

The Florida Bar Board of Governors  
September 20, 2024  
New Orleans

**1. Roll Call**

Roland Sanchez-Medina Jr., President  
Rosalyn Sia Baker-Barnes, President-elect  
Jeremy C. Branning, 1st Circuit  
David W. Grimes, 2nd 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  
Frank M. Bedell, 9th Circuit  
Tad A. Yates, 9th Circuit  
Victor R. Smith, 10th Circuit  
Karl N. Klein, 11th Circuit  
Nikki L. Simon, 11th Circuit  
Jordan A. Dresnick, 11th Circuit  
Jeffrey Rynor, 11th Circuit  
Jesse R. Butler, 12th Circuit  
John A. Schifino, 13th Circuit  
Paige A. Greenlee, 13th Circuit  
Theodore R. Howell, 14<sup>th</sup> Circuit  
Grasford W. Smith, Jr., 15<sup>th</sup> Circuit  
Manuel “Manny” Farach, 15th Circuit  
Robin I. Bresky, 15th Circuit  
Michael J. Gelfand, 15th Circuit  
Wayne LaRue Smith, 16th Circuit  
Alison F. Smith, 17th Circuit  
Brian H. Koch, 17th Circuit  
Lorna E. Brown-Burton, 17th Circuit  
Hilary A. Creary, 17th Circuit  
James G. Vickaryous, 18th Circuit  
Gregory S. Weiss, 19th Circuit  
John D. Agnew, 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  
Ashlea Edwards, YLD President

Arti H. Hirani, YLD President-elect  
Orlando Rolón, Public Member

**Members Absent**

Melissa N. VanSickle, 2nd Circuit  
Kris B. Robinson, 3rd Circuit  
Diego “Woody” Rodriguez, 9th Circuit  
Jorge L. Piedra, 11th Circuit  
Leslie B. Rothenberg, 11th Circuit  
Alice Sum, 11th Circuit  
Sabrina Vora-Puglisi, 11th Circuit  
Amy Stuart Farrior, 13th Circuit  
J. Carter Andersen, 13th Circuit  
Adam G. Rabinowitz, 17th Circuit  
Melanie Shore, Public Member

**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, Chief Financial Officer & Director, Division of Administration  
Patricia A. Savitz, Staff Counsel  
Kristen Wilson, Assistant to the President  
Jim Ash, Senior Editor, Florida Bar *News*

**3. Invocation and Pledge of Allegiance**

Board member Grasford Smith delivered the invocation and board member Donald Workman led the Pledge of Allegiance.

**4. Liaisons, Representatives, and Guests**

President Roland Sanchez-Medina Jr. introduced the following liaisons, representatives, and guests:

Schuyler Analise Smith, Hamilton, Miller & Birthisel  
Monica Vignes-Pitan, Legal Services of Greater Miami  
Jessica D. Thomas, Florida Association for Women Lawyers  
Adam JTW White, Emmanuel Sheppard & Condon  
Danielle Harris, Community Legal Services of Mid Florida  
Joseph Brigggett, Baker Donelson, New Orleans

**5. Minutes Approval**

The board approved the regular minutes from the July 19, 2024, meeting.

## **6. Consent Calendar**

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

- A legislative advising services agreement between the Animal Law Section and Macie Codina and Diana Ferguson.
- A legislative advising services agreement between the Criminal Law Section and Kato Law.
- A judicial branch legislative advising services agreement between The Florida Bar and Peter M. Dunbar.
- A judicial branch legislative advising services agreement between The Florida Bar and Megan Fay of Capital City Consulting.
- A judicial branch legislative advising services agreement between The Florida Bar and Stephen W. Shiver, Jr., of the Advocacy Group at Cardenas Partners.
- A Real Property, Probate and Trust Law Section legislative position request “providing the circumstances under which ademption by satisfaction applies to revocable trusts.”
- A Real Property, Probate and Trust Law Section legislative position request to “Support revision of Section 736.04117 to clarify that the authorized trustee of the first trust will not be treated as the settlor of the second trust when applying s.736.04117, F.S. to the second trust; to expressly state that the trustee’s power under the statute can be exercised by modifying the terms of the first trust; to clarify that notice of a proposed decanting is not a trust disclosure document; to clarify that the statute applies to all trusts governed by Florida law or that have a principal place of administration in Florida.”
- A Real Property, Probate and Trust Law Section legislative position request to “Support revisions to the Florida Community Property Trust Act (Sections 736.1 501, et al, of the Florida Statutes) to fix language in the definitional section of the Act which was inadvertently included during the bill drafting process for the original Act (Section 736.1502(1)); to clarify that the Act applies to express trusts created, amended, restated or modified after July 1, 2021 (Section 736.1 F02(2)); and to clarify that the transfer of homestead property to a Florida Community Property Trust is not a change in ownership for purposes of Chapter 193 and does not trigger reassessment of the value of the property (new Section 736.1 51.(30).”
- A Real Property, Probate and Trust Law Section legislative position request that “Supports legislation permitting condominium unit owners to ‘finance’ special assessments in the form of a payment plan with interest.”
- A Real Property, Probate and Trust Law Section legislative position request that “Supports legislation authorizing community associations to borrow money or levy special assessments notwithstanding any requirement for membership approval in furtherance of the association’s performance of necessary maintenance, repairs and replacements, including capital replacements.”
- A Real Property, Probate and Trust Law Section legislative position request that “Supports legislation allowing any association that must obtain a Structural Integrity Reserve Study (SIRS) to utilize an alternative funding method which (i) may reasonably be expected to fully satisfy the association’s reserve funding obligations and (ii) is approved by the Division.”
- A Public Interest Law Section legislative position request that “Supports legislation to assure that Florida regulates the Residential PACE Loan program so that consumers can safely and meaningfully utilize clean energy options that provide for a reduction in the

homeowner's energy costs. Further, PILS supports legislation for Residential PACE financing that provides the homeowner the full range of consumer disclosures and substantive protections to ensure homeowners are protected. PILS opposes any expansion of the Residential PACE program that does not provide energy savings and consumer protections to the homeowner.”

- UPL Circuit Committee Nominations: Committee 11A, Ira H. Leesfield, attorney member; Committee 11B, Lydia E. Sanchez, public member; Committee 11D, David Jesus Puentes, attorney member.

### **7. Disciplinary Procedure Committee Report**

Chair Brian Burgoon presented.

Items on First Reading: Proposed amendments to Rule 3-7.4 (Grievance Committee Procedures), and Standing Board Policy 15.91 (Communication Policy for Complaints). No board action was required.

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

The YLD Board of Governors met in St. Augustine in August. The YLD is adding Health Care Law and Legal Aid Practitioner courses to the 12 basic skills courses it will produce this year. A Practicing with Professionalism CLE will feature President Roland Sanchez-Medina Jr. and President-elect Rosalyn Sia Baker-Barnes in December. A free, one-hour, transition to practice CLE attracted 150 registrants. More than 70 leaders attended a virtual Council of Affiliates meeting. YLD representatives are scheduling visits to all 12 Florida law schools. The Pro Bono and Legal Aid Committee will mark “Pro Bono Month” in October with testimonials from YLD award recipients.

### **9. Family Law Rules Committee Report**

Liaison Victor Smith presented.

Items on Final Action: After discussion, the board voted 26-2-0 to recommend acceptance of proposed amendments to Rule 12.410 (Subpoena).

### **10. Program Evaluation Committee Report**

Chair Michael Orr presented.

Items on First Reading: Proposed amendments to BLS Policy 1.02 (Recusal), and BLSE Policy 500 Series CLE Accreditation, (series of amendments). No board action was required.

### **11. Legislation Committee Report**

Chair Gordon Glover presented.

The legislation committee voted to approve legislative advising services agreements and legislative position requests that appear on the Consent Calendar.

### **12. Budget Committee Report**

Chair Jeffrey Rynor presented.

Florida Bar finances are sound.

### **13. Investment Committee Report**

Chair Braxton Gillam presented.

The Long-Term Fund contains approximately \$75 million. The Short-Term Fund contains approximately \$35 million.

### **14. Executive Session**

The board went into executive session to discuss confidential matters.

### **15. Rules Committee Report**

Chair Stephanie Marchman presented.

Items on First Reading: Proposed amendments to Rule 1-12.1 (Amendments to Rules, Authority, Notice, Procedures, Comments), Bylaw 2-4.1 (Duties of President), Bylaw 2-8.2 (Committee Operations), Rule 4-8.6 (Authorized Business Entities), Rule 10-2.1 (Generally), Rule 20-5.2 (Duty to Update), Standing Board Policy 1.90 (Diversity and Inclusion), Standing Board Policy 3.30 (Guidelines for Bar Endorsement/Participation Programs), Standing Board Policy 5.56 (Section Administrative Support Policy), and Standing Board Policy 9.50 (Technical Assistance and Legislative and Political Activities of Voluntary Florida Bar Groups). No board action was required.

### **16. Certification Plan Appeals Committee Report**

Chair Sandra Diamond presented.

CPAC heard oral arguments from a recertification applicant and BSLE counsel regarding the BLSE's denial of recertification. Based on the arguments and record of evidence presented at the hearing, the Certification Plan Appeals Committee found that BLSE correctly applied the procedural standards and policies for denial of the applicant's recertification application. Furthermore, pursuant to Rule 4-03, the applicant did not meet their burden by clear and convincing evidence that the denial was arbitrary, capricious, or fraudulent. Additionally, CPAC is asking BSLE to review their policy 2.14 as amendments may be warranted regarding the process and the standard for recusal and the BLSE's process to direct an applicant's file to be reviewed by another area certification committee.

### **17. Technology Committee Report**

Chair Duffy Myrtetus presented.

The committee is studying a "Kia Audit" designed to establish minimum criteria and capability for outside counsel to be hired. The committee has been working with the Committee on Cybersecurity and Privacy Law to develop guidelines and suggested practices for a cybersecurity incident response plan. The committee is reviewing malpractice insurance coverage as it pertains to cybersecurity. The committee is studying a longer-term and more permanent capability to keep the board better informed of technology matters.

### **18. Board of Legal Specialization and Education Liaison Report**

Liaison Greg Weiss presented.

Board member Stephanie Marchman has become board certified in labor and employment law, board member Jesse Butler has become board certified in business litigation, and board member Michael Orr has become board certified in civil trial law.

**19. Civil Procedure Rules Committee Report**

Liaison Michael Orr presented.

Items on Final Action. After discussion, the board voted 35-1-0 to recommend acceptance of proposed amendments to Rule 1.340 (Interrogatories), Rule 1.350 (Production of Documents and Things and Entry Upon Land for Inspection and other Purposes), and Rule 1.380 (Failure to Make Discovery, Sanctions).

**20. President-elect's Report**

President Roland Sanchez-Medina Jr. has “done a phenomenal job” representing The Florida Bar in his travels throughout the state.

**21. President's Report**

Chief Justice Carlos Muñiz met twice with Florida Bar leaders in recent weeks and communication with the Supreme Court is strong. The latest amendment to the IOTA rule generated \$279 million for legal aid to Florida residents in its first year, the most significant increase since IOTA was adopted. Bar leaders, the Executive Director, and Bar staff are reviewing grievance procedures for possible enhancements. A committee is being formed to review funding levels for Florida Lawyers Assistance, Inc.

**22. Time and Place of Next Meeting**

There being no further business before the board, President Roland Sanchez-Medina Jr. adjourned the meeting at 10:44 a.m. CDT. The next board meeting will be held December 13, 2024, at Casa Monica Resort & Spa, St. Augustine.

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