

## Appendix A

### **RULE 1-3.7 REINSTATEMENT TO MEMBERSHIP**

**(a) Eligibility for Reinstatement.** Members who have retired from the bar or been delinquent for less than 5 years are eligible for reinstatement under this rule. Time will be calculated from the date of the retirement from the bar or delinquency.

Inactive members may also seek reinstatement under this rule.

**(b) Petitions Required.** A member seeking reinstatement must file a petition with the executive director setting forth the reason for inactive status, retirement from the bar, or delinquency and showing good cause why the petition for reinstatement should be granted. The petitioner must include all required information on a form approved by the board of governors. The petition must be accompanied by a nonrefundable reinstatement fee of \$150 and payment of all arrearages unless adjusted by the executive director with concurrence of the executive committee for good cause shown. Inactive members are not required to pay the reinstatement fee. No member will be reinstated if, from the petition or from investigation conducted, the petitioner is not of good moral character and morally fit to practice law or if the member is delinquent with the continuing legal education or basic skills course requirements, except that the executive director has discretion to waive or extend the time period to complete continuing legal education or basic skills course requirements on a showing of undue hardship.

If the executive director is in doubt as to approval of a petition, the executive director may refer the petition to the board of governors for its action. Action of the executive director or board of governors denying a petition for reinstatement may be reviewed on petition to the Supreme Court of Florida.

**(c) Members Who Have Retired or Been Delinquent for Less Than 5 Years, But More Than 3 Years.** Members who have retired from the bar or been delinquent for less than 5 years, but more than 3 years, must complete 10 hours of continuing legal education

courses for each year or portion of a year that the member had retired or was deemed delinquent.

**(d) Members Who Have Retired or Been Delinquent for 5 Years or More.** ~~Members~~The membership of a member who have~~has been~~ retired from the bar or ~~have~~has been deemed delinquent for a ~~period of 5 years or longer~~more will lapse; the member will not be reinstated under this rule<sub>7,2</sub>; and the member ~~must~~may be readmitted only on application to the Florida Board of Bar Examiners and approval by the Supreme Court of Florida.

**(e) Members Who Have Permanently Retired.** Members who have permanently retired will not be reinstated under this rule.

**(f) Members Delinquent 60 Days or Less.** Any member reinstated from delinquency for payment of membership fees, trust account compliance certification, or completion of continuing legal education or basic skills course requirements approved within 60 days from the date of delinquency is not considered in violation of these rules and is not subject to disciplinary sanction for practicing law in Florida during that time.

**(g) Inactive Members.** Inactive members may be reinstated to active membership in good standing and become eligible to practice law in Florida by petition filed with the executive director in the form and as provided in (b) subject to the following conditions:

(1) If the member has been inactive for more than 5 years, has been authorized to practice law in another jurisdiction, and either actively practiced law in that jurisdiction or held a position that requires a license as a lawyer for the entire period of time, the member will be required to complete the Florida Law Update continuing legal education course as part of continuing legal education requirements.

(2) If the member has been inactive for more than 5 years and does not meet the requirements of subdivision (1), the member will be required to complete the basic skills course requirement and the 30-hour continuing legal education requirement.

(3) An inactive member is not eligible for reinstatement until all applicable continuing legal education requirements have been completed and the remaining portion of membership fees for members in good standing for the current fiscal year have been paid.

### **RULE 1-12.1 AMENDMENT TO RULES; AUTHORITY; NOTICE; PROCEDURES; COMMENTS**

**(a) Authority to Amend.** The Board of Governors of The Florida Bar has the authority to amend chapters 7 and 9, as well as the standards for the individual areas of certification within chapter 6 of these Rules Regulating The Florida Bar, consistent with the notice, publication, and comments requirements provided below. Only the Supreme Court of Florida has the authority to amend all other chapters of these Rules Regulating The Florida Bar.

**(b) Proposed Amendments.** Any member of The Florida Bar in good standing or a section or committee of The Florida Bar may request the board of governors to consider an amendment to these Rules Regulating The Florida Bar.

**(c) Board Review of Proposed Amendments.** The board of governors will review proposed amendments by referral of the proposal to an appropriate board committee for substantive review. After substantive review, an appropriate committee of the board will review the proposal for consistency with these rules and the policies of The Florida Bar. After completion of review, a recommendation concerning the proposal will be made to the board.

**(d) Notice of Proposed Board Action.** The Florida Bar will give notice of the proposed board of governors action on a proposed amendment in an edition of *The Florida Bar News* and on The Florida Bar website prior to the meeting of the board at which the board action is taken. The notice will identify the rule(s) to be amended and state in general terms the nature of the proposed amendments.

**(e) Comments by Members.** Any member may request a copy of the proposed amendments and may file written comments

concerning them. The comments must be filed with the executive director sufficiently in advance of the board meeting to allow for distribution to the members of the board.

**(f) Approval of Amendments.** Amendments to these rules other than chapters 7 and 9 and the standards for existing individual areas of certification within chapter 6 of these Rules Regulating The Florida Bar must be by petition to the Supreme Court of Florida. Petitions to amend these Rules Regulating The Florida Bar may be filed by the board of governors or by 50 members in good standing. Amendments proposed by bar members must be filed with The Florida Bar's executive director at least 90 days before the petition is filed with the Supreme Court of Florida.

**(g) Notice of Intent to File Petition.** Notice of intent to file a petition to amend these Rules Regulating The Florida Bar will be published in *The Florida Bar News* and on The Florida Bar website at least 30 days before the filing of the petition. The notice will identify the rule(s) to be amended, state in general terms the nature of the proposed amendments, state the date the petition will be filed, and state that any comments or objections must be filed within 30 days of filing the petition. The full text of the proposed amendment(s) will be published on The Florida Bar website. A copy of all comments or objections must be served on the executive director of The Florida Bar and any persons who may have made an appearance in the matter.

**(h) Florida Bar Response to Comments.** The Florida Bar may respond to any comments on petitions to amend these Rules Regulating The Florida Bar within 30 days of the date comments are due to the court.

**(hi) Action by the Supreme Court of Florida.** The court will review all proposed amendments filed under this rule and any amendments will not become effective until an order is issued approving them. A summary of final action of the court will be reported in *The Florida Bar News* and on The Florida Bar website.

**(ij) Waiver.** On good cause shown, the court may waive any or all of the provisions of this rule.

**(jk) Action by the Chief Justice.** Upon request of The Florida Bar, or sua sponte, in the event of a public health emergency or other emergency situation that requires mitigation of the effects of the emergency on The Florida Bar and other participants under the Rules Regulating the Florida Bar, the chief justice may enter such order or orders as may be appropriate to: suspend, extend, toll, or otherwise change time periods, deadlines, or standards imposed by the Rules Regulating the Florida Bar, orders, or opinions; suspend the application of or modify other requirements or limitations imposed by rules, orders, or opinions, including, without limitation, those governing the use of communication equipment and proceedings conducted by remote electronic means; and require or authorize temporary implementation of procedures and other measures, which may be inconsistent with applicable requirements, to address the emergency situation.

### **BYLAW 2-3.11 ELECTRONIC MEETINGS**

Electronic meetings are authorized for all meetings of The Florida Bar; its board of governors; the executive committee and committees of its board of governors; and its sections, divisions, and committees. Special rules of order pertaining to the conduct of electronic meetings may be adopted by the board of governors. The Florida Bar and its board of governors, board committees, sections, divisions, and standing and special committees are also authorized to conduct votes, without meeting, via e-mail or other electronic polling only if an emergency, necessary to meet an impending deadline, to confirm a matter of consensus, or on a matter that is solely related to committee procedures. If 10% of the members entitled to vote on the matter request a meeting in lieu of an electronic vote, voting must be suspended and a meeting scheduled to hear the matter.

### **RULE 4-7.20 EXEMPTIONS FROM THE FILING AND REVIEW REQUIREMENT**

The following are exempt from the filing requirements of rule 4-7.19:

**(a)** an advertisement in any of the public media that contains no illustrations and no information other than that set forth in rule 4-7.16;

**(b)** a brief announcement that identifies a lawyer or law firm as a contributor to a specified charity or as a sponsor of a public service announcement or a specified charitable, community, or public interest program, activity, or event, provided that the announcement contains no information about the lawyer or law firm other than the permissible content of advertisements listed in rule 4-7.16, and the fact of the sponsorship or contribution. In determining whether an announcement is a public service announcement, the following criteria may be considered:

(1) whether the content of the announcement appears to serve the particular interests of the lawyer or law firm as much as or more than the interests of the public;

(2) whether the announcement concerns a legal subject;

(3) whether the announcement contains legal advice;

and

(4) whether the lawyer or law firm paid to have the announcement published;

**(c)** a listing or entry in a law list or bar publication;

**(d)** a communication mailed only to existing clients, former clients, or other lawyers;

**(e)** a written or recorded communication requested by a prospective client;

**(f)** professional announcement cards stating new or changed associations, new offices, and similar changes relating to a lawyer or law firm, and that are mailed only to other lawyers, relatives, close personal friends, and existing or former clients;

**(g)** information contained on the lawyer's Internet website(s);  
and

**(h)** advertisements and other communications regarding legal services made by or on behalf of a legal aid organization, which is a not-for-profit business entity as defined elsewhere in these rules; and

**(i)** sponsored search engine results that do not include any images, audio, or video other than the permissible content of advertisements set forth in Rule 4-7.16.

### **RULE 6-12.7 CONFIDENTIALITY**

~~The files and records maintained regarding appeals conducted under this rule and any hearings in connection therewith shall be confidential until such time as the appeals process has concluded. If a member is deemed delinquent pursuant to this rule, that fact shall be public information.~~ The files, records, and proceedings of the board of legal specialization and education related to or arising from any failure of a member to satisfy the basic skills course requirements are confidential and may not be disclosed except in the furtherance of the duties of the board of legal specialization and education, on the written request of the member or as introduced in evidence or otherwise produced in proceedings under these rules, unless directed otherwise by the Supreme Court of Florida. Nothing in this rule prohibits The Florida Bar from advising that a member is not eligible to practice law for failure to meet basic skills course requirements.

### **RULE 10-2.1 GENERALLY**

Whenever used in these rules, the following words or terms have the following meaning unless the use of the word or term clearly indicates a different meaning:

**(a) Bar Counsel.** “Bar counsel” is a member of The Florida Bar representing The Florida Bar in any proceeding under these rules and includes UPL counsel and UPL staff counsel.

**(b) The Board or Board of Governors.** The “board” or “board of governors” is the Board of Governors of The Florida Bar.

**(c) Circuit Committee.** A “circuit committee” is a local unlicensed practice of law circuit committee.

**(d) This Court or the Court.** “This court” or “the court” means the Supreme Court of Florida.

**(e) Designated Reviewer.** The “designated reviewer” is a member of the board of governors responsible for review and other specific duties as assigned by the board of governors with respect to a particular circuit committee or matter. If a designated reviewer recuses or is unavailable, any other board member may serve as designated reviewer in that matter. The designated reviewer will be selected by the board members from the circuit of that circuit committee. If circuits have an unequal number of circuit committees and board members, review responsibility will be reassigned to equalize workloads. On reassignments, responsibility for all pending cases from a particular committee passes to the new designated reviewer. UPL counsel will be given written notice of changes in the designated reviewing members for a particular committee.

**(f) Executive Committee.** The “executive committee” is the executive committee of the board of governors. All acts and discretion required by the board under these rules may be exercised by its executive committee between meetings of the board as may be authorized by standing policies of the board of governors.

**(g) Nonlawyer or Nonattorney.** For purposes of this chapter, a “nonlawyer” or “nonattorney” is an individual who is not a member of The Florida Bar. This includes, but is not limited to, lawyers admitted in other jurisdictions, law students, law graduates, applicants to The Florida Bar, disbarred lawyers, and lawyers who have resigned or been revoked from The Florida Bar. A suspended lawyer, while a member of The Florida Bar during the period of suspension as provided elsewhere in these rules, does not have the privilege of practicing law in Florida during the period of suspension. For purposes of this chapter, it constitutes the unlicensed practice of law for a lawyer admitted in a jurisdiction other than Florida to advertise to provide legal services in Florida that the lawyer is not authorized to provide.

**(h) Paralegal or Legal Assistant.** A “paralegal” or “legal assistant” is a person qualified by education, training, or work experience, who works under the supervision of a member of The Florida Bar, an out-of-state lawyer engaged in the authorized practice of law in Florida or a foreign lawyer engaged in the authorized practice of law in Florida and who performs specifically delegated substantive legal work for which the supervising lawyer is responsible. A nonlawyer or a group of nonlawyers may not offer legal services directly to the public by employing a lawyer to provide the lawyer supervision required under this rule. It constitutes the unlicensed practice of law for a person who does not meet the definition of paralegal or legal assistant to use the title paralegal, legal assistant, or other similar term in offering to provide or in providing services directly to the public.

**(i) Respondent.** A “respondent” is a nonlawyer who is accused of engaging in the unlicensed practice of law or whose conduct is under investigation.

**(j) Referee.** A “referee” is the judge or retired judge appointed to conduct proceedings as provided under these rules.

**(k) Standing Committee.** The “standing committee” is the committee constituted according to the directives contained in these rules.

**(l) Unlicensed Practice of Law.** The “unlicensed practice of law” means the practice of law, as prohibited by statute, court rule, and case law of the state of Florida.

**(m) UPL.** “UPL” is the unlicensed practice of law.

**(n) UPL Counsel.** “UPL counsel” is the director of the unlicensed practice of law department and an employee of The Florida Bar employed to perform such duties, as may be assigned, under the direction of the executive director.

**(o) Filing.** Any reference to filing with the court means in an electronic format approved by the court unless excused from electronic filing by the court.

## **RULE 11-1.8 PRACTICE AFTER GRADUATION**

**(a) Certification.** A law student at an American Bar Association-approved Florida law school who has applied for admission to The Florida Bar, passed a criminal fingerprint check conducted by the Florida Board of Bar Examiners or received an initial clearance letter as to character and fitness from the Florida Board of Bar Examiners, completed a law school practice program awarding a minimum of 3 semester credit hours or the equivalent or requiring at least 200 hours of actual participation in the program, and whose law school dean has withdrawn certification for the program may make appearances for any of the same supervisory authorities under the same circumstances and restrictions that were applicable to students in law school programs under this chapter if the supervising lawyer:

(1) files a certification in the same manner and subject to the same limitations as that required to be filed by the law school dean;

(2) further certifies that the lawyer assumes the duties and responsibilities of a supervising lawyer under this chapter; and

(3) files a separate certificate of the dean stating that the law student has successfully completed the law school practice program. This certification may be withdrawn in the same manner as provided for the law school dean's withdrawal of certification.

**(b) Certification of Law School Graduates.** A graduate of an American Bar Association-approved law school who has filed an application to The Florida Bar and passed a criminal fingerprint check conducted by the Florida Board of Bar Examiners or received an initial clearance letter as to character and fitness from the Florida Board of Bar Examiners may appear for the maximum term of certification of 18 months from graduation for the same entities and under the same restrictions that apply to students in law school practice programs under this chapter if the supervising lawyer:

(1) files a certificate of the dean of the law school, or a person designated by the dean, that the applicant graduated from law school on the date stated in the certificate;

(2) files the Florida Board of Bar Examiner's acknowledgment of the applicant's passage of a criminal fingerprint check or initial clearance letter of the applicant as to character and fitness; and

(3) further certifies that the lawyer assumes the duties and responsibilities of the supervising lawyer as provided by other provisions of this rule.

**(c) Term of Certification.** The maximum term of certification for graduates is 18 months from the date of graduation.

**(d) Termination of Certification.** Failure to take the next available Florida bar examination, failure of any portion of the Florida bar examination on the third administration if a third administration is required, or denial of admission to The Florida Bar terminates certification under this rule.

**(e) Withdrawal of Certification.** Certification may be withdrawn in the same manner as the law school dean's withdrawal of certification.

#### **RULE 20-5.2 DUTY TO UPDATE**

An individual applying for registration as a Florida Registered Paralegal or who is registered as a Florida Registered Paralegal has a duty to inform The Florida Bar promptly of any fact or circumstance that would render the individual ineligible for registration or renewal, and ~~The Florida Bar~~ the Florida Registered Paralegal will notify the employing or supervising lawyer as defined elsewhere in this chapter of any changes to the registration status.