

The Florida Bar Board of Governors
January 19, 2024
Tallahassee

1. Roll Call

F. Scott Westheimer, President
Roland Sanchez-Medina, Jr., President-elect
Jeremy C. Branning, 1st Circuit
David W. Grimes, 2nd Circuit
Melissa N. VanSickle, 2nd Circuit
Michael Fox Orr, 4th Circuit
W. Braxton Gillam, IV, 4th Circuit
Gordon J. Glover, 5th Circuit
Sandra Fascell Diamond, 6th Circuit
Philip J. Bonamo, 7th Circuit
Stephanie M. Marchman, 8th Circuit
Thomas P. Wert, 9th Circuit
Tad A. Yates, 9th Circuit
Diego "Woody" Rodriguez, 9th Circuit
Victor R. Smith, 10th Circuit
Karl N. Klein, 11th Circuit
Nikki L. Simon, 11th Circuit
Jordan A. Dresnick, 11th Circuit
Jorge L. Piedra, 11th Circuit
Jeffrey Rynor, 11th Circuit
Leslie B. Rothenberg, 11th Circuit
Alice Sum, 11th Circuit
Jesse R. Butler, 12th Circuit
John A. Schifino, 13th Circuit
Amy Stuart Fariior, 13th Circuit
J. Carter Andersen, 13th Circuit
Paige A. Greenlee, 13th Circuit
Clifford C. Higby, 14th Circuit
R. Sia Baker-Barnes, 15th Circuit
Manuel "Manny" Farach, 15th Circuit
Michael J. Gelfand, 15th Circuit
Wayne LaRue Smith, 16th Circuit
Jay Kim, 17th Circuit
Brian H. Koch, 17th Circuit
Lorna E. Brown-Burton, 17th Circuit
Hilary A. Creary, 17th Circuit
Adam G. Rabinowitz, 17th Circuit
James G. Vickaryous, 18th Circuit
Gregory S. Weiss, 19th Circuit
Laird A. Lile, 20th Circuit
E. Duffy Myrtetus, Out of State

Donald A. Workman, Out of State
Eric L. Meeks, Out of State
Brian D. Burgoon, Out of State
Anisha Patel, YLD President
Ashlea Edwards, YLD President-elect
Linda Goldstein, Public Member
Melanie Shore, Public Member

Members Absent

Kris B. Robinson, 3rd Circuit
Joshua T. Chilson, 6th Circuit
Sabrina Vora-Puglisi, 11th Circuit
Robin I. Bresky, 15th Circuit

2. Staff in Attendance

Joshua Doyle, Executive Director
Ali Sackett, Director, Executive Division
Elizabeth Clark Tarbert, Director, Lawyer Regulation Division
Gypsy Bailey, General Counsel & Director, Division of Ethics & Consumer Protection
Terry Hill, Director, Programs Division
Cynthia Jackson, CFO & Director, Administrative Division
Jonathan Grabb, Ethics Counsel
Patricia A. Savitz, Staff Counsel
Jennifer Krell Davis, Director, Communications Division
Rita Am, Assistant to the President
Alexandra Glorioso, Senior Editor, *Bar News*
Jim Ash, Senior Editor, *Bar News*

3. Invocation and Pledge of Allegiance

Board member David Grimes delivered the invocation and board member Melissa VanSickle led the Pledge of Allegiance.

4. Liaisons and Guests

President Scott Westheimer introduced the following guests:
Florida Supreme Court Chief Justice Carlos Muñoz
Florida Supreme Court Justice Charles T. Canady
Florida Supreme Court Justice Jorge Labarga
Florida Supreme Court Justice John D. Couriel
Florida Supreme Court Justice Jaime R. Grosshans
Florida Supreme Court Justice Renatha Francis
Florida Supreme Court Justice Meredith L. Sasso
Ruby Anita Seymour-Barr, Tallahassee Barristers Association
Danielle Marie Harris, Community Legal Services of Mid Florida
Jeffrey D. Harvey, Community Legal Services
Kyle Sill, Tallahassee Bar Association
Michael Larkin MacNamara, Florida Association of Criminal Defense Lawyers

Orlando Rolón, Citizens Advisory Committee
Tashara Cooper, Citizens Advisory Committee
Jeffrey Danziger, Citizens Advisory Committee
Candy Olson, Citizens Advisory Committee

5. Minutes Approval

The board approved the regular minutes from the December 1, 2023, meeting and the grievance minutes from the December 1, 2023, meeting. That approval included the following actions taken by the Executive Committee:

- At a December 19, 2023, meeting, the Executive Committee voted 10-0-0 to accept proposed amendments to Florida Rules of Civil Procedure 1.200 and 1.460.

6. Consent Calendar

After withdrawal of Item 21(b)(i), the board approved the consent agenda, which included the following items:

- An Elder Law Section request supporting and agreeing with comments submitted by Disability Rights Florida and The Arc of Florida regarding proposals to change an AHCA program name to “Unique Abilities Individual Budgeting Waiver” and the term “waitlist” to “pre-enrollment list”;
- UPL Circuit Committee Nominations: Committee 8, **David Bruce Etherington**, public member; Committee 13A, **Raheela Ahmed**, **Amanda S. Keller**, attorney members; Committee 13B, **Mary Joe Mega Smith**, attorney member; and
- Florida Registered Paralegal District Committee Nomination: **Valerie G. Franklin**, Tallahassee, FRP member.

7. Rules Committee Report

Chair Philip Bonamo presented.

Proposed amendments to Rule 1-3.6 (Delinquent Members) was removed from the agenda pending further review.

Items on Final Action: The board voted without objection to approve amendments to Rule 1-3.3 (Official Bar Name and Contact Information), Rule 11 -1.2 (Activities), Rule 11-1.3 (Requirements and Limitations), Standing Board Policy 1.41 (Delegates to American Bar Association House of Delegates).

Items on First Reading: Standing Board Policy 6.30 (Fees for CLE Courses).

8. President's Report

President Scott Westheimer, President-elect Roland Sanchez-Medina, and board member Sia Baker-Barnes met with Chief Justice Carlos Muñoz to discuss the elimination of the Diversity and Inclusion Committee. As an official arm of the Florida Supreme Court, The Florida Bar operates under the Court's exclusive authority, pursuant to Article V, Section 15 of the Florida Constitution, which includes oversight of the Bar's budget. The Court directed The Florida Bar to remove funding for diversity and inclusion from the upcoming budget, which included an allocation of funds for the Diversity and Inclusion Committee.

Based on the above and the instruction from the Court, the Bar will transition that committee and its funds to a Membership Outreach Committee to engage with and encourage all members to increase their Bar involvement. These changes will take effect with the next budget cycle, which begins July 1.

A motion was made to deny a request to ask the Supreme Court to suspend a rules petition regarding Rule 5-5.1. The board voted without objection to approve.

9. Budget Committee Report

Chair Michael Fox Orr presented.

The committee discussed a grant agreement with Florida Lawyers Assistance, Inc. during the annual budget workshop. Workshop participants are commended for their service.

10. Legislation Committee Report

Chair Sia Baker-Barnes presented.

After discussion, the committee voted to remove Items 6(c)(i)1), 6 (c)(i)2), and 6(c)(i)3), legislative requests from the Elder Law Section, Family Law Section, and Health Law Section, respectively, from the consent agenda. The committee voted to prepare a comment and white paper regarding SB 1336/HB 1253.

Items on Final Action: The Legislation Committee moved to prohibit the Real Property, Probate & Trust Law Section, and the Elder Law Section from commenting on the Florida Supreme Court's removal of a bias elimination subcomponent of mandatory CLE. After discussion, the board voted with objection to approve the motion.

The Legislation Committee moved to prohibit the Criminal Law Section from publishing a resolution regarding the suspension of Article V elected officials. After discussion, the board voted with objection to approve the motion.

Legislative advocate Jim Daughton reported that the IOTA legislation will be heard next week in the Banking and Insurance Committee. The Florida Bar annual legislative reception was well attended.

11. Board Review Committee on Professional Ethics

Chair Brian Burgoon presented.

Items on Final Action: Review of Proposed Advisory Opinion 24-1, which addresses the ethical implications of lawyers' use of generative artificial intelligence in the practice of law. After consideration of comments received, the committee recommended approval and publication subject to non-substantive changes. The board voted without objection to approve.

12. Special Committee on AI Tools and Resources Report

Co-Chair Gordon Glover presented.

Co-Chair Gordon Glover moved that the committee ask the Florida Courts Technology Commission to post a warning on the E-Filing Portal regarding the potential for errors in court documents prepared with the help of generative artificial intelligence. The board voted without objection to approve.

13. Juvenile Court Rules Committee Report

Vice Chair Sarah Rumph presented.

Items on Final Action: The board voted 45 to recommend acceptance, 0 to recommend rejection, and 0 to recommend amendment regarding proposed amendments to Rule 8.265 (Motion for Rehearing) as requested by the Supreme Court.

14. Program Evaluation Committee Report

Chair Melissa VanSickle presented.

Items on Final Action: The board voted without objection to approve amendments to Rule 6-3.5 (Standards for Certification).

The board voted without objection to approve amendments to Rule 6-3.6 (Recertification).

Items on First Reading: Proposed amendments to Rule 6-10.3 (Minimum Continuing Legal Education Standards), and Rule 6-15.4 (Recertification).

PEC subcommittees recently completed evaluations of the Code and Rules of Evidence Committee and the Workers Compensation Rule Advisory Committee.

15. Special Appointments

President Scott Westheimer presented.

- Eleventh Circuit Judicial Conference, (one attorney from the middle district to serve a four-year term commencing immediately.) The board voted to nominate **Laura J. Boeckman** of Jacksonville.
- Florida Judicial Qualifications Commission, (one attorney to serve the remainder of a six-year term commencing immediately and expiring December 31, 2026.) The board voted to nominate **Dori Foster-Morales** of Miami.
- Florida Realtor-Attorney Joint Committee, (seven attorneys, one from each state appellate district and an at-large member to serve two-year terms commencing immediately.) The board voted to nominate **Lori E. Ward**, Destin, First DCA; **Julie A. Horstkamp**, Venice, Second DCA; **Gregory S. Oropeza**, Key West, Third DCA; **Kara L. Stachel**, Coral Springs, Fourth DCA; **Terrence L. Harvey**, Jacksonville, Fifth DCA; **Erin M. Miller**, Naples, Sixth DCA; and **Samuel J. Saad III**, Naples, at-large.
- Florida Rural Legal Services, Inc., Board of Directors, (one attorney to serve a three-year term commencing immediately.) The board voted to nominate **Anthony Ryan** of West Palm Beach.
- Funding Florida Legal Aid, (formerly known as The Florida Bar Foundation Board of Directors, two attorneys to serve three-year terms, commencing July 1, 2024.) The board voted to nominate **Ian M. Comisky**, Philadelphia, and **Magdalena A. Ozarowski**, Tallahassee.

16. Investment Committee Report

Chair Jeffrey Rynor presented.

The Long-Term Fund contains \$69.05 million, and the Short-Term Fund contains \$23.5 million. Florida Bar investments are performing well.

17. Young Lawyers Division President's Report

President Anisha Patel presented.

All 13 required basic skills courses have been recorded, and nearly all have been posted or are in final editing. A daylong, mandatory "Practicing with Professionalism" CLE was recorded with the help of Chief Justice Carlos Muñiz, President Scott Westheimer, President-elect Roland Sanchez-Medina, and board member Greg Weiss. Vetting continues of the more than 100 nominees for the "YLD's 36 Under 36 Professionalism Award." By the end of June, YLD representatives will have met with 800 law students on their respective campuses. President Scott Westheimer reported that justices are pleased with the Practicing with Professionalism CLE.

18. Traffic Court Rules Committee Report

Liaison Hilary Creary presented.

Items on Final Action: The board voted 42 to recommend acceptance, 1 to recommend rejection, and 0 to recommend amendment to proposed amendments to Rule 6.630 (Civil Traffic Infraction Hearing Officer Program; Traffic Hearing Officers), based upon a Supreme Court referral.

19. Small Claims Rules Committee Report

Liaison Eric Meeks presented.

Items on Final Action: Proposed new Return of Residential Tenants Security Deposit Form. President Scott Westheimer moved that the item be tabled pending further review. After discussion, the board voted with objection to table the item.

20. Audit Committee Report

Chair Nikki Lewis Simon presented.

Item on Final Action: The board voted without objection to accept the TFB Consolidated FY 2022-23 Audit report.

21. Communications Committee Report

Chair Jay Kim presented.

Four subcommittees have been formed to educate the public on The Florida Bar discipline system, enhance recruiting for grievance committees, review the role of board liaisons, and update the voter guide to merit retention.

22. Appellate Court Rules Committee Report

Chair Elaine D. Walter presented.

Items on Final Action: Proposed amendments to Rule 9.300 (Motions), 9.700 (Mediation Rules), 9.710 (Eligibility for Mediation), 9.720 (Mediation Procedures), 9.730 (Appointment and Compensation of the Mediator), and 9.740 (Completion of Mediation). The board voted 44-0-0 to recommend acceptance.

Proposed Amendments to Rule 9.110 (Appeal Proceedings to Review Final Orders of Lower Tribunals and Orders Granting New Trial in Jury and Nonjury Cases), Rule 9.140 (Appeal Proceedings in Criminal Cases), Rule 9.130 (Proceedings to Review Nonfinal Orders and Specified Final Orders), and Rule 9.800 (Uniform Citation System). The board voted 44-0-0 to recommend acceptance.

23. President Scott Westheimer, Point of Personal Privilege

President Scott Westheimer introduced Leadership Academy Committee Co-Chairs Lisa Capote and Komal Saba Mirza. The Leadership Academy graduated more than 300 bar leaders in 11 years, including three 2024 Pro Bono Award recipients.

24. Executive Director's Report

Programs Division Director Terry Hill introduced **Rob Saravia**, Marketing Manager, and **Diana Kellogg**, Assistant Director. Communications Division Director Jennifer Krell Davis introduced **Jamie Gillhespy**, Senior Communications Coordinator, and **Alexandra Gloriosa**, Bar News Senior Editor. Lawyer Regulation Division Director Elizabeth Tarbert introduced **Lauren Williams**, Bar Counsel, and **Kelly Smith**, Rules Program Senior Attorney. General Counsel & Division of Ethics and Consumer Protection Director Gypsy Bailey introduced **Celia Connell**, Records Manager and Clients' Security Fund Administrator, and **Jeffrey Picker**, Director, Unlicensed Practice of Law. CFO & Administrative Division Director Cynthia Jackson introduced **Zory Batchelor**, Membership Records Manager, and **Anna Marcus**, Accounting Manager.

25. Remarks, Florida Supreme Court Chief Justice Carlos Muñiz

The Supreme Court appreciates the Board of Governors and its service to the branch. The court requested pay raises to bring trial judges and district court of appeal judges more in line with other states. The justices appreciate The Florida Bar's efforts to enhance lawyer regulation, including the NOTA trust accounting solution. The Chief Justice explained the reasons why the Court directed The Florida Bar to eliminate the diversity committee and funding for its diversity programs and reiterated that the Supreme Court is committed to equal justice under the law.

26. Time and Place of Next Meeting

There being no further business before the board, President Scott Westheimer adjourned the meeting at 11:57 a.m. The next board meeting will be held March 15 at the Mayfair House Hotel & Garden in Coconut Grove.

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