

The Florida Bar Board of Governors
March 15, 2024
Coconut Grove

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
Kris B. Robinson, 3rd 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
Diego "Woody" Rodriguez, 9th Circuit
Tad A. Yates, 9th Circuit
Victor R. Smith, 10th Circuit
Karl N. Klein, 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
Sabrina Vora-Puglisi, 11th Circuit
Jesse R. Butler, 12th Circuit
Amy Stuart Farrior, 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
Robin I. Bresky, 15th Circuit
Michael J. Gelfand, 15th Circuit
Wayne LaRue Smith, 16th Circuit
Brian H. Koch, 17th Circuit
Lorna E. Brown-Burton, 17th Circuit
Hilary A. Creary, 17th 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
Melanie Shore, Public Member
Linda Goldstein, Public Member

Members Absent

Joshua T. Chilson, 6th Circuit
Nikki L. Simon, 11th Circuit
John A. Schifino, 13th Circuit
Jay Kim, 17th Circuit
Adam G. Rabinowitz, 17th Circuit
James G. Vickaryous, 18th Circuit

2. Staff in Attendance

Joshua Doyle, Executive Director
Allison Carden 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
Jennifer Falcone, Chief Branch Discipline Counsel, Miami Branch
William Chung, Senior Attorney, Lawyer Regulation, Miami Branch
Sharla Manglitz, Senior Attorney, Lawyer Regulation, Miami Branch
Rita Am, Assistant to the President

3. Invocation and Pledge of Allegiance

Board member George Piedra delivered the invocation and board member Alice Sum led the Pledge of Allegiance.

4. Remarks, The Honorable Thomas Logue, Chief Judge, Third District Court of Appeal

The Board of Governors offers a vital example of leadership in uncertain times.

5. Liaisons and Guests

President Scott Westheimer introduced the following guests:
Judge Jason Dimitris, St. Thomas Law School Peter Fay Inn of Court
Suzette Russomanno, Miami Dade Bar Association
Vanessa Alexandra Vasquez de Lara, Coral Gables Bar Association
Carol "Jodie" Breece, Miami Beach Bar Association
Paula Arias, Colombian American Bar Association
Javier Ley Soto, Cuban American Bar Association
Jeff Harvey, Community Legal Services

6. Minutes Approval

The board approved the regular minutes from the January 19, 2024, meeting. That approval included the following actions taken by the Executive Committee:

- At a January 24, 2024, meeting, the Executive Committee voted 12-0 to take no action on a Family Law Section proposed legislative position that supports legislation that makes it easier for stalking, domestic violence, repeat violence, dating violence, and sexual violence petitioners to complete paperwork to file for an injunction for protection and to prove the existence of a final judgment of injunction for protection.
- At a January 30, 2024, meeting, the Executive Committee voted 11-0 to take no action on Family Law Section proposed legislative positions that (1) opposes any legislation that would place an irrebuttable cap on fees charged by a professional providing services under the Florida Adoption Act, (2) opposes any legislation that limits a party's ability to pay reasonable court costs and litigation costs, (3) opposes any legislation that limits a birth or adoptive parent from retaining competent counsel to prosecute their constitutional or legal rights, (4) opposes any legislation that limits any party's ability to retain competent counsel to represent their legal interests, (5) opposes any legislation that limits a legal parent's access to court, and (6) supports legislation that attempts to exclude and protect the personal information of judicial clerks, court clerks, other judicial court clerk support personnel, and judicial and quasi-judicial officers from public exposure.
- At a March 4, 2024, meeting, the Executive Committee voted 12-0 to take no action on an Elder Law Section proposal to send Gov. Ron DeSantis a letter supporting SB 556 "Protection of Specified Adults."

7. Consent Calendar

The board approved the consent agenda, which included the following items:

- A Real Property, Probate & Trust Law Section proposed legislative position to provide objective comments, information, and constructive feedback to a proposed rule issued by the Financial Crimes Enforcement Network of the Department of the Treasury that will require the reporting of all non-financed residential real property transfers. The purpose of our comments will be to make FinCEN aware of possible technical impacts of the proposed rule and make compliance with the proposed rule more commercially feasible and less burdensome for those persons required to report, but still provide FinCEN with the information needed to combat money laundering through residential real estate transfers.
- UPL Circuit Committee Nominations: Committee 17C, **Patricia J. Creech**, public member; Committee 20, **Lisa Ann Difilippo**, attorney member.
- Florida Registered Paralegal District Committee Nominations: **Yurie Shimabukuro**, FRP member, Miami, for a term that expires in 2027.
- Expansion of the Retirement Committee to include an additional permanent position of trustee held by the TFB Chief Financial Officer.

8. Non-Roll Call Agenda Items

Item 6 (a)

9. President's Report

SB 1336/HB 1253 "Interest on Trust Accounts," failed to advance in the 2024 legislative session. The Florida Bar and the Florida Bankers Association continue to negotiate regarding an IOTA rules petition. A status report is due April 1 to the Supreme Court.

10. Disciplinary Procedure Committee Report

Chair Tad Yates presented.

Items on Final Action: Proposed amendments to Standing Board Policy 15.91 (Communications Policy for Complaints). The board voted without objection to approve. Items on First Reading: Proposed amendments to Rule 3-7.7 (Procedures Before the Supreme Court of Florida), Rule 3-7.18 (Disposition of Inquiries or Complaints to the Bar by Members of the Judiciary), Rule 7-2.4 (Prerequisites to Payment), Standing Board Policy 15.56 (Case Processing Goals), and Professionalism Code 1.2 (Referrals to The Florida Bar).

11. Juvenile Court Rules Committee Report

Committee member, the Hon. Angelica Zayas, presented.

Items on Final Action: Proposed amendments to Rule 8.240 (Computation, Continuance, Extension, and Enlargement of Time). The board voted 45 to accept, 0 to reject, and 0 to amend. Proposed amendments to Rule 8.315 (Arraignments and Prehearing Pretrial Status Conferences) and Rule 8.510 (Advisory Hearing and Pretrial Status Conference). The board voted 45 to accept, 0 to reject, and 0 to amend.

12. Board Review Committee on Professional Ethics Report

Chair Brian Burgoon presented.

Items on Final Action: Consideration of Advertisement File 24-01358. The committee moved to determine that a depiction of a woman pressing a button to make bills shrink and disappear cannot reasonably be interpreted as a prediction or guarantee of success or specific results as prohibited by Rule 4-7.13(b)((1). The motion failed on a vote of 20-24. A motion was then made and seconded to determine that the depiction cannot reasonably be interpreted as a prediction or guarantee of success or specific results prohibited by Rule 4-7.13(b)(1), but that the statement "...we aim to get you a financial recovery that will cover all your bills after an accident" is misleading pursuant to Rule 4-7.13(a) without a clear and conspicuous disclaimer that a recovery is limited to only those compensable bills related to the underlying accident.

Additionally, the chair reported that amendments to Rule 4-7.19(h) are on the Board's agenda for first reading and that the committee voted to remove proposed amendments to Rule 43-8.6(c) from first reading for further consideration of comments received regarding the proposed amendments.

13. Legislation Committee Report

Chair Rosalyn “Sia” Baker-Barnes presented.

Items on Final Action: Proposed amendments to Standing Board Policy 9.51 (Procedure for Retaining Voluntary Florida Bar Group Legislative Political Advisors), was removed pending further review.

Outside consultant Jim Daughton reported that the 60-day session concluded March 8. Lawmakers agreed to increase court reporting resources, due process resources, and case management resources, and to raise judicial salaries.

14. Budget Committee Report

Items on Final Action: Proposed amendments to Standing Board Policy 3.12 (Finances). The board voted without objection to approve.

Chair-elect Jeffrey Rynor presented six proposed FY 2024-25 budgets for consideration. The TFB General Operating Budget projects \$43.1 million in revenues, \$48.4 million in expenses, and an operating loss of \$5.3 million, and calls for no member fee increases. The board voted to grant initial approval for all six budgets and to publish for member objection.

15. Investment Committee Report

Chair Jeffrey Rynor presented.

The Long-Term Fund contains \$68.5 million. The Short-Term Fund contains \$19.4 million. The Florida Bar finances are sound.

16. President-Elect’s Report

President-elect Roland Sanchez-Medina, Jr., urged board members to note a revised Board of Governor’s meeting schedule. Meetings will be conducted in Miami, Tampa, St. Augustine, Key West, and New Orleans. Appointments will be finalized in the next 30 days.

17. Program Evaluation Committee Report

Chair Melissa Van Sickle presented.

Items on Final Action: Proposed amendments to Rule 6-10.3 (Continuing Legal Education Standards), and Rule 6-15.4 (Recertification). The board voted without objection to approve.

Items on First Reading: Proposed amendments to Standing Board Policy 1.60 (Board Action on Proposed Rule or Policy Amendment,) BLSE Policy 5.09 (CLER Components Guidelines), and Standing Board Policy 5.10 (Individual Credit Approval Guidelines).

PEC subcommittees completed evaluations of the Bar News and the Judicial Nominating Procedures Committee. Reviews of the Legal Needs of Children Committee, board certification area examination pass rates, and the formula for Board of Governors apportionment are ongoing.

18. Rules Committee Report

Chair Philip Bonamo presented.

Items on Final Action: Proposed amendments to Standing Board Policy 1.30 (Meetings of Executive Committee), were removed pending further review.

Items on First Reading: Proposed amendments to Rule 1-3.11 (Appearance by a Non-Florida Lawyer in an Arbitration Proceeding in Florida), Rule 1-3.6 (Delinquent Members), Rule 1-7.3 (Membership Fees), Bylaw 2-8.1 (Establishment and Appointment of Committees), Rule 4-8.6 (Authorized Business Entities), and Rule 4-7.20 (Exemptions from the Filing and Review Requirement).

Proposed amendments to Bylaw 2-8.1 (Establishment and Appointment of Committees), and Rule 1-3.10 (Appearance by Non-Florida Lawyer in a Florida Court) were removed pending further review.

19. Certification Plan Appeals Committee Report

Chair Laird Lile presented.

The BLSE recently granted an applicant an extension to submit an appeal.

20. Executive Session

The board went into executive session to consider confidential matters.

21. Young Lawyers Division President's Report

All mandatory courses that were due to expire this year have been recorded.

A new Practicing with Professionalism CLE is being developed. A second virtual summit is planned for April 5. The YLD will collaborate with the Louisiana YLD to present a legal writing program in May. The "36 Under 36 Professionalism Awards" generated more than 200 nominations. Board members Gordon Glover and Michael Fox Orr presented a professionalism CLE. The YLD has raised more than \$54,000 to support programming this year.

22. Special Appointments

President Scott Westheimer and President-elect Designate Rosalyn "Sia" Baker-Barnes presented.

- Judicial Ethics Advisory Committee – One attorney to serve a four-year term commencing July 1, 2024. The board nominated **Miriam S. Ramos**, Miami.
- Florida Bar Board of Governors Public Member – One member of the public to serve a two-year term commencing June 21, 2024. The board voted to forward **Connie Bookman**, Pensacola Beach; **Karen Cespedes**; Hollywood; and **Orlando Rolón**, DeLand, to the Supreme Court for final consideration.

23. Rules of General Practice and Judicial Administration Committee Report

Liaison Rosalyn "Sia" Baker-Barnes presented.

Items on Final Action: Proposed amendments to Rule 2.265 (Municipal Ordinance Violations), Rule 2.430 (Retention of Court Records), and Rule 2.505 (Attorneys). The board voted 41 to accept, 0 to reject and 0 to amend.

24. Criminal Procedure Rules Committee Report

Liaison Tad Yates presented.

Items on Final Action: Proposed amendments to Rule 3.116 (Use of Communications Technology). The board voted 41 to accept, 0 to reject and 0 to amend.

25. Small Claims Rules Committee Report

Liaison Eric Meeks presented.

Items on Final Action: Proposed amendments to Rule 7.010 (Title and Scope). The board voted 41 to accept, 0 to reject, and 0 to amend.

26. Technology Committee Report

Co-Chair Alice Sum presented.

Following a review by two subcommittees, tech resources were placed on the Legal Fuel website. The committee is coordinating with the Special Committee on AI Tools & Resources. The President's Showcase Subcommittee has won approval for a presentation at the Annual Convention.

27. Special Committee on AI Tools & Resources and AI Utilization Report

Co-Chairs Duffy Myrtetus and Gordon Glover, and Miami-Dade Public Defender Carlos Martinez presented.

The Miami-Dade Public Defender's Office is developing a generative AI application to assist with managing first appearances. All AI data used by the office is encrypted to enhance security. It is too early to quantify the AI tool's impact on efficiency. The tool saves time by creating first drafts.

28. Appellate Court Rules Committee Report

Chair Elaine Walter presented.

Items on Final Action: Proposed amendments to Rule 9.200(f) (Correcting and Supplementing Record), as directed by the Supreme Court. The board voted 41 to accept, 0 to reject, and 0 to amend.

29. Time and Place of Next Meeting

There being no further business before the board, President Scott Westheimer adjourned the meeting. The next board meeting will be held May 10 at the Opal Key Resort and Marina in Key West.

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