



SUMMARY THE FLORIDA BAR BOARD OF GOVERNORS MEETING KEY WEST MAY 2011

At its May 27 meeting in Key West, The Florida Bar Board of Governors:

- Heard a review of Bar activities in the just-ended legislative session and plans for an earlier start on next year’s session, including a new communications plan with Board members and Bar members.

- Approved a rewrite of the Bar’s advertising rules, as proposed by the Board Review Committee on Professional Ethics. The amended rules will be submitted to the Supreme Court by July 5. Major changes, according to BRCPE Chair Carl Schwait, are that non-misleading testimonials and past results that can be objectively verified will be allowed and websites will be subject to all advertising rules, except the requirement that they be submitted for Bar review. Another amendment specifies that all ads which must be submitted for Bar review must be submitted prior to publication or broadcast, not just electronic ads as in the current rules. Schwait said the committee had four goals in redrafting the rules: simplicity, clarity, consistency, and defensibility.

- Heard a report on e-filing for the Florida courts from board members Murray Silverstein and Laird Lile and from Supreme Court Clerk Tom Hall. Hall reported that the e-filing system is gearing up with more counties joining. He said the largest problem is lawyers using the system not following the rule on protecting confidential client information in electronic filing. He said a subcommittee of the Rules of Judicial administration is looking at that problem and considering a redraft of the confidentiality rule.

- Elected Jay Cohen, David Prather and Ed Scales, as the board’s representatives on the Executive Committee.

- Approved President-elect Scott Hawkins’ request for a commission to review the Bar’s disciplinary operations.

- Rejected, on the recommendation of the Program Evaluation Committee, the proposal from the Special Committee to Study Mandatory Regulation of Paralegals. The Special Committee had proposed that lawyers be prohibited from calling their non-lawyer employees “paralegals” unless those employees had become Florida Registered

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	Murray B. Silverstein (6)	Michael J. Higer (11)	John W. Manuel (14)	Timothy L. Bailey (17)	Sean T. Desmond (YLD)				
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					Alvin V. Alsobrook (PM)				

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Paralegals with the Bar. Instead the board approved the minority report from the special committee which called for maintaining the FRP program. The board also approved recommendations from the PEC, which was completing its three-year review of the FRP program, on ways to enhance the program. That includes improving education opportunities and increasing education about the program.

- Approved recommendations from the Program Evaluation Committee defining the relationship between the Supreme Court Commission on Professionalism, the Bar's Committee on Professionalism, and the Bar's Henry Latimer Center for Professionalism.

- Approved the recommendation of the Program Evaluation Committee to extend the Special Committee on Diversity and Inclusion for another year.

- Gave final approval to the Bar's 2011-12 budget after making a couple of minor changes to allow renovation of four bathrooms at the Bar headquarters.

- Transferred an extra \$1 million from the 2010-11 operating budget into the Bar's building maintenance reserve and added an extra \$350,500 for the Clients' Security Fund for claims paid from an unexpected court-ordered payment. Another \$500,000, less administrative costs, was added to the CSF claims paid from the CSF reserve.

- Heard from Investment Committee Chair Ian Comisky that the Bar had an outstanding year for its investments, including a positive return in every quarter.

- Gave final approval to deleting Standing Board Policy 11.21, which allows introduction of resolutions at the Bar Annual Convention.

Murray B. Silverstein
Sixth Circuit, Seat Two

Andrew B. Sasso
Sixth Circuit, Seat One