

The Florida Bar Board of Governors  
May 10, 2024  
Key West

**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  
Joshua T. Chilson, 6th Circuit  
Sandra Fascell Diamond, 6th Circuit  
Philip J. Bonamo, 7th Circuit  
Stephanie M. Marchman, 8th Circuit  
Thomas P. Wert, 9th Circuit  
Tad A. Yates, 9th 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  
Alice Sum, 11th Circuit  
Sabrina Vora-Puglisi, 11th Circuit  
John A. Schifino, 13th Circuit  
Amy Stuart Farrior, 13th Circuit  
J. Carter Andersen, 13th Circuit  
Paige A. Greenlee, 13th 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  
Jay Kim, 17th Circuit

Lorna E. Brown-Burton, 17th Circuit  
Hilary A. Creary, 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  
Melanie Shore, Public Member  
Linda Goldstein, Public Member

**Members Absent**

Diego “Woody” Rodriguez, 9th Circuit  
Victor R. Smith, 10th Circuit  
Leslie B. Rothenberg, 11th Circuit  
Jesse R. Butler, 12th Circuit  
Clifford C. Higby, 14th Circuit  
Brian H. Koch, 17th Circuit  
Adam G. Rabinowitz, 17th 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  
Tracie Harley, Controller  
Patricia A. Savitz, Staff Counsel  
Jennifer Krell Davis, Director, Communications Division  
Rita Am, Assistant to the President  
Jim Ash, Senior Editor, Florida Bar News

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

Board member Wayne Smith delivered the invocation and board member Melanie Shore led the Pledge of Allegiance.

### **4. Liaisons and Guests**

President Scott Westheimer introduced the following guests and liaisons:

Ashley Nona Sybesma, FFLA

Richard Jackson McChesney, 16<sup>th</sup> Judicial Circuit

Robert John Becerra, Council of Sections

Javier Alejandro Ley-Soto, Cuban American Bar Association

Charise A. Morgan, Miami Dade Bar

Marie Mato, Miami-Dade State Attorney's Office

### **5. Minutes Approval**

The board approved the regular minutes from the March 15, 2024, meeting. That approval included actions taken by the Executive Committee in executive sessions at meetings held on May 12, 2023, and July 28, 2023.

### **6. Consent Calendar**

With FY 2024-27 Strategic Plan for The Florida Bar, and The Florida Bar FY 2024-25 Priorities removed pending further review, the board approved the consent agenda, which included the following items:

- Proposed amendments to Standing Board Policy 9.50 (Technical Assistance and Legislative and Political Activities of Voluntary Florida Bar Groups).
- Florida Registered Paralegal District Committee Nominations: **Christian Nunez Katchuk**, attorney member, Tampa.
- UPL Circuit Committee Nominations: Committee 4, **Taylor M. McQuaide**, attorney member. Committee 10, **David J. Brunell**, attorney member. Committee 18A, **Paige Mulac**, and **Marlene Pujols**, public members. Committee 19, **Travis R. Walker**, attorney member, and **Charles Grigley**, public member. Committee 11A, **Anthony Ray Espino Reynolds**, attorney member, and **Lourdes Arruza**, public member. Committee 11B, **Stanley Foodman**, and **Antony Page**, public members.
- UPL Standing Committee Nominations: **Carrie Macsuga**, public member, and **Pamela D. Cichon**, **Jonathan H. Parker**, **LaTonya Lipscomb Smith**, and **Morrie Irwin Levine**, attorney members.

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

None

## **8. Budget Committee Report**

Chair Michael Orr and Chair-elect Jeffrey Rynor presented.

Items on Final Action: The board voted without objection to approve the 2 objections by the executive director to correct errors of \$108,000, and \$2,106. The board voted without objection to take no action on a member budget objection.

The board voted without objection to approve the proposed FY 2024-25 TFB General Operating Budget, Certification Fund, Client Security Fund, Litigation Fund, Fixed Asset Fund, and all Section Fund budgets.

## **9. Investment Committee Report**

Chair Jeffrey Rynor presented.

The Long-Term Fund contains \$69.53 million, and the Short-Term Fund contains \$13.83 million. The Florida Bar continues to maintain a neutral position that is well within policy limits and continues to measure manager performance against standard industry benchmarks.

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

Chair Brian Burgoon presented.

Items on Final Action: The board voted without objection to approve proposed amendments to Rule 4-7.19 (Evaluation of Advertisements).

Items on First Reading: Proposed amendments to Rule 4-8.6 (Authorized Business Entities).

## **11. Audit Committee Report**

Chair Nikki Simon presented.

The retiree health plan audit has been completed and a draft report accepted. The Florida Bar received a clean opinion with no findings. Planning for the FY 2023-24 consolidated financial statement audit is underway.

## **12. Legislation Committee Report**

Chair Rosalyn “Sia” Baker-Barnes presented.

Chair Baker-Barnes noted that proposed amendments to Standing Board Policy 9.50 (Technical Assistance) were approved on the Consent Agenda.

Items on Final Action: The board voted without objection to waive arbitration and refund \$4.12 in member fees to each of 2 member objectors on Florida Bar legislative positions.

The board voted without objection to approve proposed amendments to Standing Board Policy 9.51 (Procedure for Retaining Voluntary Florida Bar Group Legislative or Political Advisors).

Outside consultant Jim Daughton reported that Gov. Ron DeSantis has yet to exercise his line-item veto authority. House Speaker-elect Daniel Perez of Miami and Senate President-elect Ben Albritton of Bartow will be the presiding officers if both are reelected. Senate Democratic Leader-elect Jason Pizzo of Miami and House Democratic Leader Fentrice Driskell of Tampa will be the minority leaders of their respective chambers if reelected.

## **13. Executive Director’s Report**

Tornados and severe weather forced the temporary closure of Florida Bar headquarters in Tallahassee.

- Between July 1, 2023, and April 30, 2024, the Lawyer Regulation Division fielded more than 11,000 requests, resulting in the opening of 2,600 case files and 230 cases. In the past fiscal year, the Supreme Court issued 149 disciplinary orders, including 6 disbarments, 23 disciplinary revocations, 72 suspensions, 18 public reprimands, and 19 admonishments. The Florida Bar litigated 25 trials or final hearings, 16 appeals, 2 oral arguments, 103 diversions, 191 fee arbitrations and 47 grievance mediations.
- The Florida Bar filed 43 rules packets that implicated 187 rules.
- The Florida Bar website received nearly 26 million views from 6.7 million unique users. The Florida Bar’s social media platforms registered 8 million impressions.
- There are more than 50,000 section members, up slightly from the previous year.
- More than 320 events are scheduled for the Annual Convention. Legal Specialization and Education fielded more than 13,000 phone calls and posted more than 40,000 CLE credits, totaling 320,000 hours. There are

4,800 board certified lawyers in Florida with more than 5,100 certifications. Florida Bar members viewed more than 32,000 hours of CLE on the LegalFuel website. Free Legal Answers volunteers answered 4,400 questions.

- Membership records answered 20,000 phone calls and 16,000 emails. The Florida Bar processed \$27 million in receipts from 60,000 unique customers.
- The mandatory Professionalism CLE launch was well received.
- The Client Security Fund paid 199 claims totaling nearly \$1 million.
- Ethics and Advertising received 20,000 calls in the fiscal year and reviewed 2,357 ads in March alone.
- The Program Evaluation Committee met 33 times. In addition to the annual member survey, the Bar conducted 156 opinion surveys.
- Rita Am, assistant to the president, is coordinating her final board meeting.

#### **14. Executive Session**

The board went into executive session to consider confidential matters.

#### **15. Executive Committee Nominations**

President Scott Westheimer asked for Executive Committee nominations. Board member Amy Farris nominated board member Hilary Creary. Board member Alice Sum nominated board member Tad Yates. Board member Gordon Glover nominated board member Duffy Myrtetus. Board member Jeremy Branning nominated Board member Philip Bonamo. The board voted without objection to approve Philip Bonamo, Hilary Creary, and Tad Yates.

#### **16. Program Evaluation Committee Report**

Chair Melissa VanSickle presented.

Items on Final Action: The board voted without objection to approve proposed amendments to Standing Board Policy 1.60 (Board Action on Proposed Rule or Policy Amendments).

The board voted without objection to approve proposed amendments to Board of Legal Specialization Policy 5.09 (Components Approval Guidelines).

The board voted without objection to approve proposed Amendments to Board of Legal Specialization Policy 5.10 (Individual Credit Approval Guidelines).

The board voted without objection to approve proposed amendments to Labor and Employment Law Section bylaws.

Items on First Reading: Proposed amendments to Bar Rule 6-3.5 (Standards for Certification), and Rule 6-3.6 (Recertification).

Chair Melissa VanSickle presented the following proposals and subcommittee recommendations:

- The board voted without objection to approve the recommendations on the evaluation of Legal Needs of Children Committee.
- After discussion, the board voted with objection to approve the recommendations on the evaluation of the Judicial Nominating Procedures Committee.
- After discussion, the board voted without objection to approve the recommendations on the evaluation of the Board Certification Area Examinations and Pass Rates.
- After discussion, the board voted, with objection, to approve the recommendations on the evaluation of The Florida Bar *News*.
- The board voted without objection to approve an Orange County Bar Association proposal to assume The Florida Bar Lawyer Referral Service responsibility in Brevard County, beginning January 1, 2025.
- After discussion, and with board members Michael Gelfand, Wayne Smith and Linda Goldstein abstaining, the board voted without objection to approve a proposal to change the name and mission of the Diversity and Inclusion Committee to the Member Outreach Committee, which includes the development and implementation of communication strategies to help increase overall participation in Bar programs, services, and activities.

### **17. Disciplinary Procedure Committee Report**

Chair Tad Yates presented.

Items on Final Action: The board voted without objection to approve proposed amendments to Rule 3-7.7 (Procedure Before the Supreme Court of Florida), Rule 3-7.18 (Disposition of Inquiries or Complaints Referred 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).

Items on First Reading: Proposed amendments to Rule 3-5.2 (Emergency Suspension; Interim Probation; Interim Placement on the Inactive List for

Incapacity not Related to Misconduct; and Freezing Trust Accounts), Rule 3-5.4 (Publication of Discipline), Rule 14-4.1 (Arbitration Proceedings), Rule 20-5.1 (Generally), Standing Board Policy 15.90 (Review and Approval of Disciplinary Cost, Diversion Fee, Restitution, and Fee Arbitration Award Payment Plans), and Rule 7-2.4 (Prerequisites to Payment).

### **18. Rules Committee Report**

Chair Philip Bonamo presented.

Items on Final Action: The board voted without objection to approve proposed amendments to Rule 1-3.6 (Delinquent Members), Rule 1-3.10 (Appearance by Non-Florida Lawyer in a Florida Court), Rule 1-3.11 (Appearance by Non-Florida Lawyer in an Arbitration Proceeding in Florida), Rule 1-7.3 (Membership Fees), Rule 4-8.6 (Authorized Business Entities), and Rule 4-7.20 (Exemptions from the Filing and Review Requirement).

### **19. Appellate Court Rules Committee Report**

Board member Michael Orr presented.

Items on Final Action: The board voted 30-0-0 to recommend acceptance of proposed amendments to Rule 9.142 (Procedure for Review in Death Penalty Cases).

The board voted 31-0-0 to recommend acceptance of proposed amendments to Rule 9.210 (Briefs).

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

Board member Michael Orr presented.

Items on Final Action: The board voted 31-0-0 to recommend acceptance of proposed amendments to Rule 1.070 (Process), Rule 1.410 (Subpoena), and Rule 1.550 (Executions and Final Process), and Rule 1.560 (Discovery in Aid of Execution).

The board voted 31-0-0 to recommend acceptance of proposed amendments to Rule 1.350 (Production of Documents and Things and Entry Upon Land for Inspection and Other Purposes), and Rule 1.370 (Requests for Admission).

The board voted 30-0-0 to recommend acceptance to proposed amendments to Rule 1.730 (Completion of Mediation).



## **21. Probate Court Rules Committee Report**

Board member Laird Lile presented.

Items on Final Action: The board voted 29-0-0 to recommend acceptance of proposed amendments to Rule 5.040 (Notice).

The board voted 30-0-0 to recommend acceptance of proposed amendments to Rule 5.499 (Form and Manner of Objecting to Personal Representative's Proof of Claim).

The board voted 31-0-0 to recommend acceptance of proposed amendments to 5.904 (Forms for Initial and Final Guardianship Plans).

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

Liaison Rosalyn "Sia" Baker-Barnes presented.

Items on Final Action: The board voted 31-0-0 to recommend acceptance of proposed amendments to Rule 2.540 (Request for Accommodations by Persons with Disabilities).

## **23. Traffic Court Rules Committee Report**

Committee member Hilary Creary presented.

Items on Final Action: The board voted 26-0-0 to recommend acceptance of proposed amendments to Rule 6.445 (Discovery; Infractions Only), Subdivision (a) (Listing Speed Measuring Device on Citation).

The board voted 11 to recommend acceptance, 17 to recommend rejection, and 0 to recommend amendment to proposed amendments to Subdivision (a)(3) (Engraving stopwatch) because the amendments were substantive rather than procedural.

## **24. Special Appointments**

President Scott Westheimer presented.

- Judicial Nominating Commissions: After board member Tom Wert excused himself, and with board members Manuel Farach, Stephanie Marchman, and Anisha Patel abstaining, the board voted without objection to approve the recommended slates of nominees to the: Supreme Court JNC, the First DCA, Second DCA, Third DCA, Fourth DCA, Fifth DCA, and Sixth DCA JNCs, the First Circuit, Second Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Sixth Circuit, Seventh Circuit, Eighth Circuit, Ninth Circuit, Tenth Circuit, Eleventh Circuit, Twelfth Circuit, Thirteenth Circuit, Fifteenth Circuit,

Sixteenth Circuit, Seventeenth Circuit, Eighteenth Circuit, and Twentieth Circuit JNCs. That approval included to continue advertising vacancies for the Sixth DCA, First Circuit, Second Circuit, Third Circuit, Fifth Circuit, Eighth Circuit, Ninth Circuit, Tenth Circuit, Fourteenth Circuit, Fifteenth Circuit, Sixteenth Circuit, Nineteenth Circuit, and Twentieth Circuit JNCs.

- Florida Board of Bar Examiners: (Nine attorneys to fill three vacancies to serve five-year terms commencing November 1, 2024.) The board voted without objection to approve **Anthony Dax Bello**, Miami; **D. Michael Chesser**, Shalimar; **Stuart A. Davidson**, Boca Raton; **Rebecca F. Emmons**, Vero Beach; **Nathan W. Hill**, Orlando; **David A. Kleinberg**, Miami; **Miles A. McGrane, III**, Fort Lauderdale; **Amy E. Myers**, Panama City; and **Richard D. Rivera**, Jacksonville.
- Florida Legal Services Board of Directors: (One attorney to serve a three-year term commencing July 1, 2024.) The board voted without objection to approve **John Fulton, Jr.**, Miami.
- ABA House of Delegates: (Two attorneys to serve two-year terms commencing August 2024 at the conclusion of the ABA Annual Meeting.) The board voted without objection to approve **Nicole Newlon**, Tampa, as delegate, and **Alexis D. Deveaux**, Tampa, as the Under 36 delegate.
- Florida Medical Malpractice Joint Underwriting Association Board of Governors: (One attorney to serve a two-year term commencing July 1, 2024.) The board voted without objection to approve **Rafael E. Martinez**, Orlando.

## **25. Technology Committee Report**

Co-Chair Alice Sum presented.

The committee has completed development of Presidential Showcase programs for the Annual Meeting. Resource links related to AI and cybersecurity have been fully activated and continue to be updated. Enhancements to the Member Portal are ongoing.

## **26. Communications Committee Report**

Chair Jay Kim presented.

A subcommittee created best practices for board liaisons. A mission and discipline system awareness committee worked with the Citizens Advisory

Committee to raise awareness of The Florida Bar discipline system. The effort included a Florida Bar *Journal* article by board member Brian Burgoon. A subcommittee developed a two-sided palm card to guide members of the public through the processes of hiring an attorney and filing a disciplinary complaint. A subcommittee developed grievance committee recruitment tools. A merit retention and judicial election subcommittee worked with outside consultants to recommend improvements to the Florida Bar website.

### **27. Board Certification Plan Appeals Committee Report**

Chair Laird Lile presented.

An appeal was denied to a member who was seeking reinstatement because the member's CLE delinquency exceeded five years.

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

President Anisha Patel reported that Chief Justice Carlos Muñiz, Justice John Couriel, and President Scott Westheimer addressed a virtual summit that drew more than 800 attendees. The YLD is partnering with Georgia and Louisiana YLDs for a YLD legal teen program. The YLD is partnering with the Elder Law Section for a guardianship webinar. A mandatory Practicing with Professionalism CLE includes presentations by Justices Charles Canady, Jamie Grosshans, and Renatha Francis. Basic skills course development increased from six to 21 for a total of 147 CLE hours. The division raised \$75,000 in sponsorships this fiscal year.

### **29. President-elect's Report**

President-elect Roland Sanchez-Medina, Jr., reported that board member Greg Weiss secured a substantial verdict for a client in a civil matter. Liaison Charise A. Morgan will soon become the first Black woman president of the Miami Dade Bar. Liaison Marie Mato was elected Eleventh Judicial Circuit judge.

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

There being no further business before the board, President Scott Westheimer adjourned the meeting at 3:55 p.m. The next board meeting will be held July 19, 2024, at Loews Coral Gables.

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