIC RECORDS OBLIGATIONS
Communication via Florida Bar related social networking sites is a public record. This means that the posts of Florida Bar entities will become part of the public record. The Florida Bar is part of the judicial branch of government. Access to records of the judicial branch is governed by Florida Rule of Judicial Administration 2.420. In the absence of an exemption, judicial branch records, including the records of The Florida Bar, are subject to disclosure. Records of the judicial branch are defined to include “all records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business by any judicial branch entity. “Fla. R. Jud. Admin. 2.420(b)(1).
Records created by Florida Bar entities within a social networking site that meet the definition of a public record (material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type), and are not confidential or exempt from disclosure, are public records and must be available for access to the public and must be maintained according to the appropriate records retention category of the Judicial Branch Records Retention Schedule, as assigned by The Florida Bar. For example, many of the communications on the social networking site may be “transitory” in nature. A Florida Bar entity may decide by policy that only transitory messages may be communicated on the site. Transitory messages are created primarily for the communication of information, as opposed to communications designed for the perpetuation of knowledge. Transitory messages do not set policy, establish guidelines or procedure, certify a transaction, or become a receipt. The retention requirement for a transitory message is until the message is obsolete, superseded, or the administrative value is lost. However, if communications on the site are intended to perpetuate, communicate or formalize knowledge of some type, then the communications could not be designated as transitory and must be maintained for the appropriate amount of time as determined by the judicial branch records series.

Florida Bar entities must be aware of the records retention schedule and must make sure that communications that constitute an official record of the Florida Bar entity are being captured and maintained according to the branch retention schedule and are available for public disclosure if requested.

To archive all posts to meet the public records retention requirement, The Florida Bar, Florida Bar Sections/Divisions and other approved entities must use the designated page monitoring service to archive all posted announcements and comments. The software for the service will be installed on the office computer of the staff administrator.

Because others might not be aware of the public records law, entities should include the following statement in the Organization section on the social networking site: **Members of Florida Bar entities communicate via this site. Consequently, any communication via this site may be subject to monitoring and disclosure to third parties.**

**POLITICAL/LEGISLATIVE CONTENT**

The activities of The Florida Bar are defined by the Rules Regulating The Florida Bar, and those rules apply to social networking activity, as well as a variety of other activities.

As a unified bar with mandatory membership, The Florida Bar cannot take positions on political or social issues that do not relate to or affect the practice of law or the administration of justice. Social media platforms should not be used to endorse any candidates or for other political activity.
ENFORCING THESE POLICIES
The Florida Bar actively monitors these sites for inappropriate postings. If an inappropriate posting is brought to the attention of The Florida Bar, The Florida Bar will take appropriate action to enforce this policy.

NEWS MEDIA
If journalists contact you through social media, refer them to the Communications Department of The Florida Bar at 850-561-5666 or email pubinfo@flabar.org.

APPROVED:
The Florida Bar Board of Governors

STAFF CONTACTS:
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Director of Communications Department
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850-561-5670

Danny Aller
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850-561-5739

www.floridabar.org/socialmedia
WEBSITES

Websites, along with social media, are the innovative technology used by The Florida Bar sections to reach their memberships. Section websites, at a minimum, should include the following information:

- Leadership Information: executive council and committee contact information, preferably with photos
- Membership information and applications
- Upcoming events and current CLE links to Bar CLE registration page or InReach registration page
- Past CLE links to OnDemand and audio CD and/or DVD sales
- Links to Social Media, e.g. Facebook, Twitter
- Information regarding section listserv or blogs
- Section bylaws should be listed
- Resource Links to other related organizations relative the substantive areas of the section
- Content for the Section website should be generated by website/communication committee member. Administrator should update the event and CLE calendar in addition to member and committee lists for the website

Section websites would do well to consider the following innovative technology points:

- Mobile Friendly Design. Having a mobile-friendly website is no longer an option, it’s a requirement. As association members increasingly depend on their phones to search for and visit websites, having a mobile-friendly website your members can access is a must.
- Accessibility. Its requirements include: 1) making content accessible through assistive technologies; 2) labelling navigation elements specifically; and 3) making content accessible via a keyboard
- Consistent Branding. It takes up to 8 seconds for a visitor to identify your brand – longer than that, and the majority of visitors leave. Your association’s web properties enhance and extend your brand, so include logos and other recognizable signs of identity so visitors know they have come to the right place.
USING THE FLORIDA BAR’S VIDEO CONFERENCING SERVICE

Overview

The Florida Bar's Video Conferencing allows for face-to-face interaction with sites virtually anywhere in the world. It can reduce travel costs and increase productivity. We provide dedicated video conference rooms at all five TFB locations, equipped with high-definition cameras, microphones, and flat-panel displays. Remote clients can access our video conferences using dedicated video conference rooms, desktop or laptop computer, telephone, and even mobile devices (iOS and Android).

Uses include:

- Long-distance, multi-site meetings
- Remote class/training participation
- Job interviews
- Project collaboration

How do I request this service?

Video conferencing equipment and services can be reserved using TFB’s Resource and Reservation system.

Video conference requests should be made 48 hours in advance to allow for appropriate configuration time.

When is this service available?

Video Conferencing rooms are open during normal TFB business hours. TFB's Video Conferencing Services are available to fit the demand of your conferencing schedule. Appropriate lead time is required in order to fulfill your request. Exceptions to availability will include any planned maintenance, and unplanned outages.

How do I get help with this service?

Support for Video Conferencing is provided Monday to Friday 8 AM - 5.30 PM. Contact the The Florida Bar's Service Desk for help with this service:

Telephone: 5820
Email: servicedesk@floridabar.org
VIDEO CONFERENCING SERVICES

Video Conferencing Rooms

Several video conferencing rooms may be reserved with seating capacity for up to 25 people. These video conference rooms are available at all five TFB locations. Each room is equipped with high-definition cameras, microphones, and flat-panel displays.

Bridging Services

This service is available to any user connected to the Internet and allow for multi-site and multi-party video conferences.

Desktop/Mobile Device Video Conferencing

The Desktop/Mobile Device video conferencing service is currently powered by the Scopia software client. The Scopia software will allow you to video conference from your desktop, laptop, or mobile device giving you the ability to share audio, video, and content simultaneously. You will be able to interact with not only Scopia users but anyone using a H.323 capable video conferencing endpoint.

Recording

Video conferences can be recorded and archived in various formats. They can be viewed live or at a later date. Archived conferences can also be exported to CD or other storage media. This service is available on request for any video conference scheduled through IT.
CONDUCTING YOUR MEETING

ROBERT’S RULES OF ORDER
How to Conduct a Meeting According to Robert’s Rules of Order (Newly Revised) & In Light of Case Law

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INTRODUCTION

Since The Florida Bar has adopted Robert's Rules of Order, Newly Revised (henceforth cited as RONR) as its parliamentary authority, it is important to explore the main aspects of this particular manual. In addition to statutory provisions for nonprofit organizations, the user should be alert to many factors influencing the effectiveness or pertinence of RONR, such as:

A. Contractual relationship to adopted manual

Courts have held that the adoption of parliamentary rules creates a contractual relationship between members and their organizations. Confusion caused by the existence of many other manuals and the peculiar rules in legislative bodies often results in erroneous interpretations of the contractual provisions contained in RONR.

B. Case law

While RONR is the most frequently used parliamentary manual (A. Sturgis, Code of Parliamentary Procedure being the second one), its rules are primarily for ideal situations under ideal circumstances. The rules in RONR are not always upheld in the courts. The test seems to be whether an individual's rights have been unduly violated. At least one court has said it will not stand on form alone, and another one has specifically refused to “sit as Grand Parliamentarian” in a dispute. As rules of parliamentary procedure are being contested in court, a growing body of common parliamentary law has been established.

C. Lack of previous training

Because admission to the Bar does not routinely carry with it familiarity with RONR (currently, no accredited law school teaches Parliamentary Law and Procedure as a separate topic or in conjunction with another class) and because each rule must be considered in its context as well as in light of any judicial interpretations of it, great care should always be exercised in the application of RONR. Please see the role of a parliamentarian, below at VII.
D. **Intent**

Correct vocabulary is essential for understanding of the *intent* of the group when proper form is not observed. Often, the person recording the actions of a meeting cannot easily ascertain the intent of a group, unless accurate vocabulary is used during the proceedings.

When this is not the case, the intent can easily be obscured or misrepresented by the recorder and lay the foundation for future litigation by malcontents.

E. **Custom**

Organizations tend to develop their own customary, unwritten rules a fact *RONR* readily acknowledges in connection with the format of minutes. A presiding officer should, therefore, work closely with the parliamentarian on deciding when proper procedure may be overlooked to accommodate a custom that may be, politically or otherwise, more “correct.” Members, on the other hand, should always be advised of the fact that objections must be made at the time of an alleged violation of the rules.

* * * * *

Below is an outline of the most essential aspects of understanding proper procedure according to *RONR*:

I. **PROPER MEETING AGENDA**

A. Convening a Meeting  
B. Opening Ceremonies  
C. Approval of Minutes  
D. Report of Officers  
E. Reports of Committees  
F. Unfinished Business  
G. New Business  
H. Announcements  
I. Adjournment

II. **MAIN MOTIONS**

A. Ordinary Main Motions  
B. Resolutions  
C. General Consent

II.2
III. RANKING MOTIONS

A. Subsidiary Motions
   1. Postpone Indefinitely
   2. Amend
   3. Commit or Refer (to a committee)
   4. Postpone to a Certain Time
   5. Previous Question, or Close Debate
   6. Lay on the Table
B. Privileged Motions
   1. Recess
   2. Adjourn

IV. NON-RANKING MOTIONS

A. Appeal
B. Parliamentary Inquiry
C. Division of the Assembly
D. Suspension of Rules

V. RESTORATORY MOTIONS

A. Reconsider
B. Rescind

VI. ROLE OF PRESIDING OFFICER

VII. ROLE OF PARLIAMENTARIAN

* * * *

I. PROPER MEETING AGENDA

Some organizations customarily present members with an agenda at the beginning of a meeting. Sometimes, this merely serves an informative purpose; at other times, adoption is proposed. Once an agenda is adopted, it sets the order of business for the day. By amendment, the assembly may however decide to delete from or add to the agenda. Some organizations, such as municipalities, operate with consent agendas. Items appearing on such agendas are then approved without a further vote. A combination of both kinds of agendas may also occur.

A. Convening a Meeting

The call to order must include a mention of the nature of the meeting (special or regular, etc.). Meetings should convene at the set time, so as to alert members to punctuality in the future and as a courtesy to members who have arrived on time.

A quorum is presumed present and continuous unless that point is raised.
B. Opening Ceremonies

Organizations invariably create their own traditions for the convening of a meeting. Examples are the invocation, roll call, Pledge of Allegiance, etc. As the rule is “God before country”, the blessing precedes the Pledge. None of these procedures are, however, necessary.

C. Approval of Minutes

Proper vocabulary is approval, not adoption. The best method for approving minutes is by general consent (see below at II-C). The minutes are either read (by the secretary), mailed in advance, or distributed to members upon arrival. The Chair then says: “Are there any corrections?” (“additions” is inherent in this word). The Chair pauses and says: “The minutes are approved as read (published/mailed/distributed).” If there are corrections, the secretary simply makes the proper notation in the margin, and the minutes are then approved “as corrected.”

Minutes are not the secretary’s personal report but a record of business transacted. Up till such a time that they are approved, they merely reflect the recorder’s understanding of what transpired at the meeting. They should not contain debate, although many organizations have adopted a custom of including a synopsis of comments made. This is not a recommended procedure since it invariably alienates members whose opinions were not recorded, and also because it empowers the secretary to select between comments to be recorded and those not deemed significant enough. The name of the maker of a motion may be recorded, although it is not necessary, but the name of the seconder is not included. Minutes must always include the time when the meeting convened and adjourned. Also, it is no longer customary for the secretary to sign “respectfully.”

D. Report of Officers

The treasurer reports and the Chair then asks for questions, to which the Chair responds, or requests the treasurer to address the inquiries. The report is then filed (not: “for audit”). Other officers, such as the Vice President, frequently report at this time.

E. Reports of Committees

The committee chairs report and either conclude with a motion proposing an action (on which the assembly votes), or the report is merely filed with the documents of the group. A motion deriving from a committee does not require a second since it is inherent in the proposal that more than one member supports it.
F. **Unfinished Business**

This is with all probability the most commonly abused and misunderstood item of an agenda. First of all, it is correctly called unfinished (*not* “old”) and secondly, it only includes:

1. any motion postponed to the current meeting (as long as the group meets at least quarterly), but not set as a special order for a particular hour; or

2. a motion before the assembly when it adjourned last.

From the minutes of the previous meeting it is clear if there is any unfinished business: a good presiding officer will be aware of this in advance, rather than having the secretary bringing it to the officer’s attention. Unfinished business particularly does not include incomplete committee reports or other items partially reported at the previous meeting.

G. **New Business**

The presiding officer opens the floor for new business by declaring “new business is now in order.” In most instances, a presiding officer has previous knowledge of what items will come up and perhaps even who might wish to introduce one. Unless outlined on the agenda, these items will come to the floor through the line of recognition sought by members from the Chair.

For further information on proper presentation of new business, see Main Motions, II, below.

H. **Announcements**

Properly, this is a place where members can share non-controversial items of general concern that do not prompt any debate or vote. A pertinent example is to share practical arrangements for the next meeting or news of an absent member, or perhaps to welcome someone new.

I. **Adjournment**

Usually, there is a feel for when a meeting is near to closing: either all items on the agenda have been disposed of, or members seemingly indicate adjournment is expected. At such times, meetings are best adjourned by general consent. The Chair merely asks whether there is any further business or any objection to adjournment and then says, after pausing briefly: “Hearing no objection, the meeting is adjourned.” If there is dissent, the Chair puts the motion to the assembly.
II. MAIN MOTIONS

A. Ordinary Main Motions

The main motion introduces a new item of business. Some motions may be both main (when no other business is pending) or privileged when some item of business is already on the floor. An example would be the motion to recess.

The following are the steps in the disposal of a main motion:

1. The person proposing new business first seeks recognition of the presiding officer, either by raising a hand or by calling out, depending on the custom of the group. It is the duty of the Chair to give precedence to the first person seeking such recognition.

2. Chair: “The Chair recognizes Mr. Smith” (only last names with or without title).

3. Mr. Smith: “I move that...” (RONR does not provide for any debate before the motion, unless the group consists of less than a dozen members). The motion should be worded in a concise and unambiguous way to enable the secretary to record it properly. “So move” is not a proper motion, since it does not reflect a contemplated action by the group and cannot be restated as such by the presiding officer or the secretary.

4. Chair: “Is there a second?” (or, a second might automatically be called out by someone).

It is important to note that the maker of a motion must speak for it (but not necessarily vote for it, since they might change their mind during debate), but there is no implication whatsoever that the seconder is in support of the motion. A second infers only that the seconder feels the motion warrants enough consideration to be brought to the floor.

5. Chair: “It has been moved and seconded that...” “Is there any discussion?” (or: “Are you ready for the question”, which, contrary to common belief, means only that debate is in order).

6. Debate. The maker of the motion speaks first. After this, the Chair should alternate, as much as possible, between proponents and opposers of the motion. The Chair might do so by asking whether the next person wishes to speak for or against the motion. RONR permits each member to speak twice, for no more than 10 minutes each time. Rights in regard to debate may not be transferred to another member.
Case law is clear that the Chair has no right to stop debate unilaterally. In fact, all major parliamentary authorities, as well as history, holds that the right to debate is the most valuable right a member has.

The Chair should remain neutral. If the Chair wishes to participate in debate, the Chair must relinquish the chair and physically move into the assembly while the next-in-line (usually the Vice-Chair) assumes the chair.

All debate must be impersonal and go through the Chair (ex: “I strongly disagree with Mr. Jones”, not “John is wrong”). It must also be germane. Comments that do not pertain to the merits of the pending question must not be permitted.

Special procedures allow for debate to be cut short and/or the original motion to be amended (more on both under special motions, below). But once a motion is seconded and stated by the Chair, it belongs to the assembly and the original maker has no control over it, such as withdrawing it according to the Chair's own wishes without permission of the assembly.

7. The Chair **puts the motion**. Chair: “It has been moved and seconded to... All those in favor say ‘aye’, all those opposed say ‘no’.” “The ‘ayes’ have it and the motion is carried.” (or, conversely, “The nays have it and the motion is lost”). The negative vote must always be called for to complete a proper motion.

8. The Chair **announces the vote**. A commonly overlooked part of the procedure, this is an important last duty of the Chair when putting a main motion to the assembly. Until such a time that the vote has been announced, a member has a right to change his or her vote.

If the adoption of the motion carries with it a duty to do something, the Chair concludes with a notation of what is to be done, such as "The Secretary will please order the items agreed upon."


B. **Resolutions**

A resolution is a written, formal version of a main motion. It consists of a preamble (“whereas...”) and the body and follows a certain format (“resolved that...”). All complicated main motions are best presented in writing to both the Chair and the secretary, although not necessarily in the form of a resolution; but under no circumstances should this be made a requirement with no exceptions so as not to unduly hinder members from presenting spontaneous, albeit complicated, motions arising out of the business at hand.

When considering a resolution, the preamble is always amended last.
C. General Consent

A form of main motion, this is the most convenient motion of all. Instead of the formal procedure for adoption of regular main motions, general consent provides for an effective and practical way to achieve the same goal in situations where disagreement is not anticipated. The presiding officer merely states, “Unless there is any objection (or: “Is there any objection?”), we will .... “Objections must be stated immediately as the disagreeable action occurs”. Use of this motion is particularly recommended for adoption of minutes or adjournment.

III. RANKING MOTIONS

RONR divides all ranking motions in three groups (bottom to top): main, subsidiary and privileged motions. A higher-ranking motion always takes precedence over a lower one. In addition, there is the group of non-ranking motions, which include incidental as well as restoratory motions. Clearly, it is impossible to include all individually within the framework of this chapter. Therefore, a selection has been made based on the frequency of usage in the opinion of this author. Additionally, RONR contains a quick reference chart on all motions.

A. Subsidiary Motions

1. Postpone Indefinitely

Often confused with the motion to table, the motion to postpone a matter indefinitely has the peculiar characteristics of opening the main question to debate and, if adopted, it effectively kills further consideration of an issue. This motion ranks immediately above the main motion. It takes a second and a majority vote.

2. Amend

Ranked second above the main motion, this subsidiary motion is probably the most difficult one to comprehend, primarily because of its many modes and its frequent abuse.

Among the main characteristics of the motion to amend:

a. no more than two amendments, one primary and one secondary, may be pending at any one time;

b. an amendment must be germane to the motion to be amended, but it may be hostile to the spirit of the original motion;

c. once the amendment has been seconded and stated by the Chair, it becomes the property of the assembly and the maker may not “withdraw” it. The concept of a “friendly amendment” belongs in some legislative bodies, but is improper in other groups.
d. the amendment requires a majority vote, even when the motion it applies to requires a larger majority.

3. **Commit or Refer (to a Committee)**

Ranked third above the main motion, it provides the procedure for referring a matter to an existing or to-be-named committee. When creating a committee, the maker of the motion should be advised to include that suggestion in the motion (ex: “a committee of three...” (“...appointed by the Chair” or “elected by the assembly”). Once the motion is adopted, the Chair must proceed with the selection, as such a committee may not commence its work until its make-up has been provided and announced to the assembly.

4. **Postpone to a Certain Time**

Frequently confused with the motion to table, the purpose of the motion to postpone to a certain time (ranking fourth above the main motion) is to bring a matter back for consideration at a later meeting. At that time, it comes up under unfinished business as a general order. If the matter has been designated as a special order for a specified time, it must be brought before the assembly at that time, no matter what item is pending then.

If an organization meets less than quarterly, RONR does not permit usage of this motion.

5. **Previous Question, or Close Debate**

Ranked sixth above the main motion, the motion to close debate is surrounded by so much erroneous vocabulary as to sometimes make it impossible to discern the intent of the assembly. Unfortunately, RONR still prefers the archaic usage of “previous question” which has led the general public to coin the unacceptable term of “question” (or “call the question”), frequently leading a presiding officer to believe that one person may unilaterally call for an end to debate. Case law is quite clear in not permitting this kind of abuse of the privilege of debate by one member alone, or even the Chair.

If another subsidiary motion is attached to the motion for which a motion is pending to close debate, it must specify whether the latter is “on all pending matters” or just on the immediately pending subsidiary motion.

Among characteristics of this motion is that it takes a second, is not debatable and takes a 2/3 majority.
Immediately beneath the motion to close debate is the lesser used motion to limit debate. While being useful for setting limits on the time each speaker may normally have, it generally follows the same rules as the motion to close debate, with the exception that it is amendable.

6. Lay on the Table

This motion tops all subsidiary motions and therefore has precedence over all others. It is not debatable or amendable. Its purpose is to set aside a pending matter temporarily, to be taken up later in the same meeting. If it is not taken from the table, by virtue of a motion to take from the table, by the end of the next meeting (provided the organization meets at least quarterly), the matter will die. The motion to table particularly does not serve the purpose of postponing a matter to a later meeting. (Also see, motion to postpone to a definite time.)

B. Privileged Motions

Some motions have been designated “privileged” because of the urgency of their nature. They have precedence between each other and supersede all subsidiary motions. Among the most commonly used, only two warrant an inclusion in this chapter (in the order of rank, lower to higher):

1. Recess

The purpose of a recess is usually brief although there is no definite limitation of time. If the time has already been set in an agenda, there is no need for a motion. It is a useful motion for allowing members to caucus in order to work out compromises, or simply to allow members a rest period.

Among the characteristics of this motion is its very high rank. It also takes a second and a majority vote. RONR permits no debate on the motion to recess, nor an interruption of another speaker.

2. Adjourn

Normally a motion presented by general consent, adjournment may also be proposed as a high-ranking privileged motion, only superseded by the motion to fix the time to which to adjourn. RONR permits no debate, nor an interruption of a speaker. The presiding officer should not permit a motion to adjourn when there is business remaining on the agenda.

Once the meeting has been adjourned (the presiding officer must clearly state adjournment), no business may be transacted. Case law confirms this parliamentary rule by holding such business null and void.
IV. NON-RANKING MOTIONS

Also called incidental, motions in this group are incidental to a pending matter. They have no assigned rank within the normal order of motions. Depending on circumstances, some incidental motions may occasionally supersede a pending motion. A brief overview of the four most commonly used follows:

A. Appeal

A ruling (not an opinion or the statement of facts) by the presiding officer may be appealed to the assembly. A good chair should welcome an appeal since it takes the burden off the Chair and puts it where it belongs: with the membership. After the Chair states reasons for a ruling, the person proposing an appeal may debate it first. After every member has had an opportunity to debate once, the Chair may make concluding remarks before the vote.

An appeal takes a second and a majority vote. Since the question is on whether the decision of the Chair shall be sustained, a majority or tie vote upholds the Chair and the decision of the Chair then becomes the decision of the assembly.

A presiding officer may also profess doubt as to a certain ruling and simply submit it to the assembly personally.

The most frequent route to an appeal is through the incidental motion of a point of order. A member raises the point, the presiding officer rules and the ruling then becomes appealable. Members raising frivolous points of order should be called out of order.

An appeal must be made immediately when the disputed ruling is rendered. In fact, courts have held that an aggrieved member must go through the internal appeal process before litigating an issue.

B. Parliamentary Inquiry

While quite archaic, this incidental motion is a way of getting information about parliamentary rules. There is no second, debate or vote. The presiding officer merely responds to the inquiry. If a ruling is issued, it becomes appealable.

A good presiding officer will guide members through intricate procedural rules and when, in doubt, consult with the parliamentarian. See Role of Parliamentarian, below at VII.

C. Division of the Assembly

This incidental motion serves to verify a voice or hand vote by requiring participants to stand and even be counted. No second, debate or amendment is required or permitted. The presiding officer simply complies with this request.
D. Suspension of Rules

A useful motion for allowing members to take some action normally prevented by parliamentary rules or an adopted agenda, this requires a 2/3 majority because of its potential consequences. While it requires a second, it is not debatable. If adopted, the motion allows certain procedural rules to be set aside. However, rules contained in the charter, bylaws or applicable statutes may not be suspended. In addition, parliamentary rules of a common law nature (e.g., quorum requirements) may not be suspended.

V. RESTORATORY MOTIONS

A. Reconsider

Sometimes a main motion was adopted with erroneous information or before certain circumstances came to light. The motion to reconsider must then be presented at the same meeting where the original motion was adopted. A frivolous or capriciously presented motion of this nature is not in order.

The characteristics listed in RONR include the fact that only a person having voted on the prevailing side may propose the motion to reconsider. It requires a second and a majority vote. It has the peculiar quality of reopening debate on the merits of the main motion.

B. Rescind

This motion serves to cancel a main motion previously adopted regardless of when. The only time limitation is when irreversible actions have already taken place. The motion to rescind requires a second and is debatable, with the peculiarity of reopening debate on the main motion under reconsideration. RONR normally requires the same vote as for adoption of the original motion.

VI. ROLE OF THE PRESIDING OFFICER

Depending on custom, organizations use the term President or Chair/man/woman/person for the person designated to preside. No matter what the term, the presiding officer has a duty to lead the assembly into its primary goal of ascertaining the will of the majority “on a maximum number of questions...in a minimum time and under all kinds of internal climate ranging from total harmony to...impassioned division of opinion” (RONR, p. xlii). The vehicle used for this is, of course, the proposition of a main motion followed by debate and a vote, according to set rules of procedure.

The Chair should remain impartial at all times and express opinion on the merits of a main motion only if willing to step down from the chair. Unless the vote is by ballot, the Chair loses neutrality by voicing a vote. In a tie the Chair might consider casting a vote, although there is no duty to do so.
The Chair should seek to maintain the decorum of the assembly at all times. Proponents of frivolous motions should be called out of order. An efficient presiding officer usually commands order by mere presence. The usage of a gavel should be very limited, certainly not beyond convening and adjourning a meeting.

It is the duty of a presiding officer to guide members through the intricacies of parliamentary law and procedure. Contrary to common belief, members with some knowledge of the rules can not accomplish their own personal agendas without the consent of the assembly. There just is no room for “filibusters” in ordinary organizations, unless the group willingly lets itself be anarchisticly ruled. At all times, the power belongs with the membership - not with one or more vocal members.

VII. ROLE OF THE PARLIAMENTARIAN

Any organization is wise to have a designated parliamentarian, preferably one who has nothing personally at stake in the outcome of deliberations of the group. In no case can a presiding officer “serve as parliamentarian”; either there is one or the Chair merely acts without the benefit of one.

It is the duty of a parliamentarian to enhance the presiding officer, not correct for the sake of correction. A good parliamentarian relieves the Chair of the pressure of having to make sound rulings on procedure under the most adverse conditions.

Contrary to common belief, though, a parliamentarian never rules. A parliamentarian only counsels the presiding officer, who is free to disregard the advice. A parliamentarian should never claim the floor to explain or expound on a point of procedure, unless specifically asked by the Chair. Even so, a member may object to time being allotted to a parliamentarian, and the Chair may then find it necessary to make decisions, quietly consulting with the parliamentarian before issuing a ruling.
TIPS FOR AGENDAS
HOW TO DEVELOP AND USE AN AGENDA

An essential element in the exercise of leadership in any operation involving committees, councils, boards, or similar groups is an effective agenda. The agenda is a road map, timetable, overview, advertisement, and goal-setter to cue the presiding officer, enlist the attention of the members, and keep everyone moving in the same direction.

An agenda is almost always necessary, even if it is only in the mind of the chair. A small, informal meeting may do without a written agenda, but even here it is usually helpful if points to be raised are mentioned at the outset so that members understand the task before them.

The most common practice is to have a prepared agenda available prior to the meeting. It's a good idea, especially if members must travel some distance, to have an agenda, along with the background information required for intelligent discussion, in the hands of members two weeks prior to the meeting. To prepare members for the meeting, the advance agenda should be detailed so that everyone will recognize at least the general import of each item, and it should be presented in as interesting a fashion as possible.

Is the Meeting Worthwhile?

Members often use the agenda to help decide whether to attend the meeting. They want to know, frankly, whether it will be worth the trip. Those who must get travel time and expenses from their employers may need an agenda to justify their participation. An informative agenda also leaves members who decide not to come with no grounds for complaint if matters of importance are decided without them.

The agenda thus functions as a guide during the meeting, a preparation beforehand, and an inducement to attend. From the leader's point of view, however, the agenda ought to be a principal focal point of the entire group process. Ideally, it represents the best thinking of the leadership about what the organization ought to be doing. All the conversations and informal discussions and all the formal planning sessions converge in this one gathering place—the preparation of the agenda for the next meeting. It is a strategic point that ties thought to action. It is the point where the items calculated to get the best mileage out of the group are selected for consideration. In writing an effective agenda, there are three major considerations: content, sequence, and style.

Content

A common problem is that agenda content so often seems to choose itself. It is governed by decisions made at previous meetings, issues that in the nature of things must be considered by this group at this time, matters that everyone knows will be of concern to the membership, assignments from supervisory bodies or agencies, and the like.

Rather than simply capitulating to the tyranny of compulsory agenda items, an alert leadership will examine and evaluate carefully each item and make judgments on its relative merit. See if there are some actions that can be taken on the authority of the chair or the staff without using valuable meeting time. Keep the group content by simply announcing that a certain action will be taken if there is no objection. If the leadership understands members’ views well enough, chances are there
will be no objection, and time will be saved. Care must be taken, of course, to avoid slipping something by for which objections do exist -- a ploy that tends to reduce the credibility of the leadership.

Some items can be set aside and revived at a later meeting. Consult with members known to have an interest in those subjects and get agreement to postpone or perhaps scale them back.

**Complete the Job**

The basic idea, of course, is to have enough time to discuss each issue adequately, and to complete everything within the time available.

One strategy is to place at the end of the agenda those items that would suffer least from being postponed in case there isn't enough time for them; however, there is always something a little demoralizing about a meeting that is adjourned before completing the job. It leaves an impression of poor organization and lukewarm commitment.

By the same token, there is something satisfying about setting out to do a job and then doing it. This factor works in favor of what is probably the best method of handling a tight agenda. Send it out with adequate background material, and include a note saying, in effect: “There is a lot to do, but we can do it. Inform yourselves and come prepared.”

**Use Time Wisely**

Groups with uncontrolled agendas are always so busy putting out fires that they have no time to plan ahead. It is worthwhile to work at minimizing time spent on less important issues and making discussions more efficient. In this way, time can be made available for discussion of innovative approaches and matters important for long-term effectiveness.

An active leadership looks ahead, stays alert to needed changes, and manages the agenda with those changes in mind. For a long-term program, agenda items may be sketched out for several meetings in advance.

**Sequence**

While agenda content is obviously important, it is easy to overlook the fact that the sequence in which matters are presented for decisions can also affect the success of the meeting. The more easily matters seem to flow from one subject to the next, the more manageable the meeting will be.

Put first the things that are most accessible to mind, either because of high interest or ease of handling. It takes a while for the group to get its mind in gear. A few easy jobs to start with will get the participants in shape to tackle a more substantive program.

On the other hand, a complex issue on top of everyone's mind may well be put first if everyone is preoccupied with it and unwilling to pay much attention to anything else. However, in that case some skill on the part of the presiding officer may be required to close the discussion in time to deal with the balance of the agenda.
Force Quick Decisions

There is also a philosophy that recommends squeezing a topic that is expected to engender lengthy commentary into the closing minutes of the meeting. The idea here is to force a quick decision just before everyone has to take off for the airport. This tactic is justified if the discussion is likely to be anecdotal and loaded with reminiscences, reflections, and recitals of complaint. Compressing the time squeezes out the nonessential verbiage and focuses attention on the essentials of what may be a relatively simple decision.

However, any issue that requires careful examination and needs input from all interested and informed sources is poorly served if the agenda does not allow adequate time for discussion.

Finally, there are some topics that benefit by being placed in a sequence so that a discussion on one resolves some of the problems that apply to the next one, or where one decision makes the next one easier.

Fine tuning an agenda is one of those subtle operations that may pass quite unnoticed but, when successful, gives the meeting a sense of smoothness, competence, and significant accomplishment.

Style

The style or format of an agenda has two aspects: heading and main body. The heading may seem relatively unimportant, and certainly the name of the group and the date will suffice for a heading in many cases.

However, where the agenda becomes part of an official record, or where it is used to announce meeting details, more complete information is desirable. This information may already be in an announcement letter, but papers get misplaced, and it's good insurance to have details in as many places as possible.

Break the information into logical groups laid out in an interesting fashion; vary upper- and lowercase usage, spacing, and so on.

Once you have a heading that does the job, keep that format. Members will get used to it, will easily recognize which committee they are hearing from, and will know where to look for details.

Give Enough Information

In the main body of the agenda, each item should be written in a way that leaves no doubt as to what the issue is. Subjects that are already well known may require only the briefest mention. On the other hand, if it is proposed that the number of meetings be increased, an item that says, “Approval of meeting schedule,” is not as helpful as one that says, “Proposal to increase number of meetings from two to four each year.” The basic rule here is that items should be brief and understandable.

Related items may be put in outline form, showing subtopics that need to be considered in support of the main decision. In special cases, consider an “annotated agenda,” something like an annotated bibliography title followed by a three- or four-line description of the question to be decided.
Whatever helps members to organize their thoughts in a meaningful way will eventually pay dividends in more efficient operation.

Another thing the agenda should convey is a sense of timing. One method is to put a time designation on each item in the program:

- 9:00 Introductory remarks.
- 9:10 Report of Program Subcommittee on guest speakers for the balance of the year; review and approve proposed program.
- 9:30 Proposal to study subject X; discussion and decision.
- 10:00 Break.

This format serves notice that time is important and that the leadership intends to meet all the objectives of the meeting. It works quite well where you have a series of set speeches or reports.

Where discussions leading to decisions are the order of the day, however, estimating times with precision is quite impossible, and setting down times that are not adhered to makes a slipshod impression. For this reason some people prefer to group several items in the morning and others in the afternoon.

Such a format conveys the message that work will be done on schedule but allows for some internal flexibility. It is still a very good idea, however, for the presiding officer to keep in mind a tentative target time for each item and to move things along as the target time is approached or passed.

**In Summary**

The committee or board meeting is a central fact of association life, and the agenda is the central device for planning and managing a good meeting. An effective agenda is an instrument of effective leadership.
ACTION AGENDAS MAKE BETTER MEETINGS

Savvy planning of your next meeting’s agenda can make a surprising difference in the success of the program.

An agenda defines the purpose of a meeting. More than just a list of topics, it tells attendees how and when they will make decisions. A good agenda is an action-oriented blueprint for the meeting, and it should be linked to the clock. Time limits and expected actions should be specified for each item in the agenda.

Too often, the agenda is scribbled on the back of an envelope a few minutes before a meeting, or even during the meeting. Prepare your agenda well in advance of the meeting so you can distribute it to everyone who will attend. With all the members properly prepared, you can get a lot of work done in a two-hour meeting.

Meetings rarely should last more than two hours. The time can be extended to three hours if necessary, but meetings that last longer than three hours become counterproductive. Don’t believe it when people say they are willing to “meet all night if necessary.” After about three hours, they will reach for any excuse to adjourn.

The old, typical agenda format begins with a reading of the minutes of the previous meeting, followed by reports, old business, new business, and miscellaneous business. This kind of agenda is no good. You can read the minutes if that is appropriate for your meeting, but frame the rest of the meeting according to the complexity of items and the clock.

Consider simple items in the early part of the meeting, and move to more difficult items just past the middle of the meeting. Return to simple items toward the end of the meeting. With this kind of structure, you should be able to cover about seven items in a two-hour meeting. The following are some basic, time-related rules for framing the meeting:

Read brief, agenda-relevant minutes (10 minutes)

In a typical committee meeting, there is a reading of the minutes of the last meeting, changes in the minutes if necessary, and adoption of them.

“Agenda-relevant” minutes means the headings of the last agenda are repeated in the minutes. This way, anyone can compare the meeting’s agenda and minutes to get a quicker understanding of actions taken.

The minutes should summarize the meeting and all decisions made. Refrain from a verbatim recording of what was said, and emphasize instead what was decided. This will avoid bogging down the meeting with a rehash of the last meeting.

Summarizing any points of view expressed without naming members’ names will further reduce controversy over the minutes. Accuracy is all that should concern the members.
If you do all of this and the members still want to go over the same ground again, focus on language to avoid fresh discussion. For instance, ask “What language do you feel would be more appropriate?”

Here are four rules for dealing with agenda-relevant minutes:

1. Record members’ views without naming them.
2. Summarize debates and avoid verbatim reports.
3. Keep it crisp and brief; record the actions taken.
4. Write the minutes using headings from the previous meeting’s agendas.

Reports (time varies)

The number of reports should be kept to a minimum because they are great time-wasters. If you list a report, you can be sure that the reporting person will have something to say and often will ramble on interminably once given the floor. So, list on the agenda only those reports that are absolutely necessary.

As early as possible, find out if the subcommittees have something to report. If they do not, leave it out of the agenda. When you list a report in the agenda, clearly state the action that the members will be invited to take. This will encourage them to read the report outside the meeting, which is where reports belong. Many members never bother to read reports because they expect to be subjected to a reading of them at the meeting.

If a report is to be included in the agenda, circulate executive summaries of it to all members well in advance of the meeting. Such summaries should be no longer than about 10% of the original, preferably no longer than one or two pages. Good executive summaries will encourage members to read the reports beforehand, which is more efficient than their listening to them. Reading a paragraph is better than listening to a paragraph.

Here are four rules for handling reports:

1. List only relevant reports in the agenda.
2. Specify the expected activity relative to the report.
3. Summarize reports requiring no action.
4. Distribute executive summaries of scheduled reports before the meeting.
Announcements (15 minutes)

This is a flexible category that allows you to fill time if people are late for the meeting. It is essential that you start meetings on time; this shows respect for those who are there at the scheduled time.

Announcements should be noncontroversial and declarative in nature, made simply to transmit information. They should provoke little or no discussion. If an announcement does stimulate a good deal of discussion, table it and schedule it for the next meeting’s agenda.

Less controversial items (15 minutes)

Light, relatively easy items should come early in the agenda. Easily reaching their first decision makes members optimistic and confident to tackle more difficult items. A quick, easy decision puts everyone in a decision-making frame of mind.

If the agenda is written in a way that specifies exactly what actions are required, members will be more prepared to deal with each item effectively. Examples are approval of minutes, appointment of the new membership director, and whether to purchase machine X or Y.

Most difficult time (25 to 40 minutes)

The middle section of a meeting is typically the time of the peak attendance. And, in a two- or three-hour meeting, members have the most psychological energy in the middle. So this is the best time to deal with the most difficult item.

The agenda should allow 30 to 40 minutes for dealing with the most difficult item. If more time is required, the members probably need more information. Table the item. Make the arrangements to get more information and bring the item back in a later meeting.

Break (3 to 4 minutes)

Take a brief stretch break about two thirds of the way through the meeting. The mind can only absorb what the seat can bear, and the members will have been sitting for more than an hour. Besides, they need a mental break after dealing with the most difficult item.

The break itself need last only a few minutes, but the mental break will continue with the discussionable items.

Discussion-only items (15 to 30 minutes)

Putting discussion-only items after the most difficult item helps reduce tensions that might have built up. Discussing an item without having to reach a decision allows for ventilation of feelings. It also allows members to assess the political orientations of other members and their feelings about the issue. This sets the stage for compromises that members can make between meetings. And they will be prepared to get down to business when the item comes up at the next meeting.
Members know in advance that no decision is required on discussion-only items. This is an advantage because it provides adequate discussion of an issue, which helps avoid premature decisions.

Taking a straw vote can also help avoid wasted research by giving preliminary indications of which alternatives are preferred.

The “in-principle” technique should be used to help keep the discussion from getting out of hand. This is an agreement to stick to the major elements of an issue and leave the lesser how-to aspects for later. Without an in-principle agreement, members tend to oscillate between discussing major elements and minor details. It is better to have a thorough discussion of the major elements and leave the minor details for the next meeting.

**Least difficult item (10 minutes)**

Put your least difficult item -- a quickie that can be dispatched with ease -- in the final minutes of your meeting. This allows you to end the meeting on a positive note of agreement. That way, people can leave with a sense of orderliness and accomplishment.

The feelings that people have on leaving a meeting are important. The end of one meeting is the beginning of the next one, so good feelings at the end make the beginning of the next one more positive.
SECTION PUBLICATIONS
PUBLICATION EDITOR GUIDELINES

Publishing a section newsletter is an important way to generate member interest in the section by conveying information, advertising CLEs and, perhaps most importantly, providing timely articles on recent developments in the law. To maintain relevance, a newsletter should be published at least quarterly.

The first step in creating a publication is assembling a team of writers. This can take the form of a publications committee, with a chair who seeks volunteers to author articles on specific cases or legal issues by a certain deadline. Ensuring authors meet this initial deadline is critical, and periodic reminders to your volunteer authors may be necessary. Ask each author to submit a headshot photo and short bio with his or her article.

The publications chair usually assumes the role of section editor and oversees an issue from start to finish. The section editor may also have a volunteer section member or a paid copy editor who actually does the nuts and bolts editing. Responsibilities among editors, guest editors, and publication committee chair must be clearly defined, so that the editing process flows smoothly. Responding to edits and requests for comment in a timely manner is crucial. The section editor and copy editor must confer frequently to determine what items to include in a particular issue. Important cases, upcoming events, best practices, and professional news should be noted. Have someone take photos at each section event so that recent pictures always appear in an issue. Know your readership and their needs, interests, and wants. Glean ideas from other sources. Recommended topics for inclusion in an issue:

- Chair’s Message
- Editor’s Comments
- Case Notes
- Case Law Update
- Committee Liaison Reports
- Membership Application
- Calendar of Section Events
- Event photos

After the articles are edited, final versions—along with other content like ads, event schedule, and photos—are transmitted to The Florida Bar’s newsletter design department, by way of the section’s program administrator, with a list of where the content is to be placed in each issue. It can take up to two weeks to receive a first draft back from the Bar. The copy editor should review this draft and send requested changes back via the section administrator. A third or fourth draft may be required. Since section newsletters are not considered high priority, it can take four to six weeks from the time contents are submitted to the Bar for a final version to be ready for publication. This should be taken into account when article deadlines for authors are set. Below is a suggested timeline for quarterly newsletters:

Article submissions from authors to editors:
- Spring Issue - January 15
- Summer Issue - April 15
- Fall Issue - July 15
- Winter Issue - October 15
Submission of all materials in final form to The Florida Bar (includes edited articles, ads, section event dates, Chair’s Message, etc.):

- Spring Issue - February 15
- Summer Issue - May 15
- Fall Issue - August 15
- Winter Issue - November 15

Final version produced:

- Spring Issue – April 1
- Summer Issue - May 31
- Fall Issue – September 1
- Winter Issue - December 1

These are only guidelines, and sections should be prepared to be flexible in working with the schedules of their volunteer writers and editors, the governing procedures of The Florida Bar, and the parameters of any third-party suppliers (paid editors, internal/external layout designer, external/internal printer, etc.). See Newsletter Submission Guidelines from the Bar’s newsletter design department on the next page.
NEWSLETTER SUBMISSION GUIDELINES

The Florida Bar’s newsletter design department wants to help you plan and produce good-looking publications in a timely manner. The department has provided the following information, which will be beneficial to you in planning and producing your publications this Bar year.

Scheduling:
Please plan on a turn-around time of up to 4 weeks for a publication of 20 pages or less. While our average time is shorter than that, circumstances beyond our control occasionally arise which can delay production of your newsletter. If you adhere to the guidelines listed below, we can limit the amount of ‘back and forth’ and get your newsletter prepared faster. Note: There are times during the year in which the workload on our staff can become quite heavy, and during those times it is possible that newsletter production may exceed 4 weeks. One of those times is over the months of April, May, and June, as our staff is tirelessly preparing for Annual Convention.

Content:
The content of any publication is entirely up to the editor, contributors, and the Program Administrator.

- **Proofread:** Please proofread all articles prior to submitting for publication. This includes spelling errors, grammar, and verifying that all text is included. Adding even one sentence after layout is completed can alter the entire newsletter.
- **Author Bios:** If your newsletter includes author bios, please keep them as brief as possible. Preferably 1 to 2 paragraphs maximum.
- **Pull Quotes:** Some editors utilize “pull quotes” to grab the readers’ attention. If you choose to apply pull quotes to the articles, make sure they are clearly marked within each article.
- **Photos/Graphics:** Images related to an article should be submitted as a separate image file and not embedded within the article. If you wish to have a particular photo placed in a specific section of the article, please have it marked with the file name of that photo (i.e. “photo: ExecutiveCouncilMeeting.jpg”).
- **Article order:** If you have a preference in which order the articles are placed in your newsletter, name the article file names as such (“1-chairsletter.doc”, “2-mainstory.doc”, etc.), or include a note with your submission that indicates the order preferred.
- **Print vs. Digital:** Please let us know upon submission if your newsletter will be printed. Digital-only issues can be any number of pages, but printed versions must be prepared in multiples-of-4 pages.

Acceptable File Types:

- **Articles:** MS Word files (.doc & .docx) are preferred. Plain text files (.txt) are also acceptable.
- **Images:**
  - Photos: *Printed newsletter images* should be submitted in .jpg, .png, .tif, .gif, or .psd format, with a minimum resolution of 300dpi while *Digital-Only versions* may be submitted as low as 72dpi. *Printed cover photos* should be submitted with a minimum dimension of at least 2550 px width by 3300 px height while *Digital-Only cover photos* should be 612 px width by 972 px height.
  - Graphic & logo file types accepted are: .eps, .ai, .pdf, and .svg.
Again, please do not embed images inside the article. Photos placed within a Word doc suffer substantial loss of quality, which is noticeable in the finished publication, and we want your publication to look great!

**Submitting your files for publication:**
Email is the most common way to submit your files, but with a lot of photos, the file size can quickly grow too large for email to handle. If that happens, here are a few alternatives:

- **Online storage apps:** Dropbox, Box, Google Drive, and many others are an easy way to store and share files.
- **Flash/Thumb drive**
- **CD or DVD**

If you should have questions or concerns regarding any aspect of the production of your newsletter, please contact your Program Administrator.
REPORTS AND ARTICLES IN THE *JOURNAL* AND *NEWS*

The *Journal*

The *Journal* is reserved for in-depth articles of general interest and for specialized columns sponsored by sections. Sections wishing to provide a column for publication on a regular basis may contact Managing Editor Melinda Melendez (mmelendez@floridabar.org). The Florida Bar *Journal* Editorial Board has adopted a policy that entitles Sections to publish columns six times per year.

Manuscripts for the *Journal*:

Section columns may not exceed 4,500 words, including endnotes. Each section column editor is responsible for the accuracy and appropriateness of each column submitted. The quality of the column will reflect upon the sponsoring group. Articles of general interest that a section or committee wishes published in the feature section of the *Journal* may be submitted to the editor for review. Such articles, and those submitted by individuals, are sent to the Editorial Board for a decision regarding publication. All articles are selected according to merit and general usefulness to the Bar. The *Journal* is best able to use feature articles when they do not exceed 7,000 words, including endnotes.

The *News*

All timely information about programs and projects of Sections may be submitted to the *News* for publication as space permits. Information and photographs for publication in the *News* should be submitted to the staff at least 15 working days before the publication date. Issues are dated the 1st of each month and are usually received by Florida lawyers on or before that date. Ready-written news articles are welcomed but information may also be submitted in letter form, from which the staff may write an article. Complete details about the program or project should be given. Phone calls to the editor or reporting staff are encouraged. Please contact:

Mark Killian  
The Florida Bar  
Editor  
E-mail: mkillian@floridabar.org  
850/561-5683.
THE FLORIDA BAR JOURNAL
COLUMN GUIDELINES

The primary purpose of columns is to educate or inform the reader on issues of substantive law and practical concern to lawyers. Analysis, opinion, and criticism of the present state of the law also are encouraged and should be clearly identified as the author's. Such analysis should be accompanied by sufficient legal authority on all sides of an issue to enable the reader to assess the validity of the opinion. When criticism is voiced, suggestions for reform should also be included. Criticism should be directed to issues only.

The Florida Bar Journal will not publish articles by authors who are involved in pending proceedings on the topic discussed by the article or by authors whose firms are involved in pending proceedings covered by the article. Primary authorities cited in the article should be final.

Although the editorial office conforms all articles to the Journal’s style, section column editors review and edit the columns for publication submission. The column editor will check citations and verify that the law covered in the column is current and correct.

Columns must conform to the following guidelines:

(1) Columns should be submitted by email in Microsoft Word. (Text and endnotes should be double-spaced with one-inch margins.)

(2) Columns may not be longer than 12 pages, including endnotes.

(3) Citations should be consistent with The Bluebook: A Uniform System of Citations, and placed at the end of the article in endnote form. If a case is named in the text, the full citation should be given at that point in the text. Statutory citations should be included in the text to the extent possible. Repeat citations of a case previously identified should be omitted except when necessary to assure clarity. Excessive endnotes are discouraged.

(4) Columns must be received by the Bar Journal editorial office not later than the first working day of the month two months preceding the publication date. Articles received late will be scheduled for the next publication.

(5) In order to encourage diverse authorship, only two columns per year should be written by any one member of a section or committee.

(6) Authors should include a brief (50 words or fewer) biographical sketch. The biography may include undergraduate and law degrees, present employment or law firm affiliation.

(7) Section and committee columns must be reviewed by each editor for accuracy of text and citations prior to submission. If written by the editor, the column must be reviewed by at least one other person, designated by the section or committee chair.
(8) The Florida Bar Journal prefers not to publish an article or any version of an article that has been previously published elsewhere in print or electronic form.

(9) Assigned publication agreement is required from all authors prior to publication. The publication agreement should be submitted to the editorial office at the same time as the column and biography of the author.

(10) An author information form will be collected and reviewed by the section column editor and submitted with the article, biography, and the publication agreement to the editorial office.
FLORIDA BAR JOURNAL/NEWS DEADLINES

Deadline for the Journal:

Deadline is the first working day of the month, two months preceding date of issue. For example, deadline for the November/December issue is September 1.

The Journal is mailed about two weeks before the month of issue, so most members will receive it before the first day of the month.

Deadline for the News:

Submit information by the 10th of the month for the 1st of the month issue. The News is mailed several days before the issue date, but its distribution time varies in each postal area. Telephone calls with story ideas are encouraged.

Material for the Bar Journal may be sent to:
Melinda Melendez, Senior Editor
The Florida Bar Journal/News
651 E. Jefferson Street
Tallahassee, FL 32399-2300
mmelendez@floridabar.org
850/561-5681

Material for the Bar News may be sent to:
Mark Killian, Editor
The Florida Bar News
651 E. Jefferson Street
Tallahassee, FL 32399-2300
mkillian@floridabar.org
850/561-5683
STANDING BOARD POLICIES

SECTIONS AND DIVISIONS
5.50  SECTIONS OF THE FLORIDA BAR

The bar will maintain a current list of its sections and will post the list on its website. A section is a voluntary group of bar members organized to provide information and education in a specific area of law and to allow bar members to meet other practitioners in that specific area.

5.51  SECTION MEMBERSHIP POLICIES

(a) Affiliate Membership of Sections. Any bar section may provide for affiliate membership in the section’s bylaws subject to approval by the board. The bylaw provisions relating to affiliate membership must include:

1. affiliate membership is of the particular section only;
2. affiliate members may not vote;
3. affiliate members may not hold any section office;
4. affiliate members must pay dues as set by the section;
5. affiliate members must be students currently enrolled in an accredited school of law, members of stated professions, inactive bar members, or persons who hold positions directly related to the section’s area of law;
6. the section must reimburse the bar for expenses incurred by the bar in administering the affiliate memberships; and
7. affiliate members will comprise no more than 1/3 of the total section membership.

(b) Section and Division Membership for New Bar Members. New bar members may elect to join up to 3 sections, or 2 sections plus the bar’s Out-of-State Division, without paying section dues for the first fiscal year following admission to the bar.

5.52  BOARD ACTION ON PROPOSED SECTION BYLAW AMENDMENTS

(a) Purpose. This policy provides for necessary substantive, fiscal, and strategic planning review and adequate notice to section members of amendments to section bylaws.

(b) Procedure for Requesting Board Action.

1. Review by Section. Any proposed amendment to a section's bylaws must first be approved by that section in accordance with its bylaws and with sufficient notice to its membership as specified in its bylaws.
(2) Form of Request. The section must provide the proposed amendments to the bar's Rules Program staff in legislative format using the current bylaws with deletions struck through and additions underlined; a brief statement of the reasons for each substantive change; and the date, numeric vote, and name of the section or section entity that approved the amendments.

(c) Review. All section amendments must undergo substantive, fiscal, and strategic review. Reviews may be simultaneous and must be complete before the program evaluation committee presents an amendment to the board for final action.

(1) Substantive Review. Any proposed amendment must be reviewed on a substantive basis by the program evaluation committee, which may refer the proposed amendment back to the section for clarification or further amendment. The program evaluation committee is responsible for presenting any proposed amendment and committee recommendation to the board.

(2) Fiscal Review. The bar’s chief financial officer will review each proposed amendment and determine if there is a potential budget impact as a result of the implementation of the recommendation. If the bar’s chief financial officer finds a moderate or significant impact, the budget committee will review the proposed amendment and develop a recommendation to the board.

(3) Strategic Plan Review. The program evaluation committee will review the proposed amendment to evaluate its effect, if any, on the bar’s strategic plan.

(d) Board Action.

(1) Conceptual Action. The board may approve a concept before compliance with the terms of this policy.

(2) Final Action. The board may take final action on an amendment after compliance with this policy.

(e) Final Action. Amendments to section bylaws are final only on board approval.

5.53 SECTION BUDGET POLICIES

(a) Section Budget Preparation. The section’s designated officers or budget committee will prepare and submit a proposed budget for the forthcoming fiscal year to the executive council for approval. The bar’s budget committee will designate a date that the proposed budget submission is due to the bar.

(b) Approval of Budget. The bar’s budget committee will consider budgets proposed by the sections in the same manner as all other items submitted to the committee and recommend a proposed budget to the board for approval. All notice, hearing and objection provisions of the Rules Regulating The Florida Bar regarding budgets remain in effect.
(c) **Publication of Budget.** The section’s proposed annual budget, including full disclosure of the section’s policy regarding reimbursement of officer or member expenses, will be distributed to all section members after recommendation of the budget committee and approval by the board and the Supreme Court of Florida.

(d) **Budget Amendments.** The section executive council may approve budget amendments totaling no more than 10% of its total disbursement budget or 30% of the budgeted ending fund balance in the original approved budget, whichever is greater. The executive council may delegate its budgetary authority to its executive committee only if actions of the executive committee are ratified by the full council. Once the maximum budget amendment level has been reached all further budget amendments for the fiscal year must be approved by the board.

(e) **Legislative Budget.** A section may use section membership dues and other revenue for legislative activities but may not budget or expend for legislative activities any amount that will result in a negative projected year-end fund balance.

(f) **Travel.**

   (1) **Budgeting of Out-of-State Travel for Staff.** The section annual budget will include the purpose, location, and duration of the travel for all out-of-state trips that are expected to require staff support.

   (2) **Approval of Out-of-State Staff Travel.** All out-of-state staff travel requested by the section must be approved by the executive director at least 30 days in advance of the travel.

   (3) **Reimbursement of Member Out-of-State Travel.** All reimbursement of member out-of-state travel and meeting-related travel must be identified as separate line items in the budget.

(g) **Gratuities.** No gratuities will be budgeted for or paid to bar staff.

(h) **Publication of Final Budget after Amendments and Actual Operations.** The section will publish a comparison of the final budget after all amendments and actual results of operations within a reasonable period after the end of the fiscal year.

(i) **Excess CLE Speaker Expense.** Sections may elect to pay speaker expenses in excess of the CLE policy provided these expenses are clearly identified in the published section budget. The budget must show the maximum amount payable in excess of the CLE reimbursement limit or a statement that there is no limit, and the total amount budgeted by the section for payment.

(j) **Conflicting Policies.** This is the controlling policy if a conflict arises with another existing bar or section policy.
5.54  SECTION DISBURSEMENT POLICIES

(a)  **Disbursement Authorization.** Expenditures may be made only as authorized by the approved budget.

(b)  **General Purchasing and Contracting Policies.** All standing bar policies regarding purchasing, contracting, employment for personal services and documentation of expenditures must be observed. Policies are not reproduced here in detail. Bar staff will guide a section through compliance.

Purchase orders are required for all purchases of goods and services over an amount established by the executive director. Documentation of bids secured, and evidence of receipt are required. Original invoices or receipts are required for payment of expenses except when the section member has made payment to the vendor. In those cases, a copy of the invoice or bill is acceptable. Invoices or receipts are not required for normal miscellaneous office expenses such as copying, postage and telephone charges.

Personal services may not be paid without a written contract approved by the executive director or designee.

(c)  **Disbursement Approval.** The officer designated by the section must approve in writing the payment of reimbursable expenses in excess of the amount approved by the section as part of the required disclosure outlined in standing board policy 5.54(c) for officer and member expense reimbursements. These requests and appropriate documentation must be sent to the designated officer for approval and then forwarded to the program administrator for payment.

The designated officer has the discretion to accept a signed, written statement of explanation from the reporting individual if the original invoices, receipts, or other documentation are not available. The requestor must state the nature and amount of the expenditures and that the documentation is not available.

The designated officer may not approve that officer’s own reimbursement request; another section officer must approve the reimbursement request before payment.

(d)  **Entertainment Expenses.** Sections should not expend section funds for entertainment purposes. However, minor amounts may be expended for refreshments at functions that invite attendance of the general section membership. Fees collected specifically for entertainment purposes at a section function may be expended for those purposes.

(e)  **Section Reimbursement Policy.** Sections may separately budget a fixed amount to be paid annually to section officers for reimbursement of all expenses incurred as opposed to reimbursing expenses on an item-by-item basis. Except for the expense allowance provided for section officers, all reimbursement of expenses must be in accordance with, or be on a more restrictive basis as determined by individual sections, the following:

   (1)  **Telephone Charges.** All conference call charges must identify the parties called and the amount and purpose of the call. Telephone calls up to $50.00 per month may be reimbursed without itemization. If charges exceed that amount, all charges must be
identified by the following:

(A) party called;

(B) telephone number called; and

(C) purpose of the call.

(2) **Copy Costs.** Office copy costs must not exceed 10¢ per copy and must be itemized by number of copies and purpose. “Miscellaneous” or “general” are appropriate descriptions for small numbers of copies.

(3) **Postage.** The reimbursable must itemize contents, recipients, and costs for large mailings. Mailings should be done by section staff at the bar headquarters when possible.

(4) **Printing.** All printing must be done at bar headquarters unless, for the benefit of the section and the bar, circumstances warrant otherwise.

(5) **Travel Expenses.** Travel expense reimbursement is essentially the same as for bar staff.

(A) Air fare in all instances must be economy class.

(B) The section establishes the mileage reimbursement rate up to the maximum the IRS allows without the reporting requirement.

(C) When taxis or other ground transportation are not practicable, a rental car may be used. Reasonable rental car rates will be reimbursed.

(D) The method of travel should be the most economical, considering both time and travel costs.

(E) Actual, reasonable meal expenses will be reimbursed on approval by an authorized section officer. An individual will not be reimbursed for a group meal function paid for by the section.

(F) Copies of receipts for lodging, meals, out-of-town travel expenses (such as airline tickets) and all other charges of $25.00 or more (other than mileage) must be attached.

(G) When paying expenses (such as meals) for other individuals, the names of the other parties must be indicated and the relation to bar activity disclosed.

(H) CLE speaker expense in excess of bar CLE policy may be reimbursed. The reimbursement must be provided for in the section’s annual budget as an “excess speaker expense.”

(I) The travel expenses of the companion of a bar CLE speaker may be reimbursed in the same amounts and for the same items as otherwise allowed for the
speaker. The reimbursement for a CLE speaker's companion must be provided for in the section's annual budget as an “excess speaker expense.”

(6) **Time Limits for Reimbursement Requests.** Reimbursement requests must be submitted within 30 days of the end of the reporting quarter. Expense reports due for periods ending on June 30 must be filed by July 15. A section may hold expense reimbursements for the last quarter of the fiscal year until July 15. An officer designated by the section may approve reimbursements outside these limits if there are extenuating circumstances.

(f) **Contract Cancellation or Attrition Fees.** Any contract executed by The Florida Bar at the request of section leadership, or that is negotiated by The Florida Bar based on the section's expressed intention to participate, that is subsequently cancelled and results in a cancellation fee or participation is reduced to a level that results in an attrition fee, will be the financial responsibility of the section.

(g) **Conflicting Policies.** Sections may establish policies specific to the individual section within the umbrella policies of the bar. The bar policy will override the section policy if there is a conflict between them.

### 5.55 SECTION STAFF TRAVEL

Travel expenses for the section’s assigned program administrator or an approved substitute will be charged to the section when the travel is necessary to support the section’s activities. Expenses for travel that is necessary for a CLE activity will be charged to the assigned course number and considered a direct cost. The bar will pay from agreed section support fees for staff travel expenses for administrative needs such as training a new program administrator or professional development.

### 5.56 SECTION ADMINISTRATIVE SUPPORT POLICY (SECTION MANAGEMENT)

Each section must use bar staff and services, to the extent they are available, to perform and coordinate the day-to-day tasks required to support the level of activities provided for in the section’s budget.

(a) **Basic Section Support Services.** The bar will provide basic section support services in an amount of $10 per member for the first 1,000 members and $5 per member for each additional member at no charge to the section.

(b) **Section Management Fees.** Sections will pay the bar a per-member section management fee based on bar support of section activities. The section management fee covers basic administrative support including staff time and general administrative overhead to provide the basic level of support needed for each section to organize and staff routine meetings, section service projects as defined in the 600 series of these policies, and member events; organize and distribute routine member communications; and perform routine administrative tasks such as bookkeeping and budget preparation and tracking. Each section will budget for section management fees in 1 of 3 categories (low, medium, or high), depending on that section’s level of required bar support for estimated section activities for the upcoming fiscal year. The
section management fee will be published as part of the annual budget instructions provided to sections for budget preparation and will not be changed during the budget year.

(c) Special Projects Support Fees. Sections will pay to the bar a separate special projects support fee when the section undertakes special projects or requests IT services that exceed the basic level of support described in (a) and (b) above. The bar will prepare an estimate based on time and expense to complete the special projects as agreed between the bar and the section and included in the section’s budget.

(d) Section Budget Process. As part of the annual budget preparation process, each section will provide an estimate of the level of effort that will be required from bar staff to support the planned section activities, which must include the number of:

1. section service projects, including whether they will be held in conjunction with scheduled bar meetings;
2. section retreats, executive council meetings or other committee meetings, including whether they will be held in conjunction with scheduled bar meetings;
3. meals or social events to be organized;
4. newsletters to be prepared, including their approximate size; and
5. audio events, webcasts and/or conference calls, including the type of materials to be provided.

(e) Adjustments. The bar’s CFO will compare the section’s budget estimate to the section’s actual activities at the end of each fiscal year to determine if adjustments are necessary for variances between the estimated section management fee and the section’s actual activity for that year. The bar will calculate any fiscal adjustments to the section management fee collected by the bar based on the difference between the estimated category and the actual activity of the section. The section will include the fiscal adjustment in its budget for the next budget cycle being prepared.

5.57 GUIDELINES FOR GROUPS SEEKING SECTION STATUS

(a) Petition. Any group, organization or committee must petition the board for approval to become a section. The petition must be filed with the executive director and include the following:

1. a statement of the basic purpose of the proposed section, including the specific areas of interest of the proposed section;
2. a statement demonstrating the need for the proposed section’s creation;
3. a statement showing the overlap, if any, existing between the proposed section's purpose and areas of interest and those of any current bar section or committee;
(4) a list of initial officers, executive council members and proposed committees;

(5) a list of proposed meeting dates for the executive council and committees for the initial year;

(6) a set of proposed bylaws that comply with all applicable standing board policies;

(7) a detailed budget of estimated income and expenses, containing a dues structure sufficient to generate at least $3,000.00 in dues income for each of the first 3 years of operation;

(8) a statement of the types of programs proposed and a specific proposal for programs for the year of establishment, including dates and the cost of the proposed programs; and

(9) an estimate of how many bar members will join the proposed section within its first 3 years.

(b) Signatures; Certification. The petition will be signed by the chair-pro tempore, chair-elect and all members of the initial executive council; and certify that at least 1 percent of bar members in good standing have expressed an interest in joining the proposed section and paying the proposed dues.

5.70 DIVISIONS OF THE FLORIDA BAR

The bar will maintain a current list of its divisions and will post the list on its website. A division is a group of bar members sharing a specific demographic, organized to address the needs and concerns of its members and encourage participation in the bar.

5.71 GENERAL DIVISION ADMINISTRATIVE POLICIES

All policies applicable to section budgeting, disbursements, staff travel, and time reporting are applicable to bar divisions, and all policies applicable to groups seeking section status are applicable to groups seeking division status unless otherwise specified in these policies. The Young Lawyers Division will follow the financial policies in standing board policies 3.12 and 3.13.

5.80 BOARD REVIEW OF BAR DIVISIONS, SECTIONS AND SUBSTANTIVE LAW COMMITTEES

The board will review bar divisions, sections and substantive law committees at the end of their third full fiscal year of existence and periodically as the program evaluation committee determines. The review will include:

(a) the programs and purposes of the division, section or committee, compared to the initial statement submitted with the petition for section status or proposal for the creation of the division or committee;
(b) whether the division, section or committee is fulfilling the goals and objectives stated in the petition for section status or proposal for the creation of the division or committee;

(c) comparison of the division’s, section’s or committee’s 3-year budget projected in the petition for section status or the proposal for creation of the division or committee and the actual budgets for those 3 years;

(d) determination of whether the division’s or section’s dues and income are sufficient to fund the operation of the section or division without further bar financial support;

(e) determination of whether the division, section or committee has maintained adequate membership levels and attendance; and

(f) whether the division, section or committee functions within the bar’s framework and furthers the bar’s goals and purposes.
MEETINGS DEPARTMENT
August 9, 2022

To: All Section Chairs and Chairs-elect

From: Beth Anne Trombetta, Director, Meetings & Convention

Re: Available Services of the Meetings Department

To assist you in your position of Section Chair or Chair-elect, I would like to make you aware of the services available through The Florida Bar’s Meetings Department which has primary responsibility for negotiation of contracts and agreements with meeting and hotel facilities. The Program Administrators of each section work closely with the Meetings Department to facilitate the contracting of section meeting venues.

The Meetings Department’s goal is to take the information provided by each Program Administrator and section leadership and negotiate the best rates and concessions possible under the name of The Florida Bar. By doing so, the Bar maximizes benefits. The Bar’s buying power is substantial due to the accumulation of meetings revenue from the Bar’s Annual Convention, Winter Meeting, both the Senior and Young Lawyers Board of Governors meetings, and numerous section and committee meetings and CLEs throughout the year. The number and value of these combined functions can be used to every section’s advantage.

When working with Program Administrators to determine locations for the section’s upcoming meetings, please be sure that you have narrowed your locations down to your top three or four hotels and that you are ready to move forward with securing a contract once proposals are received from hotels. In this post-COVID era, hotels and meeting facilities are experiencing significant compression from 2020 and 2021 meetings that were rescheduled to 2022 and beyond. Available space and sleeping rooms are limited and are booked very quickly which is why it is imperative that you are ready to move forward with approving a contract or you may risk losing your preferred venue. The Meetings Department staff works closely with the Program Administrators to ensure you receive the most favorable contract for the section and the Bar.

For additional information, please contact Beth Anne Trombetta, Director of Meetings at (850)561-5615, or etrombetta@floridabar.org.

Best wishes for a successful year!

Beth Anne Trombetta
Director, Meetings & Convention
Meetings Department

BAR CONTRACTS POLICY:

Section VI: Unique Procedures for Unique Types of Contracts

A. Venue Leases or Agreements (Short Term and Long Term)
   1. The Meetings and Conventions office has the primary responsibility for negotiation of contracts with meeting and hotel facilities for rental of meeting spaces, sleeping rooms, and other services in connection with holding a meeting at a facility.

   2. Non-Hotel Venue agreements, such as those used for special events or small meetings, may be negotiated by the TFB staff responsible for the event. Those agreements still require the contract cover sheet and approval process outlined above.

B. Specific Procedures for ST Facilities for Events (Meetings)
   1. A completed meeting request form (template is located in the shared templates Word “Forms” folder) will be submitted by TFB staff to the Meetings Department for initial determination of availability, costs and other pertinent details. If a site visit is necessary to determine suitability, it will be arranged by the Meetings Department. A proposed contract will be provided to the appropriate staff member for review prior to execution.

   2. Exceptions:
      a. Section leaders that negotiate hotel contracts without the assistance of the TFB Meetings Department must have those agreements reviewed by TFB staff and prepare a memorandum confirming that the contract contains all clauses required by TFB and is economically favorable to TFB.
      b. Not using the TFB Meetings Department to negotiate hotel contracts will not reduce the amount sections are required to pay TFB for Section Management fees.
      c. Contracts signed by individuals other than authorized TFB employees will not be an obligation of TFB.
SECTION GROWTH & RETENTION CONSIDERATIONS
SECTION GROWTH & RETENTION CONSIDERATIONS

Growth

• Section Membership Drives
• Outreach to Affiliate Members (i.e., Florida Registered Paralegals)
• Ready availability of a Membership Form on the Section website
• Distribution of Membership Forms at CLE seminars
• Section Member/Executive Council Member Colleague Recruitment
• Joint Section Memberships with other Bar Sections
• Joint CLE programs with other Bar sections

Retention

• Activity. Most individuals join a Section or Committee because they want to be engaged and involved.

• Quality Programming. Among the top reasons Bar members join a Section is to receive discounts (Section member pricing) for CLE programs and Section Service programs.

• Section Newsletter and website. Section members want to be informed, and the two easiest ways and most visible methods to keep the membership up-to-date and informed are the Section Newsletter and the Section website. For some Sections, the newsletter and the website are the only constant communications/membership resource the membership has from their Section.

For additional information on membership growth and retention, please contact:

Chase Early
Director, Professional Development
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
Phone 850-561-5628
E-Mail cearly@floridabar.org
The 2022-25 Strategic Plan for The Florida Bar

Mission: Inculcate in its members the principles of duty and service to the public, to improve the administration of justice, and to advance the science of jurisprudence.

The Florida Bar Objectives

I. Ensure the Judicial System, a Coequal Branch of Government, is Fair, Impartial, Adequately Funded and Open to All.

II. Enhance the Legal Profession and the Public’s Trust and Confidence in Attorneys and the Justice System.

III. Strive for Equal Access to and Availability of Legal Services.

IV. Enhance and Improve the Value of Florida Bar Membership and the Bar's Relationship with its Members.

V. Continue to Encourage and Promote Diversity and Inclusion in All Aspects of the Profession and the Justice System.
Objective I: Ensure the Judicial System, a Coequal Branch of Government, is Fair, Impartial, Adequately Funded and Open to All

Actions

1. Execute The Florida Bar’s mission, as directed by the Florida Supreme Court, for a coequal branch of government, while ensuring the judicial system is fair, impartial, and adequately funded.

2. Determine what The Florida Bar can do, within the limitations of the law, to become an even more active and effective advocate for maintaining a fair and impartial judiciary that is open and accessible to all.

3. Improve the Bar’s rulemaking process and response to the Florida Supreme Court for proposed rule changes.

4. Educate the public, Florida Bar members, and Florida Legislators about the role of the Court system, The Florida Bar, and the need to maintain a fair and impartial judiciary.

5. Collaborate with the voluntary bars to enhance communication, implementation and education of The Florida Bar’s efforts to maintain a fair and impartial judiciary.

6. Continue to strengthen relationships between all branches of government and The Florida Bar.
Objective II: Enhance the Legal Profession and the Public's Trust and Confidence in Attorneys and the Justice System

Actions

1. Enforce the Florida Supreme Court's Rules Regulating The Florida Bar and protect the public by educating and assisting lawyers to practice in compliance with the Florida Supreme Court's rules.

2. Solicit the Florida Supreme Court’s input as to its priorities to regulate and enhance the legal profession.

3. Provide resources to educate lawyers to practice ethically and competently, emphasizing The Florida Bar’s professional efforts, including programs such as its Ethics Hotline.

4. Continue to promote civility and professionalism among members of The Florida Bar.

5. Provide relevant continuing legal education for Florida lawyers to keep pace with current and evolving issues and trends that impact the legal profession.

6. Effectively communicate The Florida Bar's objectives, initiatives, and priorities to its membership, the general public, and targeted groups.

7. Use positive print, electronic and social media to achieve favorable media coverage for Florida’s legal system and educate the public regarding both the utility of legal expertise and the process of lawyer regulation.
Objective III: Strive for Equal Access to and Availability of Legal Services

**Actions**

1. Evaluate and monitor areas of unmet legal need and identify and develop resources to provide improved access to Florida Courts for all.

2. Encourage pro bono and low-cost legal services to promote access to justice.

3. Evaluate and address emerging and disruptive legal technologies and provision of legal services.

4. Review and evaluate the use and impact of social media by Florida Bar members in the context of The Florida Bar’s advertising rules to develop appropriate regulations and guidance.

5. Investigate new and innovative potential solutions to address areas of unmet legal need.
Objective IV: Enhance and Improve the Value of Florida Bar Membership and the Bar’s Relationship with Its Members

**Actions**

1. Encourage participation in Florida Bar divisions, sections, committees and programs.

2. Promote Florida Bar practice management and professional/personal resources to its members.

3. Assist lawyers in understanding and successfully adapting to the ever-changing legal and technological environment.

4. Promote The Florida Bar’s mental health and wellness awareness initiatives.

5. Pursue and effectively communicate member benefits to targeted membership groups.
Objective V: Continue to Encourage and Promote Diversity and Inclusion in All Aspects of the Profession and the Justice System

**Actions**

1. Collaborate with the Florida Bar’s Standing Committee of Diversity & Inclusion to support and promote programs that encourage diversity and inclusion in the legal profession.

2. Encourage diverse lawyers to participate in divisions, sections, committees and activities within The Florida Bar and in voluntary bar associations.

3. Promote the Wm. Reece Smith, Jr. Leadership Academy to develop ideas for increased outreach.
Office of General Counsel & Legislative Program
RESPONSIBILITIES OF THE
OFFICE OF GENERAL COUNSEL (OGC)
(revised 08/10/2022)

Legislative Program

The OGC coordinates the legislative and political activities of The Florida Bar (TFB) and various subgroups; communicates with legislative counsel and advisers retained to advocate TFB’s official positions in the legislature; and serves as an information resource to members on legislative and political matters.

Many voluntary bar groups (VBG) have developed separate grassroots lobbying programs. The OGC coordinates a Key Contact program for volunteers to participate in the Bar’s legislative process. Some VBG outside advisors assist volunteer members in advocating positions in the legislature or before other governmental bodies. The OGC reviews these advisor agreements and reminds advisors to comply with Florida House Rule 17 concerning electronic notices of appearance and advisor agreements.

The OGC also reviews bills for their potential interest to groups within TFB and lists them on the “Legislation of Interest to the Legal Profession” section of TFB’s website. These reports provide real-time updates on the progress of all legislation and allow members to access copies of bills, amendments, and legislative analyses.

Other Responsibilities

1. ASCAP Music License Reporting: The OGC reports to music licensing companies the live or recorded music played at TFB events. The OGC will send out an annual reporting request to VBG, which should keep track of all music used at meetings and events.

2. Case Handling
   a. Represents TFB in routine non-disciplinary cases
   b. Coordinates outside representation in non-disciplinary, significant litigation

3. Committee Staffing
   a. Governmental and Public Policy Advocacy Committee
   b. Legal Needs of Children Committee
c. Legislation Committee
d. Judicial Nominating Procedure Committee
e. Special Committee on Changes to the Practice of Law (formerly COVID-19 Pandemic Recovery Task Force)

4. Contract Review
5. Human Resources Support
6. Public Records Requests & Records Management
7. Requests to File in Court Cases - Processing
   a. SBP 8.10 Amicus Curiae Briefs
   b. SBP 8.20 Bar Rules Cases
VOLUNTARY BAR GROUPS

Requests for Legislative or Political Activity

Under SBP 9.11, legislative or political activity is defined as activity by the bar or a voluntary bar group that includes:

- Filing a comment in a federal administrative law case;
- Taking a position on an action by an elected or appointed governmental official;
- Appearing before a government entity;
- Submitting comments to a regulatory entity on a regulatory matter; and
- Engaging in public commentary on an issue of significant public interest or debate.

Other examples include: Endorsement of political candidates; bill drafting; letters and emails to the court and public officials; and published articles concerning bills that have been in the press frequently.

Legislative requests must be submitted on a bar form:

- For the “Big Bar” and its mandatory bar groups (committees and the YLD), the form is maintained by the Office of General Counsel (OGC).
- For voluntary bar groups (VBGs), the form is online. There is also a worksheet for draft located here, under How to Submit a Request.

Per SBP 9.11(b), “Mandatory Bar Group” means The Florida Bar and groups within it, funded by mandatory member fees in the current or immediate prior bar fiscal years.

Per SBP 9.11(a), “Voluntary Bar Group” means a group within The Florida Bar funded by voluntary member dues in the current and immediate prior bar fiscal years.

All requests must be circulated to all bar divisions, sections and committees that may be interested in the issue. A notice form is provided here.

When submitted, legislative requests must indicate the groups with whom the requests were shared and attach any comments received. The request form area that asks for a list of the groups the proposal was shared with should not be left blank.
Concerning political activity, particularly public commentary on matters of significant public interest, voluntary bar groups:

- Must send the draft commentary to the Executive Director for review and action; and
- Should include a disclaimer like: “This article is submitted on behalf of the __________ Section only and does not express positions of The Florida Bar.” This is similar to the disclaimers required in the 800 series of the Standing Board Policies, in the filing of amicus curiae briefs, responses to rules petitions, and comments in rules cases.

Additionally, voluntary bar groups should make clear in political and legislative discussions that positions of the group are not the positions of The Florida Bar as a whole.
Step 1

- VBGs should read 900 series of the SBPs & RRTFB 2-7.5.
- VBGs should review the online request form & use the worksheet for drafts.

Step 2

- VBGs should provide details of the proposal – descriptive paragraph in the form; a white paper; the VBG bylaws, etc. – to aid the Legislation Committee and board in their review and decisions.

Step 3

- VBGs should circulate the form to VBGs that may have an interest, using the notice form on the website; and submit the request form and supporting documents to OGC.
- OGC will submit to Legislation Committee and board.
VBG legislative requests are governed by SBP 9.50. The BOG will not prohibit/will take no action on a VBG position if it meets all three of the following requirements:

- Is within the VBG’s jurisdiction as described in its bylaws;
- Is beyond the scope of TFB’s activity, or is within the scope and is consistent with a bar position on the issue; and
- Does not have potential for deep philosophical or emotional division among a substantial segment of the bar’s membership.
Process & Requirements
for Amicus Curiae briefs & other filings

1. SBP 8.10 Amicus Curiae Filings
   a. Sections, committees and divisions may adopt a position and submit an amicus curiae brief in pending litigation only when:
      1) the issue is within the scope of permissible legislative or ideological activity of the bar; and
      2) the proposed brief does not take a position that is inconsistent with an official position of the bar.
   b. Sections, committees and divisions may not submit an amicus brief, file a motion for leave to appear, or otherwise take a position in pending litigation unless:
      1) The issue involved is within the area of subject matter interest of the division, section or committee as described in its bylaws or official charge;
      2) The issue is not one that carries the potential of deep philosophical or emotional division among a substantial segment of the membership of the bar;
      3) The position is clearly identified as the action of the group and not that of the bar unless the board or executive committee (EC) directs otherwise; and
      4) The board or the EC (not the group’s executive committee) has expressly determined to take no action regarding the proposed filing by the group.
   c. A notice containing the following information must be sent to the ED:
      1) Nature of the litigation, including identification of any other parties and amici and their positions;
      2) Position sought to be taken in the filing;
      3) Anticipated effect of litigation and final decision;
      4) Need for the group to take the proposed position; and
      5) Absence or existence of conflict with any previous position adopted by the bar or any group and whether such group has been contacted about its position.

2. SBP 8.20 Responses and Comments in Rules Proceedings
   a. Divisions, sections and committees may adopt a position and respond to a petition to amend any portion of the RRTFB, FL Rules of Court, or FL Code and Rules of Evidence; may file comments to rules petitions; and may join other groups’ comments to rules petitions.
   b. All such documents must be clearly identified as the action of the group and not of TFB, unless the board or EC directs otherwise. A sample statement is: “These comments are submitted on behalf of the Section only, and do not express the position of The Florida Bar.”
3. **PROCESS FOR ALL FILINGS**
   a. The group must provide a notice **and** draft of the document to be filed to ED or OGC.
      1) The notice may be an email as long as it contains the elements noted in 1.c. above.
      2) If the ED receives the notice and draft, he may send to the OGC to ask if the group provided all required information. The ED may forward the notice, draft and other documents, and vote sheet to President’s assistant for distribution to the President and/or the EC; or
      3) If the OGC receives the notice, the OGC may respond to the group to acknowledge receipt, ask for more information as needed, etc. The OGC will send a packet to the ED.
   b. **Waiver request:** The group may request a waiver of the 10-day and draft requirements by emailing the OGC or the ED. Only the President may grant the waiver.
   c. The ED or OGC will follow up with the group regarding any decisions.
The Legislation Committee of the Board of Governors of The Florida Bar (TFB) is composed of nine members, all of whom must be active board members and who serve three-year terms. *See* Policy 9.30, *Standing Board Policies* (SBP). The committee makes recommendations to the Board of Governors regarding legislative positions for TFB and its divisions, sections, and committees, and determines whether legislative or political positions are within the scope of legal authority for TFB and its divisions, sections and committees.

Requests for legislative or political activities by the Bar and mandatory bar groups must be reviewed by the Legislation Committee. A legislative or political activity request form must be submitted to the Office of General Counsel (OGC) at least 20 days before the committee meets. *See* SBP 9.20(b). Per SBP 9.20(d), the request must be circulated to all bar divisions, sections, and committees that may be interested in the issue, but may be submitted to the Legislation Committee even if comments have not been received.

Under SBP 9.20(h), the board or the Executive Committee may approve a legislative or political issue if it falls within one or more of the following categories:

- regulation and discipline of attorneys;
- improvement of the functioning of the courts, judicial efficacy, and efficiency;
- increasing the availability of legal services to society;
- regulation of lawyer client trust accounts; and
- education, ethics, competence, integrity, and regulation of the legal profession.

Under SBP 9.50(a), requests for legislative or political activities by voluntary bar groups (VBGs) must also be reviewed by the Legislation Committee and present an issue that:

- is within the group’s subject matter jurisdiction as described in the group’s bylaws;
- is beyond the scope of the bar’s permissible legislative or political activity, or is within the bar’s permissible scope of legislative or political activity and the proposed position is consistent with an official bar position on that issue; and
- does not have the potential for deep philosophical or emotional division among a substantial segment of the bar’s membership.

The proposal form for VBGs is located [here](#) and must be circulated to other VBGs that may be interested in the issue before submission; a worksheet for drafts and a notice form for sending proposal to other VBGs are located on the same website. While VBGs must list the groups

1 Political or legislative activity is defined as “filing a comment in a federal administrative law case, taking a position on an action by an elected or appointed governmental official, appearing before a government entity, submitting comments to a regulatory entity on a regulatory matter, or any type of public commentary on an issue of significant public interest or debate.” SBP 9.11(c). This includes the endorsement of political candidates and bill drafting.

2 Contact the OGC for this form.
contacted on the form, the request may be submitted to the Legislation Committee even if comments have not been received.

The Legislation Committee and the board will review a VBG’s proposed legislative or political activity, unless an expedited decision is requested. In that case:

- The Executive Committee may review the proposal if expedited review is requested; or
- The bar president, president-elect, and chair of the Legislation Committee may review a VBG’s proposed legislative or political activity if the legislature is in session or an emergency exists and the Executive Committee is unable to act.

See SBP 9.50(e).

Once a legislative position is approved by the BOG, it is included in the Bar’s master list of positions maintained by the OGC. Legislative positions are considered active for the two-year period coinciding with the legislative biennium.
CLE Programs

Policies, Procedures and Guide
PROGRAM CHAIR AND STEERING COMMITTEE MANUAL
Section Officers,

The Continuing Legal Education Committee of The Florida Bar has created this portion of the handbook to assist sections in preparation of CLE courses. The purpose is to provide you with important information to develop and deliver an informative and relevant Florida Bar sponsored program that will be financially successful.

Information on the following pages relates to continuing legal education policies and requirements, the preparation and delivery of written course materials, and important financial reimbursement forms. Also included are quality standards, advance level course requirements and other matters to assist in the creation and execution of an exceptional seminar.

Please direct inquiries to the Section Administrator.

On behalf of The Florida Bar, we greatly appreciate your participation in the preparation and presentation of continuing legal education seminars.

Thank You.

The Florida Bar Continuing Legal Education Committee
DEFINITIONS OF FREQUENTLY USED TERMS

Program Chair - A volunteer assigned to coordinate the substance of a CLE seminar. This includes, but is not limited to, selecting topics and the course title, contacting speakers, enforcing course material deadlines, and appearing on-site at the live presentations to introduce the seminar and speakers. Program Chairs who choose to collect the various speakers' course materials prior to their delivery to the Bar for the purpose of quality control and to eliminate overlaps or errors reduce cost to section of Administration time. Some Program Chairs also serve as moderators, and act as discussion leaders during Q&A portions of the seminar (e.g., walking a mic to audience members asking questions).

Steering Committee - A group of volunteers who assist the Program Chair in determining course subject matter, title, topics, and speakers. Members will usually meet via conference call (or in person as possible) 4 months prior to the designated course presentation date. This will continue as necessary until the promotional materials for the course are complete, which are due 12 weeks out. Speaker selection is a difficult job for one person. Working together makes it much easier to select speakers with experience, diversity and good ratings from previous programs. One member of the Steering Committee should be appointed as the Quality Coordinator (see page 2.21).

Program Administrator - The Bar staff person assigned to the sponsoring Section/Division whose responsibility it is to assist the Program Chair and Steering Committee to adhere to important seminar deadlines. Duties also include the preparation of promotional brochures and Bar News ads, CLE credit approval, site selection and arrangements, speaker letters, course material compilation after it is submitted from Program Chair, and on-site registrations.

CLE Administrative Charges (Joint Sponsored & Section Sponsored) The applicable rate is applied per program hour

<table>
<thead>
<tr>
<th>Type of Venue</th>
<th>Less than 5 speakers</th>
<th>5 or more speakers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracted venue with food (High)</td>
<td>$1,700 per CLE hour</td>
<td>$1,100 per CLE hour</td>
</tr>
<tr>
<td>Contracted venue without food (Medium)</td>
<td>$1,300 per CLE hour</td>
<td>$900 per CLE hour</td>
</tr>
<tr>
<td>Private setting with food (Medium)</td>
<td>$1,300 per CLE hour</td>
<td>$900 per CLE hour</td>
</tr>
<tr>
<td>Private setting without food (Low)</td>
<td>$850 per CLE hour</td>
<td>$550 per CLE hour</td>
</tr>
<tr>
<td>Audio Webcast only</td>
<td>$350 per CLE hour</td>
<td>$400 per CLE hour</td>
</tr>
</tbody>
</table>

PROMOTIONAL INFORMATION HOW TO’s

The Steering Committee determines the scope of the course, course title, topics, lecturers, and time periods, all of which is necessary to produce complete and informative advertisement and links so course registration can begin. THE FINAL AGENDA INFORMATION IS NEEDED AT LEAST 12 WEEKS BEFORE THE DATE OF THE COURSE PRESENTATION. It is essential to have the course detail information 3 months in advance to ensure adequate time to advertise the program to potential registrants. Seminars that miss this deadline should consider cancellation to avoid low registrations.

Simply titling each lecture is not sufficient for potential registrants to understand the program's subject matter. Adding sound bytes or a sentence describing the presentation that will pique the reader’s interest is better. A general course synopsis is also required to describe the scope and the
overall content of the program. The better informed a prospective registrant is by the course detail information available in advance, the greater the possibility of excellent seminar attendance and thus a rewarding experience for the attendees, speakers, and the sponsoring section.

1) **Course Title and Synopsis** - The title should be concise and to the point; it should refer specifically to main seminar topics or the practice area. For example, "Hot Topics in Mediation" is not sufficient if the seminar subject matter is specifically family mediation. The synopsis should describe the relevance and educational benefit of the course content for attorneys who may or may not have experience in the specific areas of law to be discussed.

2) **Time Schedule** - Each time segment must include the following for the purpose of course credit hour approval:
   a. Beginning and ending times; including break times and lunch;
   b. A detailed description of the topics and subtopics to be covered; and
   c. The full name and city of the speaker(s).

3) **Speakers** - Highlight speakers who are board certified (if applicable to topic). Provide a brief biographical sketch if the program has a featured speaker.

4) **Steering Committee Members** - Provide a list of all Steering Committee members not included as speakers and the city from which they reside for inclusion on the brochure.

**Course Level Classification** - The course should be classified as basic, intermediate, or advanced. See page 18 for parameters defining advanced course classification in more detail. The basic course level and the word "basic" in a course title may only be used by the Young Lawyers Division.

   **Basic**: Course designed for the practitioner with fairly limited experience in the subject area related to the course. A law survey course would be considered basic unless there are significant changes in the law. Note: The presentation of basic level courses is the responsibility of the Young Lawyers Division.

   **Intermediate**: Course designed for the practitioner somewhat experienced in the area but not necessarily an expert. A survey course related to an area of the law in which there have been substantial changes would be considered intermediate.

   **Advanced**: Designed for the practitioner with extensive experience in the subject matter of the course.

5) **Synopsis of the Course Content** - Describes the relevance and educational benefit of the course content for attorneys who may or may not have experience in the specific areas of law to be discussed. This should be included on the brochure to draw interest to the seminar.

6) **Description of the Topics and Subtopics** - Some topics speak for themselves; others require some detail in the description. Give your potential attendees as much information as you can on the brochure.
ETHICS / PROFESSIONALISM / BIAS ELIMINATION / SUBSTANCE ABUSE / MENTAL ILLNESS AWARENESS And TECHNOLOGY

Each member shall complete a minimum of 33 credit hours of approved continuing legal education activity every 3 years. Five of the 33 credit hours must be in approved legal ethics, professionalism, bias elimination, substance abuse, or mental illness awareness programs, with at least 1 of the 5 hours in an approved professionalism program and 3 of the 33 credit hours must be in approved technology programs which are included in, not addition to, the regular 33 credit hour requirement. If a member completes more than 33 credit hours during any reporting cycle, the excess credits cannot be carried over to the next reporting cycle.

Appropriate ethical or professionalism considerations in the form of practical examples should be included in the oral presentations and written materials of each seminar. Should you need assistance with professionalism topics related to your seminar topics, The Henry Latimer Center for Professionalism at The Florida Bar is available to assist you at 800-342-8060, extension 5747, or email professionalism@flabar.org. One source for speakers in the area of substance abuse is Florida Lawyers Assistance at 800-282-8981. To locate potential speakers related to mental health awareness, email mail@fla-lap.org.

Q & A SEGMENTS

If your program is being audio or video recorded you need to decide, in advance, how and IF you will be taking questions from the audience during the program taping. Regardless of what you decide, it is important that each speaker conclude his or her presentation (receive applause) before taking questions from the audience. Should you decide that the Q&A should be a part of the recorded product, The Florida Bar will supply ample hand-held microphones for questions taken from the audience. Questions asked without the use of microphones cannot be included in the recorded program.

To ensure proper recording of the Q&A portion of your program, it is recommended that you 1) have hand-held microphones walked to the person asking questions; 2) have audience members go to a standing mic in the middle of the room; or 3) address only the questions that have been written down and handed to the speaker. Regardless of which method you choose, it is the Program Chair or Moderator’s responsibility to enforce that method.

A live audience enjoys the freedom to ask questions. This can be a valuable and substantive part of your program when guided by the Program Chair or a Moderator. With your help and by following the above steps, it can also be enjoyed by the online and aftermarket audience. If live Q & A is not recorded, consider having speakers stay a few minutes after the presentation to address questions outside the classroom or take questions at the end of the seminar presentation.
The Florida Bar’s Continuing Legal Education (CLE) program provides quality legal education courses to members of The Florida Bar. The delivery methods available to Section/Bar CLE programs are:

**GoTo Webinars** offer streaming of a program via the internet. Presenters are viewed via webcams, eliminating speaker travel and scheduling conflicts. Power-point slides and materials, as well as pre-recorded videos, can be viewed during the program. Participants can voice and send questions in a chat format. GoTo webinars are recorded and available within seven days in the 24/7 CLE catalog.

**Audiocast or Live Video Webcasts** offer real-time video or audio streaming of a program via the internet. Registrants view and hear the speakers as well as any PowerPoint slides in a split-screen format. These mediums enable online participants to see and hear what the live audience see and hear, eliminating all travel-related costs. Given this advantage, Bar Sections are capturing an unlimited audience while maintaining live audience participation. Online participants can email questions but cannot voice questions. Webcasts are recorded and available within fourteen days in the 24/7 CLE catalog.

**Online On-Demand 24/7 CLEs** allow registrants to access high quality continuing education programs on timely topics on their schedule. 24/7, 365 days per year, members can access the continuing education programming needed to meet the demands of the member’s practice. Members do not have to be available when a live program is scheduled – the program is available at the member's convenience online 24/7. This service marries quality programming and conveniently accessible technology to provide registrants a high value service that meets the demands of their schedule. All CLE committee co-sponsored programs which are audio or video recorded are available to members in the 24/7 On-Demand catalog.

**CD & DVD** The Florida Bar continues to sell CD and DVD products of most Bar Section CLE programs. This allows a member to view or listen to a CLE at their convenience. The production time of a CD or DVD product is about eight weeks post the live program.

No matter which delivery method, it is important to record all CLE programs! Recorded programs provide an on-going revenue source for your Section through aftermarket sales.
QUICK TIPS - Program Chairs / Steering Committee

1. Assign Program Chair ASAP, preferably 6 months before seminar date.

2. Confirm the dates of your live presentation(s) with your Program Administrator.

3. Form the Steering Committee and appoint Quality Coordinator. Make the opportunity to speak available and known to all qualified speakers with the goal of reflecting the diversity of the Bar.

4. Don't miss the course information deadlines! What we need from you:
   - Course Title
   - Course synopsis / description (why would someone attend)
   - Schedule of topics and speakers (include time frames and speaker’s city)
   - List of speakers, addresses, phone numbers (e-mail)
   - Indication of board certified speakers if applicable to seminar topic.
   - Suggestion of certification and professionalism areas being covered

   *Missing this deadline significantly reduces seminar advertising exposure, and as a result, course cancellation may be recommended (CLE Policy 3.12).*

5. Include ethics, professionalism, substance abuse, bias elimination, mental illness awareness and/or diversity sensitivity topics when practical. Include technology topics.

6. Determine course classification: intermediate or advanced.

7. Be creative. Consider panel discussions, mock trials, and mock negotiations to enhance the presentation of topics.

8. Not enough material for full day? Consider a half-day program; surveys indicate preference for half-day programs (e.g. 8:30 a.m. -12:30 without break for lunch).

9. Communicate course material deadlines to speakers often, especially when inviting them to speak. Speakers should be equally committed to the preparation of both their presentation and the written material. Ghost writers are encouraged for speakers too busy for both.

10. Communicate course material deadlines to speakers often, especially when inviting them to speak. Speakers should be equally committed to the preparation of both their presentation and the written material. Ghost writers are encouraged for speakers too busy for both.

11. Meet with your speakers to go over the course at least once before the live presentation, even if it is the night before.
Example
Seminar Timeline

Course Date: **March 01, 2023**
City: **Orlando, FL**
Sponsor/Section: **CLE Committee**

**October 12, 2022**
140 days (20 weeks)
- Appointment of steering committee chair and quality coordinator by CLE chair
- Appointment of steering committee
- Initial meeting of steering committee; selection of topics; selection of speakers; dates selected (if not already done); letter sent to speakers advising requirements of and deadline for written materials; staff letter to program chair reminding of deadline for receipt of course detail information
- Course detail information due to staff
- Confirmation letters sent to speakers

**November 09, 2022**
112 days (16 weeks)
- CLE credit application submitted
- Save the date posted on section site and link established
- Informz email campaign set up
- PDAdmin - Start CLE Course Development worksheet
- PDAdmin - Request account setup in general ledger
- F&A - Confirm/Assign account codes
- PDAdmin - Request CLE accreditation
- Meetings Dept. - Complete venue contract
- PDAdmin - Request CLE accreditation
- LSE - Provide CLE accreditation
- PDAdmin - Schedule Bar News ads (pink sheet)
- PDAdmin - Request CLE accreditation
- Meetings Dept. - Complete venue contract
- PDAdmin - Schedule Bar News ads (pink sheet)
- F&A - Confirm/Assign account codes
- PDAdmin - Request CLE accreditation

**December 07, 2022**
84 days (12 weeks)
- PDAdmin - Start CLE Course Development worksheet
- PDAdmin - Request account setup in general ledger
- F&A - Confirm/Assign account codes
- LSE - Provide CLE accreditation
- PDAdmin - Schedule Bar News ads (pink sheet)
- PDAdmin - Schedule Bar News ads (pink sheet)
- PDAdmin - Submit ZenDesk work request to OS to create Bar News ad
- OS - Accept work request to create Bar News ad
- Cancel if course detail not completed
- Proofed ad for Bar News completed
- Send letter with course material deadline reminder and course detail to speakers
- Authors send course materials to Quality Coordinator/Program Chair
- PDAdmin - Complete and approve course fees worksheet
- PDAdmin - Complete CLE Course Development worksheet and submit to MemberNation CLE setup coordinator
- PDAdmin - Complete event setup in Salesforce, complete initial review and submit to QA
- PDAdmin - Update Informz campaign with link
- Eblast promotion
- First ad in Bar News
- Completed course materials due to staff, in final form
- Event QA completed
- PDCoordinator - Set event status to active/Registration opens after QA is completed

**January 04, 2023**
56 days (8 weeks)
- Eblast promotion
- First ad in Bar News
- Completed course materials due to staff, in final form
- Event QA completed

**January 25, 2023**
35 days (5 weeks)
- Eblast promotion
- Second ad in Bar News

**February 01, 2023**
28 days (4 weeks)
- Eblast promotion

**February 15, 2023**
14 days (2 weeks)
- Eblast promotion

**March 01, 2023**
Presentation
- Speakers Workshop
- Event presentation date
Characteristics of Adult Learners

It is important to recognize the unique situations of adult learners and what types of experiences and expectations they bring into the classroom. Generally speaking, adult learners:

- **Learn by their own initiative** — they are selective and want to know how and why a subject is of importance to them. Especially in the case of CLE, we are dealing with professionals who experience heavy demands on their time and are seeing very specific information.

- **Bring a variety of experience** — adult learners possess a wealth of professional and personal experience that can impact the learning process. There will likely be a wide range of experience in any audience. It can be helpful to ask yourself who your learners are. Will the subject be too difficult for them, or too easy? The insights of your audience members are, potentially, a very valuable resource.

- **Differ in learning styles** — most classroom learning is cognitive. The mental process defines what the learner should know and includes objectives like recall, reproduction, and problem solving.

Some studies have shown that the majority of lawyers are introverts (57%). They are more comfortable thinking and writing and are ideally suited for the traditional presentation formats (lecture/panel) that permeate CLE. However, this leaves over 40% of participants that would be better served by alternate delivery methods like classroom discussion, collaboration and activities.

Much current education research has suggested the context and processes of learning thus:

We retain…

10% of what we **READ**
20% of what we **HEAR**
30% of what we **SEE**
50% of what we **SEE** and **HEAR**
70% of what we **SAY**
90% of what we **SAY** and **DO**

This concept is one of moving from information to application and relies upon the observation that most people learn better as active participants. Although **say** and **do** are at the most effective end of the spectrum, the whole process must be involved to produce the desired results. Again, studies have demonstrated that people retain and integrate information best when all educational models are utilized (reading or
hearing, thinking, and doing). Therefore, it is best to employ a variety of teaching methods to most effectively stimulate the largest percentage of learners.

Models of Delivery
Essentially, there are two primary models we have to work with given our programming constraints.

- **Lecture**
  Benefits: facilitates transmittal of information to large groups in a short time; good for summarizing substantial amounts of information, or information from multiple resources; more effective for short term, rather than long term recall

- **Skills Workshop**
  Benefits: able to introduce new or polish old skills in a no-risk setting; actively engages learners.

The subject matter should lend itself well to demonstration for this option. A rudimentary outline for this type of presentation format would be:

1) **DEMONSTRATE** the skill to be acquired
2) Allow participants to **PERFORM** the activity.
3) Plan for **FEEDBACK** — either by the “coach” or the participants working in pairs or teams.
4) **SUMMARIZE** the learning experience

Within each of these broad models, numerous teaching methodologies may be employed.

Methods, Ideas, and Tips

- **Lesson Plan**
  It may be helpful to formulate a plan, determining your selection of teaching methods by asking questions like:

  Who are my learners?
  What is the goal of the lesson?
  What resources will I need?

  A Lesson Goal should be

  1) short enough to remember
  2) clear enough to be meaningful
  3) specific enough to be achieved, and
  4) written in terms of the learner.
Verbs for Lesson Goals: list, state, identify, know, become aware of, become familiar with, define, describe, recognize, discriminate between, differentiate between, compare, contrast, evaluate, examine, comprehend, reflect upon, discern, develop, appreciate, apply, produce, practice, use, become sensitive to.

- **Tips for Effective Lecture Delivery**
  - ✓ Show interest in your topic.
  - ✓ Vary the speed and tone of your delivery; use body language.
  - ✓ Pay attention to the audience.
  - ✓ Repeat, clarify, illustrate and summarize based upon audience cues.
  - ✓ Clarify whether participants are free to ask questions as the program unfolds, or if you prefer, they be held until the end of the presentation.
  - ✓ Provide an outline/written material.
  - ✓ Consider using various audio-visual options (PowerPoint, video, overhead).
  - ✓ Pose questions and problems to the audience; use real life scenarios to engage them.
  - ✓ Stop periodically to summarize or restate major points.
  - ✓ Familiarize yourself with your audience.

We can provide a list of attendees in advance. Consider calling or e-mailing a few before finalizing your presentation. What do they know about the topic? How is it important to their practice? Solicit questions or opinions on important issues. If you prefer, we can “sample” or “survey” a select number of registrants and supply the results. Or simply ask for questions at the beginning of the program and let that help guide the course of the presentation. It all depends on what you are comfortable with.

- **Methods That Encourage Involvement**
  As stated above, most people learn best when they become involved in the learning experience. Some suggested methods include storytelling, audience reaction teams, brainstorming sessions, using case studies (see case studies below), demonstrations, discussion groups, role playing, simulations, and assigning tasks to teams (see small groups below).

  ✓ **STORYTELLING** People love stories. Stories relate, entertain, instruct and illustrate. A well-placed story will recapture the interest of a tired audience. Here are some tips for storytelling.

    - Practice telling the story so that it comes out clear and naturally.
    - Resist the urge to explain the story. Let the story speak for itself.
    - Keep it vivid. Create colorful images and use action words.
    - Make sure the story is appropriate. Consider the specific audience and current events.
    - Avoid too many details.
CASE STUDIES These encourage group interaction. They can be real or invented.

Here are some steps to helping your audience analyze case studies.

- Read through thoroughly.
- Define the central issue.
- Categorize the issue.
- Seek applications of the issue under consideration.

SMALL GROUPS These are a wonderful way to involve your audience and encourage discussion. It is an ideal format for many of the techniques that have already been described (case studies, role playing, etc.). You can simply assign some tasks or distribute questions that participants can research and discuss. Break into small groups for a short period (10-20 minutes), then come back together as a large group to discuss the activity. Usually, a few people will offer a summary of the small group discussion on a given issue or question. This method encourages greater participation by all members of the audience. It affords an opportunity for much more thorough dialogue and can lead to more well-developed questions and points.
QUICK TIPS - Speakers

1. **Meet deadlines** - Submit written course materials on time. All course materials are compiled in a bound book for distribution to registrants who ordered a printed version. Course attendees will receive a complete electronic course book with the purchase of the course. Consult your Program Administrator when there are deadline difficulties. Speakers unable to meet the course material deadline should **not** bring their chapter to the course presentation as a handout.

2. **Confine the use of visual aids** – Provide visual aids, per seminar timeline for inclusion in the course book. Always alert your Program Administrator when you will require special equipment (i.e. LCD projector).

3. **Be prepared** - Your lecture reaches a big audience - different from a courtroom. Your audience is comprised of professionals like you. Practice your presentation as often as possible.

4. **Do not read your lecture** - Develop a lecture that is interesting and informative. Your colleagues expect an oration, not a recitation.

5. **Be professional** - Use gender neutral language and models. Apply good judgment when using humor in your presentation to avoid stereotypes and sexist, religious, or racial references.

6. **Get to the point** - Introduce your topic immediately. Use practical, "how to" examples, illustrating the principles by incorporating factual situations. Incorporate citations into your course materials; indicate the page number in the materials to help the audience follow along or take notes. Repeat citations not incorporated in materials for clarity.

7. **Don't apologize** - Apologies for your lack of expertise, or for the lack of time put into preparation, will solicit a negative response from your audience.

8. When program is being recorded – speak clearly into the microphone, do not leave the podium, ALWAYS conclude your presentation, and receive applause BEFORE taking questions from the audience. Repeat all questions before responding. **Only questions taken from the audience with the use of a microphone will be included on the recorded program.** Advance preparation, coordination and set up for live events are crucial to a successful recording and high-quality seminar. The onsite registrar or Program Chair communicates to each speaker which microphone to use, how to advance the power points, and whether the program is being webcast.

9. **Stop on time** - Keep the program on schedule, use only your allotted time.

10. **Include ethical or professionalism** examples or comments when appropriate.
COURSE MATERIAL

Good course material contributes substantially to the effectiveness of a program. A comprehensive course book provides the course registrants pertinent information for reference well after the seminar presentation is forgotten. While the inclusion of Power Point slides in the printed material is important, slides should not be in lieu of written material. Properly researched and thoroughly prepared written material is the goal.

Format - For consistency and quality, please prepare written material as follows:

1. Main topics, numbered with Roman numerals, should be in all caps and underlined.
2. The first word of all topics thereafter is capitalized, and the remaining is in lower case.
3. Quotes over three lines should not be set out by quotation marks. Indent and center on the page.

Example:

I. MAIN TOPIC
   A. First Point of Main Topic
      1. (Indent first line of each paragraph and return to left-hand margin for remaining lines in each paragraph.)
         a. (Indent first line of each paragraph and return to left-hand margin for remaining lines in each paragraph.)
            1. (Indent entire paragraph or paragraphs.)
               (a) (Indent entire paragraph or paragraphs.)

Biographical Sketch

Please provide a brief (100 words or less) biographical sketch for inclusion in the course material. Include only that information pertinent to the subject matter of the course. Example:

JOHN SMITH is a shareholder at Smith, Jones & Brown, P.A., in Miami where he is the head of the corporate litigation division. Mr. Smith graduated with honors from the University of Florida, 1965; and received his LL.M. in Taxation from New York University, 1968. Mr. Smith is a member of The Florida Bar, the American and Dade County bar associations, and the Academy of Florida Trial Lawyers, and also has been admitted to practice in Virginia.

Additional information may be added if germane to the subject the author is writing about: For example, board certified in the field of law.

Lengthy biographies may be edited to meet the 100 words or less specifications.
How to Submit Your Course Material

Course Material Specifications Checklist

1. Format your course material using the following guidelines:
   - Single space text
   - 1" margins - all the way around
   - Electronic file is required (send original unlocked format – Word, PowerPoint, Excel)
   - Minimal formatting and page setup (do not use automatic outline function)
   - Consistent font - Times Roman 12
   - Do not use letterhead or footers
   - Do not page number

2. Send via email (send original unlocked format – Word, PowerPoint, Excel).
   
   EMAIL to Program Administrator

3. Send a short 100-word biographical sketch via email as a separate document. Do not send CVs or resumés.

4. Include in email any slides or visual aids (PowerPoint presentations) you will use for inclusion in the course book.

5. Prepare course material in gender neutral language.

6. There is no need to prepare a cover page or table of contents; we will do that.

7. Please do not miss your course material deadline

   If you have any questions, please call 1-800-342-8060 extension 5618.
APPEARING ON VIDEO RECORDING OR WEBCAST

If you are a Program Chair / Moderator, it is your task to introduce speakers and keep the program on schedule. At the beginning of each recorded segment, the video technician will give a cue to start. Please wait for the cue. If you begin beforehand, that portion of the presentation will not appear on video. Arrange all papers and biographical sketches prior to the cue. Three timecards will be provided to cue the speaker when there are five minutes remaining, one minute remaining, and when it is time to stop.

If you are a speaker, approach the podium and begin your lecture immediately upon being introduced. Do not wait for a cue from the technician; the camera is already rolling. Gestures should be contained within camera range. If using a visual aid, please reference the course book page number when the visual aid is being recorded. When talking about a visual aid, be as descriptive as possible to accommodate those who only "listen" to the presentation without visuals (i.e., audio CD purchaser). If you open the floor to questions, only do so after concluding the presentation and receiving applause. Repeat each question before responding. The onsite registrar or Program Chair communicates to each speaker which microphone to use, how to advance the power points, whether the program is being webcast.

QUICK TIPS FOR POWERPOINT PRESENTATIONS

PowerPoint presentations are an integral part of any CLE presentation whether it’s a one-hour audio webcast or a full day live event. Your PowerPoint can make or break your presentation. Too much text, too many transitions, and disorganization are just a few of the items that can cause the audience to lose focus. Below are some quick tips to help you put together a fantastic PowerPoint presentation.

Design

- Keep your slides simple
- Avoid a word avalanche! Limit the number of bullet points on each slide.
- Recognize the importance of color; choose a theme and stick with it.
- Remember that a picture is worth a thousand words.
- Select two complimentary fonts and a font size that is easily readable from the back of the room.
- Embed your fonts! Before saving a final copy of your presentation, review to confirm appropriate display, and (in PowerPoint) click File > Options > Save > Embed fonts in the file (all of them). Other applications have similar font embedding steps. Why? Just because your design device contains your special, beautiful fonts does not mean the presentation machine has them.
- Use animation conservatively if at all.
- Transitions between slides should be kept to 2 or 3 types at most, and each slide does not need a transition. Use transitions between logical sections of your presentation, for example.
- Use video where appropriate (e.g., examples!), but don’t violate copyright, and test it.

IX.15
**Prep**

- Practice, practice, practice!
- If your presentation contains links to web content, make sure you request a WiFi or wired connection.
- If your presentation contains sound, request A/V.
- If your presentation will connect to the web from *your* hardware, make sure to reset any (personal) Home pages or other content that may launch unexpectedly in front of 300 people. Clear your History as well – just to be on the safe side.
- Test those links! Links change at the will of web developers.
- Provide your presentation to the coordinator of your event well ahead of time. Last-minute submissions are more likely to be full of problems. Another set of eyes will also detect mistakes faster.

**Day Of**

- If you’re using equipment provided for you, arrive earlier so that you can do a dry run in order to become familiar with that equipment.
- No reading from your slides! The attendees are there to see you, because of your expertise – show it. Ideally the attendees should be able to glance at the slide and within a few seconds focus back on you.
- Give attendees a path to reach you after the session is over. Feedback can be used to improve the next session!
- The onsite registrar or Program Chair communicates to each speaker which microphone to use, how to advance the power points, whether the program is being webcast.
CLE EXPENSE REIMBURSEMENT POLICIES

Requests for reimbursement must be submitted within 2 WEEKS of your presentation.

We appreciate your agreeing to volunteer on behalf of The Florida Bar. We understand this requires a substantial expenditure of time on your part for which there is no payment. We can, however, reimburse you for your actual expenses directly related to the course presentations, one steering committee meeting and one speakers' workshop if held.

The following are CLE Committee policies governing the reimbursement of travel expenses. If you have any questions as to whether an expense is reimbursable, please contact your staff liaison, in advance, to avoid any misunderstandings.

Coach airfare (purchased 21 days in advance), meals, lodging, and miscellaneous expenses directly related to the seminar are reimbursable for each day of presentation. Expenses that exceed the below restrictions may or may not be reimbursed by the Section co-sponsoring the course, provided such expenses have been budgeted and pre-approved by the Section. The Program Administrator should be consulted prior to committing to payment of such expenses. The following are the guidelines you should adhere to when seeking reimbursement for travel.

A. Transportation

Air Fare - We will reimburse up to the cost of a 21-day advance purchase. Please make your reservations early to obtain the lowest rate. Submit the original airline ticket (or copy of ticket) with your reimbursement request. First class air fare will not be reimbursed.

Mileage - Automobile mileage will be reimbursed at the maximum rate per mile allowed by the IRS.

Ground Transportation - The cost of ground transportation (taxicabs, airport shuttles) will be reimbursed. Please share transportation with other faculty members when possible.

Rental Cars - The one-day cost of a rental car, if necessary or if more economical than cab fare, will be reimbursed. If special circumstances warrant a rental car, prior approval of the staff liaison is needed. In addition, parking fees, tolls, etc., will also be reimbursed. Include originals or copies of your invoices and receipts with reimbursement request.

B. Meals

Meals will be reimbursed on an actual expenditure basis for up to $60 per day (24-hours) per speaker. If more than one speaker is included on a meal charge, please list all the names and provide a receipt.

C. Lodging - Receipt Required (or copy)

Lodging will be reimbursed for no more than the lowest rate (single/regular) room plus applicable taxes at the host hotel and will be paid for no more than one night. If special circumstances warrant additional nights, prior approval of the staff liaison is needed. Lodging expenses will not be reimbursed for lecturers speaking in the general vicinity of their home. Please include a copy of the hotel bill with your reimbursement request.
D. **Family Members**

We cannot reimburse expenses of your spouse, children or other family members should you choose to have them accompany you to the course.

E. **Long Distance Telephone Charges**

Long distance telephone charges directly attributable to the course are reimbursable.

F. **Printed Materials**

We endeavor to have a complete course book electronically delivered in advance of each seminar presentation. We discourage the practice of "handouts" at the seminar locations. If you cannot avoid this, you will be responsible for your printing expenses.

Any speaker expenses exceeding the amounts set forth above may be reimbursed from the co-sponsoring section's/division's funds, upon approval of that section or division.
SPEAKER TRAVEL REIMBURSEMENT
SUBMIT WITHIN TWO WEEKS OF TRAVEL

Name: ________________________________  Course #: ________________________________

Florida Bar #: __________________________  Travel Dates: ____________________________

Course Title: ____________________________  City: ______________________________

TRANSPORTATION:

* Air: ______ airlines (coach, 21-day advance purchase) $ ________

  Personal Car: ______ miles at .585¢ per mile $ ________

* Car Rental: ______ company (# of days ______) $ ________

  Detailed rental car receipts are required.

FOOD EXPENSES:  Actual expenses, not to exceed $60 per travel day

  Any AMOUNT $25.00 AND OVER requires a receipt.

  Record actual amount per meal:

  Breakfast (example $14 / day) $ ________ $ ________ $ ________
  Lunch (example $16 / day) $ ________ $ ________ $ ________
  Dinner (example $30 / day) $ ________ $ ________ $ ________

  $ ________

OTHER EXPENSES:  Any AMOUNT $25.00 AND OVER requires a receipt.

  ** Hotel (Room and tax only, at lowest rate available) $ ________
  Taxi $ ________
  Tolls $ ________
  Parking $ ________
  Itemize: ____________________________ for a total of $ ________
  ____________________________ for a total of $ ________
  ____________________________ for a total of $ ________

TOTAL AMOUNT DUE SPEAKER: $ ________

Payment Method:

☐ ACH/Direct Deposit (one time account setup)
  Call 1-850-561-5832

☐ Check  Paid to me firm
  *Receipts Required
  **Actual Hotel Bill, Not Charge Slip

Mailing Information

(Name)

(Address)

(City/State/Zip)

FOR OFFICE USE ONLY

Account #: ____________________________
Approval: ____________________________
Date: ____________________________
The Florida Bar Electronic Payment Initiative

Dear Valued Vendor:

The Florida Bar (TFB) is in the process of switching current vendors and customers from paper checks to electronic payment options. As part of this transition, we ask that your organization accept future invoice payments by one of the following options: credit card or ACH/Direct Deposit, rather than by check.

There are two electronic payment options:

1) Single-Use Virtual Mastercard
2) ACH (Direct Deposit)

This change will simplify your processes, provide you with faster invoice payment, and improved cash flow. The major difference between the electronic payment types and standard check/corporate credit card reimbursement is that the Single-Use Virtual Mastercard and ACH options will result in faster payment reimbursement. There are no fees associated with electronic payments.

Electronic Option 1- Single-Use Virtual Mastercard

1. Determine if you are able to accept credit card transactions and an email address/contact to receive payment information.
2. Send an email containing the requested information above to accounting@floridabar.org. A reply will be sent confirming receipt.
3. For each payment, you will receive a unique single-use account number, the payment amount, and remittance advice related to your payment. You will use this information to process the payment following your normal credit card process.
Electronic Option 2- ACH (Direct Deposit)

1. Determine that you have an email address/contact to receive remittance information.
2. Gather the following information from a canceled check, voided check or bank letter:
   - Bank name, address, phone number and Routing (transit/ABA) number, type of account
     and account number.
3. Either call 1-850-561-5832 or email a request for a call back to accounting@floridabar.org.
4. For each payment, you will receive remittance advice via email.

Additional items to consider before choosing a payment option:

- Choose Electronic Option 2, if you do not have the ability to receive payments via credit card

- Choose Electronic Option 2, if there is a reason (dollar value, multiple locations processing payments, etc.) why any payment cannot be processed via credit card.

- Only one payment option may be selected.

Questions? If you have any questions about the new payment options, please contact us at accounting@floridabar.org. Our accounting team will be glad to assist you.
MODERATOR’S OPENING REMARKS

1. I would like to welcome you this morning on behalf of the Continuing Legal Education Committee and the ________________________________ to our course titled ____________________________.

2. The credit for this course is listed in your course materials. If you are a member of The Florida Bar your credit will automatically be posted to your record. Therefore, if you are unable to attend the full program, it is your responsibility to notify the registrar or the Board of Legal Specialization and Education so that proper credit will be awarded. If you are attending with someone else's admission card, please let the registrar know of the name change.

3. An online course evaluation via Survey Monkey will be emailed to all attendees next Monday. The CLE Committee values your comments and suggestions. Please take a few minutes to complete the evaluation form online once you receive the link. (REPEAT THROUGHOUT PROGRAM)

4. As a courtesy to the speakers and registrants please silence your cell phones or turn them off.

5. Because the program is being recorded:

☐ We will only take questions after each speaker has concluded his or her presentation and received their applause. The question will be repeated for the benefit of those purchasing CDs in the aftermarket.

OR

☐ We will not be taking questions from the audience; however each speaker will be available to you after their presentation.

6. At this time, I would like to introduce our first speaker . . .

Note: Highlight board certified speakers when applicable.
QUALITY STANDARDS

Although the standards which follow cannot be applied in every conceivable case, they are guidelines from which deviation should not occur in the vast majority of cases. Moreover, they are minimum standards which should not be construed to represent the best an individual Section or Division should strive to achieve. You are encouraged to exceed these minimum standards.

Steering Committee

The Steering Committee is led by the Program Chair of the seminar. In selecting Steering Committee members, authors, and lecturers, appointing authorities should strive to select practitioners with the highest reputations for knowledge and experience in their fields and practitioners who have performed well in prior programs. In making such selection decisions, consideration should be given to bringing in qualified and diverse practitioners who have not participated in CLE programs in the past and to avoid the repeated selection of practitioners whose involvement in multiple programs may overtax their available time and energies to the detriment of quality.

A member of the Steering Committee should be specifically appointed to serve as the Quality Coordinator. Other than possibly serving as chair, the Quality Coordinator should have no other responsibilities on the Steering Committee.

Quality Coordinator

The Quality Coordinator, together with the Program Chair (if a different individual), shall have overall quality responsibility for the program. The Quality Coordinator should ensure all quality standards are met in the areas of both content and presentation.

The Quality Coordinator, together with the Steering Committee chair (if a different individual), shall ensure that the program maintains the appropriate course preparation timetable, particularly as to the timely submission of course information to The Florida Bar Program Administrator.

The Quality Coordinator should review authors' materials prior to finalization and publication for overall content, including both substantive errors and omissions, and ensure that citations are accurate and that the cited cases constitute good authority for the propositions for which they are asserted. Authors continue to have primary responsibility for their work. Should the Quality Coordinator detect any problems in a particular manuscript, the Quality Coordinator should discuss the matter with the author. If the Quality Coordinator continues to perceive a problem after consulting with the author, the Quality Coordinator and Program Chair should consult with the Section / Division chair or the CLE Committee chair, as may be appropriate, for final resolution.

The Quality Coordinator should also attend the program presentation so as to be able to critique final presentation.

The Quality Coordinator will prepare a post-presentation critique, in writing, so that lessons learned may be passed on and used in the preparation and presentation of future programs. Particularly in the case of continuing programs, a special post-presentation critique meeting should be held, although this meeting may be held in conjunction with the organizational meetings of the subsequent program.
**Written Material Standards**

The written materials offered with each program are a valuable part of the course. The manuscript should be more than a "bare bones" listing of topical headings and should contain substantive material in support and amplification of the topical headings. The written material should include complete links to citations of authorities. The materials will be used as an office reference source and research aid both by attendees and by those who have not attended the program but purchase the written materials. Power Point slides cannot take the place of substantive written material.

The materials should adhere to the course classification level awarded to the program. In only the most unusual circumstances should a manuscript be an overall survey or an elementary course.

The materials should be geared to the practitioner. Therefore, it should be practical rather than theoretical.

The lecturer should present in the same manner as the written material is organized so that seminar attendees can easily follow along. Reference to page numbers is helpful if the speaker jumps around or gives comment to specific citations.

References to cites or statutes should be double checked for accuracy. If using copyrighted material of others, the speaker must obtain written permission from the copyright proprietor for reproduction and include the permission with their material when submitted to the Bar for printing. Each speaker submits The Florida Bar Grant of License to the Administration.

Plagiarism is prohibited. Avoid excerpts quoted from copyrighted material if possible.

**Program Workshops**

Each program may have a speakers’ program workshop. The purpose of the workshop is twofold:

1. To provide an opportunity for the lecturers to meet and exchange views concerning the substantive content of their presentations and written material.

2. To provide an opportunity for lecturers to practice their program delivery and to be critiqued.

**Lecturer Standards**

Specific examples are a highly desirable way of bringing home points in a course presentation. In offering examples, however, lecturers should refrain from including inappropriate "war stories" or other personal aggrandizement.

Professional ethics issues should be included in lectures whenever appropriate.

The use of charts and other visual aids, when appropriate, is encouraged.
ADVANCED COURSES

In addition to complying with all minimum quality standards in effect for Continuing Legal Education Courses, those labeled "advanced" must comply with the following.

1. Subject Matter

   a. Substantive and update courses

   The subject matter for courses dealing at the advanced level with substantive knowledge (as opposed to lawyering skills) shall be geared to the practitioner with several years of concentrated practice in the substantive law of the course. Generally, these courses should concentrate on a narrow and highly specialized area of law to give experienced practitioners a more sophisticated slant to their practice. Alternatively, these courses can provide updating in the more subtle methods of use of new developments.

   For example, an advanced torts course designed to build substantive knowledge could deal with representing plaintiffs in toxic tort litigation. On the other hand, a refined updating course for tort attorneys could consider the impact of recent United States Supreme Court cases on defamation litigation.

   b. Skills development courses

   As opposed to building substantive knowledge, the skills course concentrates on using advanced substantive knowledge in an intricate planning or litigation setting. These courses should take a narrow area and teach practitioners already proficient in the practice how to upgrade their existing skills. A substantial portion of each course shall be taught in small groups with live instructors and intense, "hands-on" experience in drafting and other skills. These courses are "task-oriented" as opposed to "substance-oriented."

   For example, an advanced real estate planning course would consider preparation of federal environmental impact statements rather than simple zoning variances. A torts course would have the attorneys participate in examination of sophisticated expert witnesses, with subsequent critique by instructors.

2. Supporting Material

Supporting material prepared by the instructors should go beyond basic statutory documentation. It should include cases from other jurisdictions as well as relevant regulations.
Where copyright problems do not interfere, it should include excerpts from advanced secondary source material, sample forms and documents and a detailed bibliography of primary and secondary source materials.

3. Instructors

Instructors in advanced courses must have substantial experience in the subject matter they are teaching in order for them to maintain high levels of credibility with those attending. Instructors should have concentrated during their professional careers in the area of law covered by the course. The following types of instructors would satisfy this requirement:

a. Attorneys who have been certified in the field in which they are lecturing;

b. Attorneys who have practiced for five or more years primarily in the field in which they are lecturing;

c. Judges of a trial or appellate court;

d. Professors of law who have taught for five or more years in the field in which they are lecturing;

e. Persons who have a total of five or more years experience in the field in which they are lecturing, gained from a combination of any of the above; or

f. Persons who are not lawyers but who have a total of five years' experience in the field in which they are lecturing.

These categories are examples only, and should not preclude those who are highly qualified but do not fit within them from serving as instructors in appropriate instances.
600 CONTINUING LEGAL EDUCATION

6.10 GENERAL POLICY

(a) Policy. The bar will provide its members with continuing legal education (CLE) opportunities, which include live, online, and recorded courses, course materials, workshops, seminars, publications, and electronic transmissions. The bar’s CLE committee will adopt and implement CLE policies consistent with the board’s policies.

(b) Funds. The board will control and budget all funds received and disbursed in connection with the CLE program.

(c) Executive Director Responsible for CLE Program. The executive director is responsible to the board for carrying out the bar’s CLE program.

6.11 MASTER PLAN

The CLE committee will develop and maintain a specific 2-year master plan. All CLE presentations that the bar or its entities participate in or sponsor must be on the master plan.

6.12 COOPERATION WITH LAW SCHOOLS

The bar may cooperate with the CLE program of each of the law schools in Florida and with other recognized institutions and organizations. The bar may not merge or identify its total program in any area with any institution or organization.

6.20 AUTHORITY FOR CLE COURSES

(a) Section and Division Authority. The bar’s sections’ and divisions’ primary authority in educational programs (“programs”) includes:

(1) selecting the leadership for directing the program;

(2) selecting the topics of the programs for the section’s or division’s area of practice or interest;

(3) selecting the speakers;

(4) proposing a date, location and format for the course (live or other media); and

(5) imposing quality controls above a minimum established by the CLE committee.

Reasonable exceptions to administrative standards (for example, questions and answer periods, lunches, pricing) will be permitted if the section or division requests them.
(b) **CLE Committee Authority.** The CLE committee’s primary authority includes:

1. considering any recommendations of a sponsoring bar division, section or committee;
2. determining the minimum fees for attendance;
3. resolving any conflict from the selected dates, locations or format proposed;
4. setting minimum quality standards;
5. setting minimum administrative standards; and
6. monitoring seminar activities of sections.

### 6.21 BAR DIVISION, SECTION, AND COMMITTEE PROGRAMS

(a) **Generally.** Courses or similar programs conducted or sponsored by the bar’s divisions, sections, or committees must be submitted to and approved by the CLE committee for development or distribution. The CLE committee will usually approve the recommendations made from divisions, sections, or committees regarding a course’s subject matter, speakers, participants, and classification if the subject matter is clearly within the jurisdiction of the proposing division, section, or committee. The CLE committee will resolve differences when the subject matter of a course is within the jurisdiction of more than 1 division, section, or committee, or when there are other differences among divisions, sections, or committees regarding courses. Any course or program in which the bar or a bar division, section, or committee is involved must be included in the budget as approved by the board.

(b) **Co-sponsored Programs.** A bar division, section, or committee may co-sponsor or cooperate with another professional group in presentation of an education program, provided that the other entity’s purposes do not conflict with the purposes of the bar. The program’s subject must be one in which the bar has a special interest or responsibility. Distribution of proceeds must be in accordance with standing board policy 6.31.

(c) **Division and Section Service Programs.** A division or section may provide educational service programs independent of the CLE committee only if the program: 1) limits attendance to division or section members; 2) is conducted in one continuous session; and 3) is not designed to, and will not, result in post-market sales of written or recorded materials, including books, articles, on-demand programs, CDs, or DVDs. The division or section must pay all expenses and will receive all revenue for the event. The bar will charge the division or section basic section support and general division or section management fees but no additional fees for division or section service programs. The bar will charge the division or section the same administrative charge as approved CLE programs for any program not meeting the above requirements.

(d) **Out-of-State Programs by Sections.** A section may sponsor a CLE course outside the state of Florida. The CLE committee will not co-sponsor courses presented by sections outside the state of Florida except that Out of State Division courses professionally recorded to maintain quality standards and made available in The Florida Bar 24/7 online and downloadable catalog
may be co-sponsored with the CLE Committee. Sections are responsible for all direct expenses and the associated overhead charge as outlined in standing board policy 6.31.

6.30 **FEES FOR CLE COURSES**

The CLE committee establishes minimum fees for attendance at CLE committee jointly sponsored CLE courses. Fees for programs cosponsored with an outside group will be jointly fixed by the CLE committee and the co-sponsor. The minimum base course fee for one-day courses will be determined as part of the annual budget process each year.

A minimum base course fee applies to a course of 5 or less continuing legal education requirement (CLER) credit hours per day; at multiple locations (no more than 3 of which may be live presentations); with no more than 5 in-state speakers; and at reasonably priced locations and facilities.

The base course fee for multi-day courses will be calculated as a minimum of the base fee for single day courses multiplied by the number of consecutive days. The total CLER credit hours must not exceed 5 hours multiplied by the number of days.

The CLE committee may charge additional fees for credit hours over 5 per day, out-of-state speakers, special materials, luncheons, honoraria, extra promotion, added committee meetings, receptions, and other similar expenditures, as well as a non-member surcharge equal to dues of a sponsoring bar section or division.

If sections request additional features or exceptions, fees will be adjusted accordingly. The CLE committee may also market live, recorded, or electronic CLE courses at prices in the approved budget.

6.31 **DISTRIBUTION OF PROCEEDS**

(a) **Course Fees.** Courses include, but are not limited to, audio, video, and electronic media. Net proceeds for CLE courses are determined after all direct and indirect expenses for the development and presentation of CLE programs are paid, including a CLE general administrative fee paid to the bar. The CLE general administrative fee represents the expected level of support needed from bar staff to execute the program as planned, including general course coordination, registration services, art and graphic design, bookkeeping, and general program management. The CLE general administrative fee will be a per-program hour charge applied to each course based on the course plan with 8 rates. The 8 per-program hour charge rates will be published in the budget instructions provided prior to budget preparation. The time and cost related to the taping, editing, and reproduction of the course materials for after-market sales will be handled as a direct expense even if paid to the bar. The following are the 8 rates:

1. live programs requiring full service resources with fewer than 5 speakers;
2. live programs requiring full service resources with 5 or more speakers;
3. live programs requiring mid-range service resources with fewer than 5 speakers;
(4) live programs requiring mid-range service resources with more than 5 speakers;
(5) live programs requiring low service resources with fewer than 5 speakers;
(6) live programs requiring low service resources with more than 5 speakers;
(7) recorded or webcast programs with fewer than 5 speakers; and
(8) recorded or webcast programs with 5 or more speakers.

(b) Non-Member Surcharges. Bar sections and divisions will receive all non-member surcharges which are not considered revenue for revenue sharing purposes outlined in (c) below.

c) Net Proceeds after surcharges.

(1) Bar sections and the bar’s Out-of-State Division will receive 80% of all net proceeds as defined in (a) above and incur 80% of all losses for all CLE courses and after-market material sales.

(2) The bar’s Young Lawyers Division will receive 50% of all net proceeds for Practicing with Professionalism programs and course materials, for which the bar will not charge the CLE general administrative fee.

(3) The bar’s Young Lawyers Division will receive 90% of all net proceeds and incur 90% of all losses of all other courses and materials.

(4) The bar will retain the balance of the proceeds/losses in its general fund to offset any expenses not covered by the CLE general administrative fee.

(d) Further Distributions. A bar section or the bar’s Out-of-State Division may share its percentage of the course revenues with a co-sponsor not affiliated with the bar. A co-sponsor not affiliated with the bar is any entity outside of the bar that participates in any manner in the planning and execution of a CLE program with a bar entity.

e) Unique Distribution Appeal. Variations in the distribution of proceeds may be approved by the board after consideration of the work involved and risk assumed by each of the co-sponsors and contained in the budget or a budget amendment previously approved by the board.

(f) Contract Cancellation or Attrition Fees. Any contract executed at the request of section leadership as part of a jointly-sponsored CLE event that is subsequently cancelled and results in a cancellation fee or is reduced to a level that results in any type of cancellation or attrition fee will be the financial responsibility of the section and will not be included as part of the cost of the CLE event.

6.40 SPEAKER EXPENSES

(a) Authorized Honoraria. The bar will not pay honoraria to its members unless the member
is a full-time college of law faculty. With advance approval of the CLE committee, the bar may pay honoraria to speakers who are full-time college of law faculty or who are not bar members.

(b) **Authorized Expenses.** Authorized expenses for reimbursement under this section include transportation expenses (including air fare, ground transportation, tolls and parking) and expenses incurred for meals and lodging. Expenses will be reimbursed for the participant only, and not for family members. Reimbursed expenses must be actual vouchered expenses as defined by bar policy.

Revenues from courses and publications may pay for authorized expenses of speakers and authors for steering committee meetings, speakers’ workshops, and course presentations.

(c) **Exceptions.** Any exception to this policy is subject to advance approval of the budget committee.

6.50 **Eligibility to Attend Programs or Receive Printed Materials and to Purchase Publications**

Any person may attend CLE programs or purchase CLE publications. There is no limit on the number of programs or publications a person may attend or purchase.
POLICIES ADOPTED BY CONTINUING LEGAL EDUCATION COMMITTEE

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1.00 SCOPE AND FUNCTION OF CLE COMMITTEE

1.01 Size of CLE Committee

The CLE Committee shall consist of no more than twice the number of members appointed pursuant to Section 1.02 CLE Committee Policies and selected in accordance with the Rules Regulating The Florida Bar.

1.02 Representative Members

Each section of The Florida Bar, the Young Lawyers Division, the Out-Of-State Practitioners Division and all ABA-accredited Florida law schools shall be represented by a member on the CLE Committee. Each section and division of The Florida Bar shall recommend a representative member to be approved by the President-elect.

1.03 Voting Rights

Each member of the CLE Committee shall have a vote. Only those members present during a meeting may vote and there will be no proxy votes allowed.

1.04 Alternate Committee Members

The sections and divisions of The Florida Bar and each represented law school may recommend one alternate member. An alternate may vote if the regular member is not present. Each alternate shall be appointed in the same manner as representative members.

1.05 Transaction of Business

Those voting members of the committee present at a duly noticed meeting shall constitute a quorum for the transaction of business. All meetings shall be called at least two weeks in advance unless otherwise called by the President of The Florida Bar. Notice shall include agenda items to be discussed. Items not on the agenda shall not be considered except upon a 2/3 approval of those members present and voting.

1.06 Removal

Upon the failure to attend two consecutive meetings without good cause, the member may be removed. Upon the failure of any member to comply with the provisions of Policy 1.10, the member may be removed. It shall not be considered an absence for a member, who is allowed an alternate, if that alternate attends.

1.07 Responsibility

The CLE Committee is responsible for presenting programs, publishing printed materials, and other instructional type materials and mediums. (SBP 6.10)

1.08 Executive Committee Appointment

The CLE Committee may appoint an executive committee to undertake and perform tasks and responsibilities delegated to it by the committee as a whole or the chair. The chair may appoint subcommittees and subcommittee chairs for such areas as programs,
publications and others as shall be necessary to accomplish the objectives and purposes of the CLE Committee.

1.09 CLE Co-sponsorship with Sections, Divisions and Committees of The Florida Bar, Law Schools, Other Bar Associations and Professional Groups

The CLE Committee may co-sponsor courses with law schools, sections, divisions and committees of The Florida Bar, and other bar associations and professional groups. Any surplus income over expenses produced by the courses, if budgeted in accord with Standing Board Policies, may be shared with the co-sponsor. (SBP 6.12, 6.21)

1.10 Program Evaluation Responsibility and Oversight

Each member of the CLE Committee is responsible for evaluating at least one live program and one live webcast during each year of tenure on the committee. Committee members who serve as section representatives should not evaluate seminars co-sponsored by their section. Committee members who fail to comply with this responsibility will be subject to removal from the committee.

1.11 Licensing of CLE Products

The CLE Committee may enter into licensing arrangements or co-sponsorship or joint distribution of its products with proprietary CLE sponsors.

1.12 Certification Review Courses

It is not a requirement of the CLE Committee to present a review course for applicants for certification by The Florida Bar.

2.00 SECTION/DIVISION RESPONSIBILITY

2.01 Primary Responsibility

The sections and divisions have primary responsibility for each program they co-sponsor to select leadership for presenting the course, select the topics to be covered, select the lecturers and impose quality controls. They may exceed existing administrative standards. The CLE Committee has set minimum quality standards for all co-sponsored programs. (SBP 6.20)

2.02 Speaker Diversity

Consistent with the strategic plan of The Florida Bar, the sections, divisions, and committees will recognize the diversity of the legal community and strive to select qualified speakers who reflect that diversity.

2.03 Financial Recapitulations

The sections and divisions shall be provided financial recapitulations of courses they co-sponsor with the CLE Committee to assist with evaluating future course presentations. The recapitulation reports will be provided to the section.
2.04 **Revenue Sharing**

The financial arrangement between sections and divisions and CLE is set forth in Standing Board Policy 6.31. No payment to a section may exceed the total revenues for that program reduced by allowable expenses. Allowable expenses will consist, among other things, of the actual cost for printing and distribution of course materials and brochures, including labor.

3.00 **CLE PROGRAMS**

3.01 **Standard Course - Definition**

A standard, or base, course is one presented in one day not at a resort. A base course contemplates an initial steering committee meeting and a speakers' workshop, in addition to the scheduled presentations.

Except as otherwise authorized by the Budget Committee, if a nonstandard course operates at a loss, the responsible section or division shall be charged with the loss.

3.02 **Method of Resolving Conflicts**

After reviewing proposed course budgets for the next Bar year, staff shall refer any potential conflicts in titles or subject matter to the appropriate chairs and CLE representatives of the co-sponsoring sections/divisions or committees for reconsideration. If the co-sponsors cannot resolve the conflict, the matter will be referred to the Council of Sections. If the Council cannot resolve it, it will be forwarded to the CLE Committee for resolution pursuant to Section 3.04 and succeeding sections of these policies.

3.03 **Proposed Courses - Review - Conflicts**

The CLE Committee shall review the courses proposed for the next Bar year by February first of the preceding year. Conflicts or duplication in subject matter still existing at that time shall be resolved by the CLE Committee or its designate.

3.04 **Standards for Resolution of Conflicts**

The following factors will all be considered in deciding who will have primary responsibility for co-sponsoring a course.

- a. The co-sponsor first initiating the program.
- b. The co-sponsor most closely identified with the subject matter.
- c. Any prior experience by a co-sponsor in presenting the subject matter and the success of the course.
- d. Prior compliance with quality standards and deadlines.

Conflicts should be avoided in geographical areas between courses of similar topics. More than one single-location course should not be scheduled on the same day, regardless of the subject matter, unless faculty scheduling requires such a possible conflict.
Courses on different subjects on the same day in different cities are not considered to be in conflict.

3.05 **Honoraria**

Honoraria are authorized only for speakers who are not members of The Florida Bar or full-time law college faculty who may be members of The Florida Bar. (SBP 6.40a)

3.06 **Disqualification of Steering Committee Members, Authors and Lecturers**

No person may serve as a steering committee member, author or lecturer who is disbarred or suspended from the practice of law.

3.07 **Considerations of Special Credit Hours**

Inclusion of ethics and professionalism in courses shall be governed by Standing Board Policy. Sections, divisions and committees are encouraged to include considerations of ethics, professionalism, substance abuse, technology, bias elimination and mental illness awareness when pertinent to course presentations.

3.08 **Smoking Policy**

Smoking is not permitted during CLE course presentations.

3.09 **Displays, Exhibits, Meals, Events, and Receptions at Courses**

Displays, exhibits, meals, events, or receptions at courses, including those sponsored and paid for by charitable or nonprofit organizations as well as commercial organizations, are permitted subject to the approval of the sponsoring section if applicable and either the CLE Committee or staff. Approval will be given if the committee or staff determines the display, exhibit, meal, event, or reception does not detract from the educational purpose or quality of the seminar.

3.10 **Sale of Electronic Media**

Upon order, the staff shall prepare audio CDs/video DVDs or other electronic media of selected CLE course presentations and make the media available to members of The Florida Bar and others permitted to attend CLE course presentations pursuant to the policies of the committee.

3.11 **Private Recording**

Private recording in any format of CLE Programs is prohibited at all seminars unless previous approval has been obtained from the CLE Committee or staff.

3.12 **Course Cancellations and Postponements**

The staff, upon conferring with the steering committee chair, shall determine whether it is necessary to cancel or postpone a course due to failure of the steering committee to meet appropriate deadlines or other factors. In some cases it may be necessary to cancel a course after the advertising brochure has been delivered. If that occurs, the co-sponsoring section or division, if at fault for the cancellation, shall be liable for the costs.
of the seminar in excess of the revenues generated, from their reserves. If a section/division proceeds with a course despite the staff’s recommendation to cancel, any losses from that point forward will be charged to the particular section/division budget rather than the CLE budget.

3.13 Copyrighting Course Outlines, Audio CDs/Video DVDs, and Other Electronic Media; Permissions

Course outlines, audio CDs/video DVDs, and other electronic media will comply with all requirements necessary to obtain a copyright, but the copyrights need not be perfected unless that protection is necessary and the cost involved is reasonable. All CLE manuals and any other material prepared in co-sponsorship with the CLE Committee shall carry the copyright legend and shall note “all rights reserved.”

CLE staff shall review all requests for permission to copy material from course outlines and shall determine whether to grant permission after consulting with the author of the material and the steering committee of the manual in which the material was published.

4.00 PREPARATION OF PUBLICATIONS

4.01 Selection of Steering Committees and Authors

The staff will coordinate the selection of the steering committee and authors for each publication. No person may serve as a steering committee member or author who is disbarred or suspended from the practice of law in any jurisdiction.

4.02 Author Compensation

Authors of all or any part of a CLE publication are not to receive financial compensation for the material submitted.

4.03 Practice Manuals as Separate Projects

Practice manuals generally shall be prepared and sold separate from CLE courses. A manual, however, may be produced simultaneously with a course and presented as a part of the course materials, if the CLE committee finds that it is expedient to do so.

4.04 Design and Style

All aspects of the design and style of CLE publications is left to the discretion of the staff.

4.05 Supplements or New Editions

Supplements to or new editions of CLE publications are to be prepared at regular intervals. Staff is authorized to determine the format of the update.

4.06 Use of Products of Other Publishers

CLE Publications staff may purchase books or electronic media of other publishers and sell them to Florida Bar members after the purchase has been approved by the CLE
Committee. Effort should be made to obtain products on consignment instead of by purchase.

4.07 Copyrighting Publications; Permissions

CLE publications and electronic media will comply with all requirements necessary to obtain a copyright, but the copyrights need not be perfected unless that protection is necessary and the cost involved is reasonable. All CLE publications and electronic media shall carry the copyright legend and shall note “all rights reserved.”

CLE staff shall review all requests for permission to copy material from publications and shall determine whether to grant permission after consulting with the author of the material and the steering committee of the manual in which the material was published.

4.08 Purchase and Return of CLE Publications

CLE publications may be purchased by any person or organization. Purchasers may return publications within 30 days of purchase for a full refund. No returns, however, shall be accepted unless the publications are in resalable condition.

4.09 Complimentary Publications to Competition Winners

The CLE staff shall have the authority to provide complimentary publications to winners of Moot Court and similar competitions.

4.10 Pricing of Publications

The CLE staff has authority to set prices for publications and will select the publications that will be offered for sale at reduced rates. Publications related to the subject matter of a seminar may be offered at a discount to registrants of the seminar.

4.11 Price Lists for CLE Publications

Order forms and price lists for CLE publications will be posted on The Florida Bar’s website and advertised in The Florida Bar News on a quarterly basis.

4.12 Publications to be Advertised on Course Brochures

Current CLE publications that discuss substantially the same subject matter to be covered in a CLE course may be listed on the brochures advertising the course.

4.13 Electronic Production or Reproduction

The CLE Committee may electronically produce or reproduce and sell electronic media covering any area that it feels justifies the investment in the software. Proposals to produce or reproduce programs electronically that are not directly based on a CLE Publications manual are to be referred to the committee or section of The Florida Bar that should be concerned with quality control over the subject involved. The CLE staff is responsible for obtaining bids on the cost of producing electronic media on various topics authorized for production of software programs and is responsible for evaluating the quality and availability of maintenance and service of those programs.
5.00 FEES, CHARGES AND COMPLIMENTARIES

5.01 Registration Fees

The base registration fee for a standard CLE program is $135. If the course is co-sponsored, the fees will be jointly fixed by the CLE Committee and the other co-sponsor. The base course fee may be increased by the CLE Committee or staff to include the costs of luncheons, honoraria, extra brochures or promotion, number of speakers or out-of-state speakers, added steering committee meetings, transcripts, special materials binders, or additional “add-on” costs. A surcharge of the amount of their dues may be charged by a sponsoring section/division to registrants who are not members of that section/division. If requested by the sponsoring section/division, the fees may be adjusted for additional features or variations. (SBP 6.30)

5.02 Refunds

Registrants for CLE course presentations where the number of registrants is limited or when there are additional charges such as lunches or other amenities may be charged a reasonable cancellation fee unless the cancellation is received by the Bar in writing two business days prior to the presentation of the course or such other time indicated in the course advertising. All other requests for refunds less a $25 cancellation fee will be honored if postmarked within two business days after the last course presentation.

5.03 Late Registration Charge

To encourage early registration, a $25 surcharge will be added to the course fee for any person registering the day a course is offered.

5.04 Half-price Registration Fees for CLE Courses

The following groups are eligible to attend CLE seminars at one-half the registration fee.

(a) full-time law faculty and law students working toward a Juris Doctor degree
(b) full-time clinical instructors at accredited or provisionally accredited law schools
(c) full-time law school librarians

5.05 Half-price Fees for CLE Publications

The following groups are eligible to purchase CLE publications at one-half the full price:

(a) full-time students working toward the Juris Doctor degree, but additional copies must be purchased at the full price. If the unit cost of the manual or publication is so large that the sale at half the standard price would result in a loss, then staff may add a reasonable charge to the price of the publication. A law student’s right to purchase CLE publications at this reduced price terminates the day before graduation from law school. These sales may be made through the law school bookstore.

(b) libraries open to the public (limit two copies);
completing authors of a manual (limit three copies of that manual);
(d) university students purchasing a publication required for class (limit one copy);
(e) professors from accredited Florida colleges (limit one copy);
(f) in-state law libraries of nonprofit organizations providing free civil legal services
to low income clients (limit two copies).

5.06 Complimentary CLE Publications

Complimentary copies of CLE publications* are available to:
(a) Each contributing author of a practice manual (printed copy).
(b) Each steering committee member of a practice manual (printed copy).
(c) CLE Committee members (printed copy upon request to the CLE Publications Director).

*This policy applies only to practice manuals produced by CLE Publications staff;
complimentary copies of practice manuals that are in The Florida Bar's product line but
that are produced entirely by LexisNexis will not be provided.

5.07 Complimentary Course Admissions

Amended Policy 5.07:

Members of the CLE Committee are eligible, upon request, for complimentary admission
to any CLE sponsored live course presentation. CLE Committee members must pay add-
on costs, such as luncheons (the published fee waiver price).

The following groups are eligible, upon request and for personal use only, for complimentary admission to any CLE sponsored course presentations; or complimentary order of audio CD, including the standard electronic course materials. They are not, however, eligible to receive complimentary video DVD, teleseminars, webinars, webcasts, online or downloadable CLE delivery formats. These groups may attend
programs with add-on costs such as luncheons by paying the additional cost of the add-on fee:
(a) Supreme Court, DCA, Circuit, and County Judges, and Federal Judges who are members
of The Florida Bar;
(b) full-time legal aid attorneys for programs directly related to their client practice;
(c) magistrates, judges of compensation claims, full-time administrative law judges and
court-appointed hearing officers;
6.00 REIMBURSEMENT OF EXPENSES

6.01 Reimbursement of Travel Expenses

The reasonable travel expenses incurred by steering committee members, workshop lecturers and speakers and authors incurred in attending one steering committee meeting, one workshop for each publication project or course, and each live course presentation may be reimbursed by The Florida Bar. (SBP 6.40b)

6.02 Reimbursement Restrictions

All speakers at CLE programs are allowed reimbursement for meals up to $60 per day, including tips, hotel accommodations at the base rate secured by The Florida Bar, and airfare up to the 21-day advance rate. Hotel accommodations should be where the course is offered, or in a hotel suggested by the staff. Advanced booking of airline reservations in order to obtain the lowest fares available, as well as prudent use of rental cars and other means of transportation, is necessary.

Any speaker expenses exceeding the amounts set forth above may be reimbursed from the co-sponsoring section's/division's funds, upon approval of that section/division.

7.00 ADVERTISING CLE COURSES

7.01 Florida Bar Logo Use

The Florida Bar logo shall be used on all brochures advertising CLE courses and course materials.

7.02 Monthly CLE Course Calendar

When possible, the calendar of the forthcoming month’s CLE course presentations will be published in The Florida Bar Website

8.00 COURSE QUALITY STANDARDS AND REPORTING

8.01 Quality Control – CLE Committee

The CLE Committee is responsible for maintaining quality control to ensure that minimum standards are maintained in the presentation of all CLE sponsored or co-sponsored courses.

8.02 Minimum Quality Standards for Florida Bar Continuing Legal Education Programs

1. Purpose and Authority

Standing Board Policy charges the Continuing Legal Education Committee with the preparation and promulgation of minimum quality standards, allowing reasonable variations, for continuing legal education programs produced by The Florida Bar. SBP 6.20(b)
The Continuing Legal Education Committee is in the best position to monitor overall quality. On the other hand, neither the CLE Committee nor the staff has the substantive knowledge to supervise sections, divisions and committees for content. The CLE Committee, however, has recognized common errors in the organization, preparation, and presentation of programs which have been repeated over time. As to such matters, the CLE Committee can and should make its expertise available to sections, divisions and committees in promulgating minimally acceptable quality standards.

Although the standards which follow cannot be applied in every conceivable case, they are guides from which deviation should not occur in the vast majority of cases. Moreover, they are minimum standards which should not be construed to represent the best an individual section, division or committee should strive to achieve. Sections, divisions and committees are encouraged to exceed these minimum standards.

2. Steering Committee Appointment, Composition and Procedure

Steering committees for programs co-sponsored by sections, divisions or committees will be appointed by the section, division or committee chair or by section, division or committee CLE chair, as is appropriate. The CLE Committee, acting through its staff, shall appoint program steering committees for programs offered exclusively by it.

In selecting steering committee members, authors, and lecturers, appointing authorities should strive to select practitioners with the highest reputations for knowledge and experience in their fields and practitioners who have performed well in prior programs and in accordance with CLE policy on diversity 2.02. In making such selection decisions, consideration should be given to bringing in qualified practitioners who have not participated in CLE programs in the past and to avoid the repeated selection of practitioners whose involvement in multiple programs may overtax their available time and energies to the detriment of overall quality. The staff shall provide the steering committee chair with a printout of potential speakers and their grades from recent evaluation report summaries.

A member of the steering committee should be specifically appointed to serve as the Quality Coordinator. Other than possibly serving as chair the Quality Coordinator should have no other responsibilities on the steering committee. The Quality Coordinator should not be an author or lecturer for the program.

The staff should arrange a meeting or conference call of the speakers at least 10-12 weeks prior to the seminar and be available for all meetings of the steering committee. The organizational meeting of the steering committee should be conducted with all committee members present.

3. Duties of the Quality Coordinator

The Quality Coordinator, together with the steering committee chair (if a different individual), shall have overall quality responsibility for the program. The Quality Coordinator should ensure all quality standards are met in the areas of both content and presentation.

The Quality Coordinator, together with the steering committee chair (if a different individual), shall ensure that the program maintains the appropriate course preparation timetable, particularly as to the timely submission of brochure materials and outlines.
The Quality Coordinator should review authors’ outlines prior to finalization and publication for overall content, including both substantive errors and omissions, ensure that citations are accurate and that the cited cases constitute good authority for the propositions for which they are asserted.

Authors continue to have primary responsibility for their work. Should the Quality Coordinator detect any problems in a particular outline, the Quality Coordinator should discuss the matter with the author. The Quality Coordinator should not overrule a substantive decision of the author.

If the Quality Coordinator continues to perceive a problem after consulting with the author, the Quality Coordinator and steering committee chair should consult with the section, division or committee chair or the CLE Committee chair, as may be appropriate, for final resolution.

The Quality Coordinator should attend any workshop held for the program and participate in critiques of both substance and presentation. The Quality Coordinator should also attend the program presentation so as to be able to critique final performance.

The Quality Coordinator will prepare a post-presentation critique, in writing, so that lessons learned may be passed on and used in the preparation and presentation of future programs. Particularly in the case of continuing programs, a special post-presentation critique meeting should be held, although this meeting may be held in conjunction with the organizational meetings of the subsequent program.

4. Course Preparation Timetable

The following course preparation timetable should be applicable to almost every course. [Times indicated are those before the first presentation.]

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 months</td>
<td>Appointment of program chair/steering committee chair by CLE chair; appointment of quality coordinator</td>
</tr>
<tr>
<td>4 months</td>
<td>Appointment of steering committee members</td>
</tr>
<tr>
<td>16 weeks</td>
<td>Initial meeting of steering committee; selection of topics; selection of speakers; date selected (if not already done); letter sent to speakers advising requirements of and deadline for receipt of written materials; staff letter to program chair reminding of deadline for receipt of brochure information.</td>
</tr>
<tr>
<td>12 weeks</td>
<td>Course detail information due to staff Confirmation letters sent to speakers CLE credit application submitted Brochure designed and sent to print Bar News ads and promotional email campaigns developed Save the date posted on section site and link eblasted</td>
</tr>
</tbody>
</table>

IX.44
10 weeks  
Cancel if course detail is not completed  
Proofed ad for Bar News completed  
Send letter with course material deadline reminder and course detail to speakers  
Authors send course materials to Quality Coordinator/Program Chair

8 weeks  
Course materials due to staff, in final form  
Eblast

6-8 weeks  
First ad in Bar News

5 weeks  
Eblast

2-4 weeks  
Second ad in Bar News

2 weeks  
Eblast

OPEN  
Speakers workshop

2 weeks after  
Quality coordinator report sent to staff

____________  
If continuing program, post-presentation critique meeting should be held as soon as possible after the program

**Planning a CLE Program**

**e-CLE**

An e-CLE should only be 1-2 hours long and not have too many speakers. The intent is to cover a single issue or hot topic. If the topic would require more than 1-2 hours to cover think about having a 2- or 3- part series on the topic.

E-CLEs should follow the simplified version of the standard Florida Bar CLE timeline outlined below.

**8 weeks prior to the program:**
- Finalize subject matter and speaker(s)

**6 weeks prior to the program:**
- Finalize information for brochure.
- Title of presentation (should catch attention).
- Names and contact information of speakers.
- Short description of program.

**3 weeks prior to the program:**
- Written materials delivered to program chair for quality control, providing a comprehensive outline.
2 weeks prior to the program:
  • Written materials delivered to Bar staff.
  • PowerPoint delivered to program chair for quality control.

7 days prior to the program:
  • PowerPoint delivered to Bar staff.
  • Walkthrough scheduled (at least 24 hours prior to the scheduled program).

Other important information:
  • For quality purposes, speakers should use landlines instead of cellphones and should not use speaker phones.

To assist in keeping programs on schedule, the staff will give written notice at each stage in the above timetable to the section CLE chair, each member of the program steering committee, lecturers, and authors.

5. Program Brochure Requirements

Brochures should describe in significant detail the topics to be included in the program. A mere title for each lecture is normally insufficient for potential registrants to have a clear expectation of program subject matter.

The brochure should contain a statement as to the classification of the course so that potential registrants may better determine if the course is suited to their needs. The classifications — basic, intermediate, and advanced — will be used. The definitions of such classifications are as follows:

a. Basic. This course is designed for the practitioner with no or fairly limited experience in the subject area related to the course. A current law survey course will be considered basic unless there are recent, significant changes in the law. Note: Presentation of basic-level programs is reserved for programs sponsored by the Young Lawyers Division.

b. Intermediate. Course designed for the practitioner somewhat experienced in the area but not necessarily an expert. A survey course related to an area of the law in which there has been recent, substantial changes may be determined to be intermediate. In an intermediate course, some segment may be low intermediate or basic, and others high intermediate or advanced. In such instances, however, the course taken as a whole will be considered intermediate.

c. Advanced. Designed for the practitioner with extensive experience in the subject matter of the course.

6. Minimum Outline Standards

The written materials offered with each program are a valuable part of the course. The following minimum standards should be helpful to authors and others:
The outline should be more than a “bare bones” listing of topical headings. The outline should contain substantive material in support and amplification of the topical headings. For example, if discussing applicable dates, the topical heading “dates” would be insufficient. Instead, the actual dates of applicability should be set out under the heading with necessary discussion and citation of authority.

The outlines should include complete citations of authorities. The outline will be used as an office reference source and research aid both by attendees and by those who have not attended the program but receive the written materials.

The outline should adhere to the particular course classification given the program. In only the most unusual circumstances should an outline be an overall survey or an elementary course.

The outline should be geared to the practitioner. Therefore, it should be practical rather than theoretical.

The lecturer will be speaking from the outline. Accordingly, it should be organized in the same manner in which the lecture will be given. Program attendees frequently complain of lecturers not following the outline format.

Considerations of ethics and professionalism should be included in each outline and covered by practical examples.

7. Program Workshops

Each program may have a speakers' program workshop. The purpose of the workshop is twofold:

a. To provide an opportunity for authors and lecturers to meet and exchange views concerning the substantive content of their outlines and other course materials.

b. To provide an opportunity for lecturers to practice their program delivery and to be critiqued, particularly with respect to videotape performance.

8. Minimum Lecturer Standards

The advertised level of course content must be followed.

In presenting their lectures, lecturers should follow the outline format but not read the outline.

Specific examples are a highly desirable way of bringing home points in course presentation. In offering examples, however, lecturers should refrain from including inappropriate “war stories” or other personal aggrandizement.

Professional ethics and professionalism issues should be included in lectures.

The use of visual aids when appropriate, is encouraged.
Speakers may attend a speaker training session or view speaker training videos (The CLE Committee presented a speaker training program in 2019 entitled “Speaker Fever – Secrets to an Amazing CLE Presentation!”). This resource, along with a separate video developed by ACLEA, are both available through The Florida Bar’s CLE Committee’s webpage.

9. Standards for Advanced Continuing Legal Education Courses

In addition to complying with all minimum quality standards in effect for Continuing Legal Education Courses, those labeled “advanced” must comply with the following.

a. Subject Matter

1. Substantive and update courses

The subject matter for courses dealing at the advanced level with substantive knowledge (as opposed to lawyering skills) shall be geared to the practitioner with several years of concentrated practice in the area of substantive law of the course. Generally, these courses should concentrate on a narrow and highly specialized area of law to give experienced practitioners a more sophisticated slant to their practice. Alternatively, these courses can provide updating in the more subtle methods of use of new developments.

For example, an advanced torts course designed to build substantive knowledge could deal with representing plaintiffs in toxic tort litigation. On the other hand, a refined updating course for tort attorneys could consider the impact of recent United States Supreme Court cases on defamation litigation.

2. Skills development courses

As opposed to building substantive knowledge, the skills course concentrates on using advanced substantive knowledge in an intricate planning or litigation setting. These courses should take a narrow area and teach practitioners already proficient in the practice how to upgrade their existing skills. A substantial portion of each course shall be taught in small groups with live instructors and intense, “hands-on” experience in drafting and other skills. These courses are “task-oriented” as opposed to “substance-oriented.”

For example, an advanced real estate planning course would consider preparation of federal environmental impact statements rather than simple zoning variances. A torts course would have the attorneys participate in examination of sophisticated expert witnesses, with subsequent critique by instructors.
b. Supporting Material

Supporting material prepared by the instructors should go beyond basic statutory documentation. It should include cases from other jurisdictions as well as relevant regulations.

Where copyright problems do not interfere, it should include excerpts from advanced secondary source material, sample forms and documents and a detailed bibliography of primary and secondary source materials.

c. Instructors

Instructors in advanced courses must have substantial experience in the subject matter they are teaching in order for them to maintain high levels of credibility with those attending. Instructors should have concentrated during their professional careers in the area of law covered by the course. The following types of instructors would satisfy this requirement:

1. Attorneys who have been certified in the field in which they are lecturing;
2. Attorneys who have practiced for five or more years primarily in the field in which they are lecturing;
3. Judges of a trial or appellate court;
4. Professors of law who have taught for five or more years in the field in which they are lecturing;
5. Persons who have a total of five or more years' experience in the field in which they are lecturing, gained from a combination of any of the above; or
6. Persons who are not lawyers but have a total of five years' experience in the field in which they are lecturing.

These categories are examples only, and should not preclude those who are highly qualified but do not fit within them from serving as instructors in appropriate instances.

10. Enforcement of Minimum Standards

The CLE Committee contemplates exercising, in unusual cases, the methods set forth below as a means of enforcing these minimum quality standards. Of course, the CLE Committee recognizes that reasonable variations from these minimum standards must be made on a case-by-case basis.

a. Withdrawing CLE Committee approval for the program, particularly in cases where the program has fallen behind the Course Preparation Timetable.

b. Requesting that appointing authorities not invite future participation by an errant steering committee member, author, or lecturer.
c. Recommending to The Florida Bar BLSE that a program be denied CLER, certification and designation credit.

d. Recommending to The Florida Bar BLSE that an individual program participant be denied education credit for participation.

e. Requiring section co-sponsors to bear costs of printing materials submitted by speakers/authors after the deadline has passed. The section/division co-sponsor shall pay any costs in overtime or use of outside printers resulting from faculty members not meeting deadlines, from either the seminar profits or the section's/division's reserve account.
Section leaders are excellent resources for reporters working on legal stories and The Florida Bar’s public information staff will frequently refer them to the chair and/or vice chair of a relevant section based on their query to us. We hope you’ll welcome this opportunity to promote the expertise of your section and to refer reporters to other section members who are experts in subspecialties. If we can assist you in any way with media interviews, please call us. Thank you.

Jennifer Krell Davis, J.D., Communications Director 850-561-5670, jkrelldavis@floridabar.org
Danny Aller, Social Media Coordinator, 850-561-5739, daller@floridabar.org

www.floridabar.org/socialmedia

850-561-5666 (Media Line – 8-5:30 M-F no voice mail)
MEDIA INTERVIEW TIPS

When a reporter calls:

- Who is the reporter and what type of publication does he/she work for?
- When and where will the story appear?
- What’s the angle? Who else is being interviewed?
- What is the reporter’s deadline? Call back number?

Who are you speaking for?

During the interview:

- Be honest; be your most likable, expressive, calm, cool and confident self.
- Be PREPARED and unrushed. Use notes or talking points.
- Use the organization’s name repeatedly, i.e., avoid saying “we” to represent your organization.
- Speak in headlines: State the CONCLUSION first – briefly and directly – followed by FACTS to back it up.
- If something’s gone wrong, acknowledge the truth and express your regrets. Avoid anger and defensiveness BUT don’t let false charges, facts or figures stand uncorrected. (see Follow Up below)
- Don’t repeat negative language. Frame your replies as positive statements.
- Use plain language, if possible. Explain legal terms. Give examples.
- If you can’t answer a question, explain why. Never say “no comment.”
- Always stay “on the record.” If you don’t want information reported, don’t tell a reporter.
- If you don’t know the direct answer to a question, don’t guess or speculate. Ask the reporter when/if you can follow-up with an informed response or refer the reporter to someone else who will have the information.
- When you finish answering a reporter’s question, STOP. To be certain that you were heard correctly; feel free to ask the reporter to read back your quotes.

On-Camera Tips:

- The interview starts from the moment you introduce yourself to the reporter and ends after you or the reporter walk away.
- Talk to the interviewer, not the camera.
- Speak and gesture naturally. Keep a pleasant expression; smile when appropriate.
- Offer a business card for correct name spelling, contact information.
- Attire: Suits/dresses should be medium tones – grey, brown, dark blue; rich beige is OK for summer months. Avoid stripes, pronounced checks and sharply contrasting patterns. Shirts/blouses should be solid off-white or pastel.
Ties should be solid-colored or with very simple patterns. Jewelry should be small and simple. If you regularly wear glasses, keep them on.

Follow-up:
- If the facts of the article, as you presented them, are correct or if you consider the article to be “good” let the reporter know. Leave a voice mail or send an e-mail.
- If the facts of the article are incorrect, contact the reporter and ask for a correction or clarification.
- If you feel the article is one-sided or leaves out important information, write a letter to the editor or an op/ed. Follow requirements exactly and submit electronically.
TFB Video Recording Best Practices

1) **Find a quiet place to film.** If you're filming at work or out in public, the sight of a phone might not tip people off to keep the volume down if they're nearby. If possible, tell people to steer clear of where you're shooting, or bring a friend / coworker with you to block off the area where you plan to film.

2) **Positioning.** Have the camera at a height that it can be angled just slightly down at you. Think about the camera as being right at your hairline, and have it pointed down at your eyes. If possible, put your laptop/phone on a stack of books to elevate the camera. You also don't want to be too close to the camera, or you end up with a distorted face. When recording, look at your webcam, not at the screen and feel free to use gestures and mannerisms that you would typically use in person.

3) **Background.** Be intentional about what is behind you. Please make sure there is space, so you’re not pushed up against the wall. Also make sure the area behind you is tidy and clear of distractions.

4) **Make sure your iPhone has enough storage space.** If a “Cannot Record Video” notification that pops up while you're filming a video due to limited storage space, your phone will stop recording, and you'll have to start over. To prevent this, make sure you have enough space before pressing "record." Delete as many unnecessary files and apps as you can, and if needed, purchase iCloud storage for files to free up more space on your device itself. You can also upload your photos/videos to Google Photos at no cost to free up space.

5) **Turn off notifications.** Before you start filming, set your iPhone to Do Not Disturb mode so you can film uninterrupted. Swipe up on your phone and tap the crescent moon icon to put your phone in Do Not Disturb mode and tap it again when you're done to return your phone to normal settings.

6) **Good lighting.** Have a bright window in front of you, on the other side of your camera/phone. This way the light brightens your face. If the window is behind you, you will appear in darkness.

7) **Audio.** Make sure you are in a quiet environment. Pay attention to the dishwasher
and/or lawn maintenance noise outside. Try to be in a room with carpet or rugs and not on tile, as this creates echo. Have the camera close enough to you that you don’t need to yell. Also, count slowly (silently) to 5 before ending the recording.

8) Film horizontally. When people view videos on mobile devices, the video automatically rotates according to the orientation of the device it's being viewed on. So, it makes more sense to film horizontally so your video can be viewed if the user rotates his or her phone or is watching on a large tablet or computer screen. If you film vertically and the viewer's screen is rotated, the video will appear more constricted.

***Be sure to be in “VIDEO” mode.

9) Don't use the iPhone's zoom. The iPhone's zoom will most likely make your video look like it is a lower quality recording.

10) Lock your exposure. (Advanced) When it comes to filming a video with an iPhone, its super-powered exposure will continue adjusting and readjusting according to movement -- leaving your final video occasionally blurry and out of focus. You can solve this problem by locking the exposure while you're filming. Before you press record, hold down your finger on the subject of your video until a yellow box appears around the person or object and the words "AE/AF Lock" appear.

11) Zoom recordings. If recording video over Zoom, make sure you have a strong Wifi connection. Use a computer webcam instead of an iPad or iPhone when possible; this will help prevent a lag in the audio. If the audio becomes disconnected over the computer, use Zoom’s phone dial-in option.
COMMUNICATIONS POLICY AND PROCEDURES

13.10 COMMUNICATIONS POLICY

(a) **Responsibility of Staff and Committees.** The bar’s communications staff and related committees conduct the bar’s external and internal communications activities in accordance with communications policies and priorities established by the board through its communications committee.

(b) **Responsibility of Executive Director.** The executive director has ultimate management responsibility and is responsible to the board for the activities and programs of the communications staff.

(c) **Authorized Staff Activities.** Bar staff will:

1. publish the bar *Journal*;

2. publish the bar *News*;

3. maintain an Internet website to communicate timely information to members, the news media, the general public, and other interested parties and to provide two-way communication with members in addition to or in lieu of other modes of communication;

4. assist in gathering and interpretation of public opinion from internal and external sources as input for bar policymakers;

5. counsel leaders of the bar on ways to maintain good communications and devise and carry out programs designed to enhance understanding of the bar’s policies and programs;

6. coordinate activities of the bar’s Citizens Advisory Committee, a voluntary advisory group established by the board representing major citizen constituencies, the operation and responsibilities of which are defined in the Citizens Advisory Committee charter;

7. establish and maintain communication with the general public, local/voluntary bar associations, bar members, judiciary, news media, and the bar’s sections, committees, and divisions;

8. make recommendations to the communications committee as to the need, cost effectiveness and priority of any advertising campaign proposed by any of the bar’s sections, committees, divisions or programs;

9. provide all communications services, including selection, coordination and supervision of outside consultants, for all communications activities of the bar’s programs, sections, divisions or committees; and
(10) Engage in continuous fact and opinion research affecting the bar; develop and distribute public education/information pamphlets, news releases and announcements for TV and radio; operate a bar speakers bureau; and continuously evaluate public reception to the bar’s operations and policies.

(d) Crisis Management/Disaster Response Plan. The bar’s crisis management/disaster response plan, approved by the communications committee, establishes guidelines for responding to crisis or disaster situations significantly impacting the bar, its members and the state of Florida. Under the plan:

1. The bar president and/or executive director will:
   
   (A) determine that a crisis exists;  
   
   (B) declare the Crisis Management/Disaster Response Plan in force; and  
   
   (C) expeditiously convene the crisis management task force (executive committee and designated key staff members) to oversee implementation of the plan.

2. After determining the extent of the crisis and pooling all available information, the crisis management task force will develop an initial statement, designate primary and secondary spokespersons, and determine if a crisis response team should be dispatched to the impacted area.

3. Board members and other key bar leaders will be expeditiously notified of actions being taken, and appropriate information will be disseminated to bar members and the general public.

4. When the crisis has passed, the communications director will prepare a full report to the board on the crisis situation, its impact and associated actions taken.

5. Operational details of the plan will be updated annually. A copy of the updated plan will be furnished to each board member, and copies of the plan will be on file in the offices of the bar president, the executive director and the communications director.

(e) Bar Journal and News Editorial Policy.

1. Subject Matter of Published Material. The editorial policy of the bar Journal and News is to publish articles, news and other information that may help advance the education, competence, ethical practice and public responsibility of Florida lawyers and increase their awareness of the official and informal activities of their profession. Articles of publishable quality and scholarship that meet these criteria may be published even though they may involve controversial subjects or unpopular points of view.

2. Publication of Comments from Membership. The bar Journal and News policy is to publish member comments on matters of concern to the legal profession, provided the comments:
(A) are directed specifically to the *Journal* or *News* for publication;

(B) are neither patently false nor defamatory; and

(C) focus criticism on issues, rather than individuals acting in their individual capacities.

Staff may clarify or edit comments based on space considerations, or the number and nature of comments received on any single topic.

(3) **Notice to Chair of Editorial Board.** The executive director will give notice to the chair of the bar *Journal* and *News* editorial board of any topic for publication or of any matter affecting editorial policy or content of the bar *Journal* or *News* considered by the board.

(6) **Advertising Policy of the Bar Journal, News and Website.**

(1) **Illegal or Inappropriate Advertising.** The bar *Journal*, *News* and website will accept all advertising except advertising:

(A) for products or services that are illegal or whose movement in interstate commerce is illegal;

(B) relating to contests, lotteries, or the offering of prizes based on chance, unless clearance is obtained from the United States Postal Service;

(C) that is not in keeping with the publications’ standards of ethics and propriety; or

(D) that is derogatory or demeaning.

(2) **Advertising Contrary to Bar Rules or Code of Judicial Conduct.** Advertising by which the advertiser violates or enables another to violate the Rules of Professional Conduct or the Florida Code of Judicial Conduct will not be accepted. The opinions and interpretations of staff counsel and appropriate bar committees charged with authority to interpret the rules or codes will be controlling.

(3) **Restricted Products or Services.** If the advertising of a product or service is prohibited or regulated in a state or states, but not in all states or by federal law, the publisher or web coordinator reserves the right to reject the advertising unless proper disclaimers are included in the copy regarding the validity of the advertising in the restricting states.

(4) **Advertising Affecting Bar’s Mailing Status.** Advertising must not contain material or be designed in a manner that would jeopardize the mailing status of the publication. The publisher may require clearance from the United States Postal Service prior to acceptance of an advertisement.
(5) **Prior Examination of Mail Order Products.** The publisher or web coordinator may require examination of a product before accepting an advertisement for mail order products.

(6) **Priority of Advertising.** Advertising space for the bar and its affiliated programs will be provided at cost and as space permits, with priority space given to commercial advertising. Space for public service advertising will be provided free of charge when available.

(7) **Advance Payment.** The publisher or web coordinator may require partial or full payment before publishing advertising.

(8) **Political or Ideological Advertising.** The bar Journal, News and website will segregate and identify all classified advertisements of a political or ideological nature under the “miscellaneous” heading, and distinctly mark each display advertisement as a “paid advertisement.”

(9) **Disclaimer.** The bar Journal, News and website will publish an appropriate disclaimer stating that publication of an advertisement reflects no endorsement of the advertiser’s goods, services or opinions.

### 13.20 COMMITTEE ORGANIZATION

(a) **Communications Committee.**

(1) **Membership.** The communications committee is composed of at least 10 members including:

   (A) a member of the budget committee;

   (B) a member of the program evaluation committee;

   (C) board liaisons to the Journal and News editorial board, voluntary bar liaison committee, and media and communications law committee; and

   (D) a chair-elect appointed by the bar president-elect who will become chair when the bar president-elect becomes president.

   The bar president-elect should consider reappointments to help achieve continuity of bar communications policy and programs.

(2) **Responsibilities.** The primary role of the communications committee is to ensure continuity and focus of internal/external communications to support the bar’s organizational and strategic objectives. The committee will make recommendations to the board on the bar’s communications policies, the communications impacts of strategic plans and objectives, and the coordination of issues and crisis communications. The committee ensures that the bar uses the most effective means for communicating with bar members, the news media and the general public. An element of the bar’s communications
program is The Florida Bar Speakers Bureau which promotes and coordinates the delivery of the bar’s key messages directly to the general public by lawyers.

(b) **The Bar Journal and News Editorial Board.** The bar *Journal* and *News* editorial board advises and assists the editorial staff to develop articles of current interest and concern to the profession and, as a reviewing board, in selecting worthy manuscripts for publication.

(c) **Media and Communications Law Committee.** The media and communications law committee coordinates the bar’s media-law activities such as the media-law conference, law-related educational programs for journalists, the Reporter’s Handbook and the media awards program.

(d) **Voluntary Bar Liaison Committee.** The voluntary bar liaison committee recommends improvements in relationships with local/voluntary bars to the communications committee. The voluntary bar liaison committee promulgates and sponsors publications and conferences to improve relations with and effectiveness of local bar leadership. The committee also promulgates and promotes Florida bar and voluntary bar information and programs to promote public understanding of the legal system, the judiciary, the role of lawyers, patriotism, and the responsibilities of citizenship, with special emphasis on development of themes and programs for law week.
SURVEYS
SURVEYS

Section Surveys of Their Own Membership

The Florida Bar has a Department of Research, Planning & Evaluation available to assist Sections in surveying their membership on a time available basis. In accordance with Standing Board Policy 10.30 (Program Evaluation Policy), all surveys of Bar members must either go through RP&E or the Board of Governors Program Evaluation Committee.

Bar Surveys as a Resource

The Florida Bar surveys (Economics & Law Office Management and Membership Opinion) are on the Bar's website (under About the Bar – Organization – Strategic Plan/Research). These are great resources for new leaders who want to know how Bar members feel about some of the key issues in the legal profession.

For additional information on surveys, please contact:

Mike J. Garcia
Director of Research, Planning & Evaluation
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399-2300
Phone (850) 561-5649
E-Mail mgarcia@flabar.org
STANDING BOARD POLICY 10.30 PROGRAM EVALUATION POLICY

10.30 PROGRAM EVALUATION POLICY

(a) Programs Proposed by Membership; Staff Assignments. A program proposal may be developed and proposed by a minimum of 10 bar members in good standing. The executive director may appoint a staff person to assist in the development of the proposal.

The program proposal must be received by the planning and evaluation department at least 30 days prior to the program evaluation committee meeting at which it is to be considered. A 3-year fiscal impact statement must be included with the proposal. After the program evaluation committee reviews the proposal and makes any recommended changes, the proponent will send a detailed budget to the finance and accounting department for review. After the finance and accounting department approves the budget, it will send the proposal to the budget committee for review and approval.

(b) Surveys. All surveys conducted by the bar, except those supporting the strategic planning committee, must be reviewed by the executive director, who may refer surveys to the program evaluation committee for review.

The survey request, supporting information, and the budget request must be submitted, in writing, to the program evaluation committee no later than 2 weeks prior to its next regularly scheduled meeting. The party requesting authority to conduct the survey will be responsible for funding the costs of the survey.

10.40 PROGRAM EVALUATION PROCEDURE

(a) Program Evaluation Committee. The program evaluation committee establishes the review and evaluation guidelines and standards for bar programs. The committee may require bar staff or any bar member to provide information to evaluate a bar program. The committee uses program description forms as a guide in its evaluation and review of bar programs.

(b) Budget Committee. The budget committee has the following responsibilities:

(1) The budget committee establishes the budget schedule for the ensuing fiscal year in consultation with the bar president-elect and executive director. Budget worksheets and related instructions are distributed to the individuals responsible for the preparation of the various bar section, committee and department budgets in sufficient time to allow for compliance with the schedule. The budget schedule will be in accordance with applicable provisions of the Rules Regulating The Florida Bar.

(2) The budget committee reviews all proposed budgets and provides the program evaluation committee with its recommendation for programs to be evaluated.

(3) At the penultimate board meeting during the bar’s administrative year, the budget committee will present to the board its recommended budget for the bar for the
ensuing fiscal year.

(4) The budget committee evaluates all proposed changes to the published budget of any bar section, committee or department, whether the change is in the budget for the current fiscal year or for the ensuing fiscal year and makes recommendations to the board at the next board meeting.

10.50  STRATEGIC PLANNING

(a) Annual Strategic Planning Workshop. The strategic planning committee will conduct an annual comprehensive strategic planning workshop to update the bar’s strategic plan. The strategic planning committee will provide a copy of the updated plan to the board.

(b) Consistency with the Strategic Plan. All bar programs and all board actions must be consistent with the bar’s purpose and strategic plan. The program evaluation committee requires that all funding and program requests state how and where the request fits into the bar’s strategic plan.

(c) Composition. The bar president-elect will chair the strategic planning committee. The strategic planning committee will be composed of the members of the executive committee, the bar president-elect designate once certified to the court, the president-elect of the young lawyers division, the chair and chair-elect of the council of sections, and the chairs-elect of the budget, communications, disciplinary review, legislation and program evaluation committees.
HARASSMENT & DISCRIMINATION
The Florida Bar - Discrimination, Harassment, Retaliation, and Accommodation Policy

1. TFB has updated its Discrimination, Harassment, Retaliation, and Accommodation Policy to make clear that it applies to activities of TFB members when they are engaged in leadership or operations of bar divisions, sections, and committees.

2. Much of the bar’s work is done in TFB divisions, sections & committees, so the bar does not want any members to feel that they cannot participate in the activities of divisions, sections, or committees due to harassment or discrimination.

3. Division, section, and committee leadership must take allegations of harassment or discrimination seriously and report them to their liaison, the division director the group is overseen by, or General Counsel.

4. General Counsel will work with division directors and liaisons to investigate such allegations. This process permits investigations to be managed consistently and professionally.

5. Divisions, sections, and committees should not conduct their own independent investigations and may not retaliate against TFB members.

6. The bar has a duty to protect the confidentiality of complainants to the extent possible, while also protecting against the possibility that an accusation may be the result of a misunderstanding or an inaccuracy.
Personnel Policies

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<th>General</th>
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<td>Discrimination, Harassment, Retaliation &amp; Accommodation</td>
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Approved By: Joshua E. Doyle  
Title: Executive Director  
Revision No.: 2  
Revision Date: 07/17/2023

I. **Purpose:** The Florida Bar (TFB) is committed to maintaining a work environment that is free from discrimination, harassment and/or retaliation.

II. **Scope**
   A. All employees of TFB.
   B. All volunteers who are engaged in the decision-making or activities of TFB committees, divisions, or sections (or whose actions otherwise may be attributed to TFB).
   C. Vendors, contractors, or other persons who interact with TFB employees or volunteers in the TFB work environment.

III. **Maintenance:** This policy will be reviewed every 3 years or as deemed appropriate based on changes in any applicable laws or changes in the organization.

IV. **Definitions**
   A. **Discrimination**
      1. FS 760.10 protects against race, color, religion, sex, pregnancy, national origin, age, handicap or marital status.
      2. Federal law protects against religion, national origin, age, sex, sexual orientation and gender identity; pregnancy; familial status; disability status; veteran status; and genetic information.
   B. **Harassment:** Unwelcome behavior based on one of the protected categories mentioned above. Harassment can be verbal, written, or physical in nature. It can take the form of improper touching, explicit sexual propositions, “kidding” or “teasing,” offensive jokes, derogatory comments or language, offensive gestures, inappropriate pictures, or inappropriate emails or text messages. It can include conduct that takes place on social media. Harassment includes not only behavior that is based on sexual attraction or desire, but also behavior that is based on hostility toward the opposite sex, hostility toward a different religion, hostility toward a person's disability, or hostility toward a person based on any other characteristic of that person that is protected by law.

V. **Policy**

XII.2
A. Equal Employment Opportunity:
   1. TFB is an Equal Opportunity Employer. This means that no consideration of race, color, sex, pregnancy, religion, national origin, age, disability, sexual orientation, gender identity, veteran status, marital status, citizenship status, or any other protected characteristic will negatively influence any aspect of TFB’s relationship with employees. Instead, employment decisions will be based on experience, education, skills, personal qualifications, and individual capabilities as appropriate for the job in question.
   2. TFB encourages all qualified applicants and employees to seek jobs and promotional opportunities as they become available.

B. No Discrimination, No Harassment
   1. TFB is committed to maintaining a work environment that is free of harassment, discrimination, or inappropriate behavior.
   2. TFB will not tolerate discrimination against its employees or volunteers on the basis of their race, color, sex, pregnancy, age, religion, national origin, disability, marital status, veteran status, citizenship, sexual orientation, gender identity or any other characteristic protected by federal, state, or local law.
   3. TFB’s policy against discrimination applies to all aspects of the employment relationship, including recruiting, hiring, training, compensation, promotion, discipline and termination, and the relationship with volunteers. The policy likewise bars discrimination in working and volunteer conditions, which is also referred to as harassment.
   4. This policy is intended to prohibit not only harassment, but also behavior that is simply disrespectful or insensitive, even if that behavior is not directed at any individual in particular or is not intended to be harassing.
   5. No employee or volunteer is exempt from this policy. It applies to directors, department heads, managers, supervisors, and employees with equal force. This policy also applies to harassment or discrimination by vendors, contractors, or other persons coming into the workplace. TFB will take reasonable steps to protect employees and volunteers from harassment by these persons.
   6. This policy governs the conduct of employees and volunteers, regardless of where that conduct takes place. Thus, conduct during TFB-sponsored functions, during TFB-related trips, or during gatherings of TFB employees may also be covered by this policy. Conduct will be judged by its ultimate effect on working conditions, even if it occurred outside TFB premises.
C. Reporting/Enforcement

1. To anonymously report a violation of this policy, go to www.lighthouse-services.com/floridabar; call 833-770-0060; or send an email to reports@lighthouse-services.com (must include The Florida Bar name with report).

2. Employees
   a. Employees are not required to use the normal chain of command to report discrimination or harassment. Instead, any employee who believes they have experienced or witnessed harassment or discrimination must contact one of the following immediately:
      - Your immediate supervisor;
      - Department head;
      - Division director;
      - HR; or
      - General Counsel
   b. If your initial report does not result in a solution to the problem, contact HR immediately. A supervisor, department head, or division director who receives a complaint or who sees or knows of harassment or discrimination must take immediate action by notifying both their immediate supervisor and HR.
   c. TFB’s policy is to investigate and document all complaints thoroughly and promptly. Subject to the constraints imposed by the need to conduct an effective investigation, TFB will keep complaints and the terms of their resolution confidential.
   d. If TFB determines that this policy has been violated, it will take remedial action that is effective and appropriate to the circumstances. Violations of this policy will result in discipline up to and including termination of employment. The final decision as to the appropriate discipline is at TFB’s sole discretion.
   e. This policy is intended to stop unwelcome behavior before it reaches the level of unlawful discrimination or harassment. Under this policy, employees who engage in unwelcome behavior will be subject to discipline for inappropriate behavior or the use of poor judgment, even if their misconduct has not yet reached the level of substantiability necessary to violate applicable laws against harassment.
3. **Volunteers**

   a. Any volunteer who believes that they have experienced or witnessed harassment or discrimination must contact one of the following immediately:
      
      o TFB committee, division, or section liaison;
      o Division director; or
      o General Counsel

   b. Any investigation into alleged harassment of or discrimination against a volunteer will be led by the General Counsel working in concert with the Division Director. No committee, division, or section should undertake an investigation or response on its own. Instead, any leader who becomes aware of such concerns should report them using the reporting structure outlined above.

D. **No Retaliation**

1. TFB will not tolerate any form of retaliation against any employee or volunteer who makes a good faith complaint of discrimination or harassment, who refuses to participate in unlawful discrimination, or who refuses to submit to harassment. If you file ANY type of complaint with ANYONE in TFB, you will not be penalized or retaliated against for doing so. Such retaliation is grounds for disciplinary action, up to and including termination.

2. On the other hand, any employee who intentionally makes an unfounded complaint of discrimination or harassment for malicious reasons will be subject to discipline up to and including termination.

E. **Dating/Fraternization**

1. Dating or other voluntary romantic interaction between employees does not necessarily violate the harassment policy. However, any personal and/or romantic interactions between employees that may negatively affect your ability to do your job or our ability to manage TFB are considered inappropriate and may result in discipline.

2. Supervisors, department heads, division directors, and other members of management are not allowed to date any subordinate, including any employee over whom the individual has any direct or indirect supervisory authority. If you and another employee would like to have a social or romantic relationship that would otherwise violate this policy, it is your responsibility to notify your supervisor. You should come to us early on and be honest so that TFB can explore potential solutions. If TFB finds out about a relationship that violates our fraternization policy before you disclose it, the supervisory employee will face discipline up to and including termination.
F. Accommodation

1. Any qualified employee with a disability may request a reasonable accommodation that will enable him or her to perform the essential functions of his or her job, or that will enable him or her to enjoy the benefits of employment on an equal basis with fellow employees.

2. Accommodation may include making modifications in how a job is performed, changing an employee’s schedule, or providing additional leave to an employee beyond that mandated by TFB policy. It is the employee’s responsibility to request a reasonable accommodation when needed. The employee should do so by contacting his or her supervisor, explaining the need for accommodation, and making clear what accommodation is being requested.

3. TFB may ask the employee to provide a statement from a health-care provider explaining the need for the accommodation. The employee need not disclose confidential details of any health condition that underlies the request for accommodation that are not necessary to understand the need for accommodation.

4. If requested, the employee must either provide appropriate documentation from the health-care provider or permit the employer to contact the provider for clarification. TFB and the employee will then engage in an interactive process to determine what accommodation will be provided.

5. The selection of the appropriate accommodation remains TFB’s responsibility, and we may ask you to work under a different accommodation than the one you initially request if the different accommodation better balances your need for accommodation with the efficient operation of business. An employee’s failure to continue to engage in the interactive process will be understood as a withdrawal of the request for accommodation.

6. Supervisors should notify HR when an employee requests a reasonable accommodation so that HR can assist with determining the proper accommodation.

7. Accommodation may also include accommodation of an employee’s sincere religious beliefs. Religious accommodations will be provided so long as they do not impose more than a minimal impact on the TFB’s operations. Again, management should notify HR when a reasonable accommodation on religious grounds is requested.

8. If you believe you have been denied a reasonable accommodation by your supervisor, please report your concern to HR immediately. Requests for reasonable accommodation are protected by law. No TFB employee will be retaliated against for seeking a reasonable accommodation.

VI. Enforcement: All management.