

SUMMARY  
THE FLORIDA BAR BOARD OF GOVERNORS MEETING  
TALLAHASSEE JANUARY 2010

At its January 29 meeting in Tallahassee, The Florida Bar Board of Governors:

- Approved a motion to support a petition filed at the Florida Supreme Court asking the court to establish an Innocence Commission to explore reasons for a large number of exonerations in first degree murder and other crimes in recent years. Former ABA President Sandy D'Alamberte made the request.
- Budget Committee Chair Jake Schickel said the Bar should also be in the black this year with its budget, despite initially expecting a small deficit. Incoming Budget Committee Chair Dan DeCubellis said initial expectations are the Bar's 2010-11 budget will also be in the black.
- Heard ABA President-elect Steve Zack ask the board for help on his top three priorities. Those include having an "Opening of the Legal Year" ceremony similar to those in England, France, Canada, and Australia which will promote the rule of law, improving civics education so citizens have a better understanding of how government works, and improving the legal response to disasters, both natural and man-made. Zack also said he plans to set up a Commission on Hispanic Civil Rights.
- Heard Chief Justice Peggy Quince talk about the court's priorities for the upcoming legislative session, including protecting the money in the state court trust fund and improving the mental health system. She also expressed support for the court electronic filing program and for the One pro bono campaign.
- Voted to revamp the Bar's Legal Publications office, including reducing the staff size and having Lexis/Nexis take over more of the production work of producing legal handbooks. The action also divides into separate operations the office's duties of producing legal publications and staffing procedural rules committees.
- Heard from the Board Review Committee on Professional Ethics that a special committee will be appointed to study rules and ethics issues involving using reverse contingency fees to hire lawyers to negotiate medical liens in personal injury cases. Bar President Jesse Diner said that board member Jay Cohen will chair the committee. The BRCPE also considered changes to Ethics Opinion 07-2 on outsourcing legal services, but decided not to make any alterations.
- Received on first reading several rule and policy changes relating to the Clients' Security Fund. Amendments include increasing from \$2,500 to \$5,000 the fee amount that can be repaid when an attorney provides no useful services and rewriting the rule defining what constitutes useful services. Board member Greg Coleman, chair of the Clients' Security Fund Review Committee II, said the committee is still studying ways to prevent losses from trust accounts, including random audits and/or requiring surety bonds.
- Received two items on first reading from the Disciplinary Procedure Committee. Standing Board Policy 15.92 on public reprimands will clarify when in-person public reprimands are necessary and provides that all in-person public reprimands must be before the Board of Governors. Proposed changes to Rule 3-5.2 will eliminate the need for a separate complaint to be filed by Bar counsel when there is a petition filed for emergency suspension or interim probation. The emergency motion will serve as the bar's formal complaint in those cases.

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Sixth Circuit, Seat Two

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