

Appendix B

**RULES REGULATING THE FLORIDA BAR
CHAPTER 1 GENERAL
1-3 MEMBERSHIP
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.

Adds “from the bar” after “retirement” to make it clear “retired” means the bar member elected retirement status from the bar and did not just retire from their practice.

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; ~~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. [no change]

(f) Members Delinquent 60 Days or Less. [no change]

(g) Inactive Members. [no change]

The term "lapse" is not currently in the rule. It is a short cut way of referring to the effect of the existing rule, which is that delinquent members must seek readmission through the Florida Board of Bar Examiners. Adding the term "lapse" will make clearer to members the impact of the long-term delinquency.

1-12 AMENDMENTS

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

- (a) Authority to Amend.** [no change]
- (b) Proposed Amendments.** [no change]
- (c) Board Review of Proposed Amendments.** [no change]
- (d) Notice of Proposed Board Action.** [no change]
- (e) Comments by Members.** [no change]
- (f) Approval of Amendments.** [no change]
- (g) Notice of Intent to File Petition.** [no change].

(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

Currently, the Court requires the bar to file a motion for leave to respond to comments. If the rule is amended as proposed, the bar would no longer have to file the motion and the Court would not have to rule, conserving judicial resources.

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.

CHAPTER 2 BYLAWS OF THE FLORIDA BAR
2-3 BOARD OF GOVERNORS
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.

Bylaw 2-3.11 currently allows for The Bar and its board, section, divisions, and committees to conduct "electronic meetings." However, Roberts Rules of Order defines "electronic meeting" as "meetings at which, rather than all participating members being physically present in one room or area as in traditional (or "face-to-face") meetings, some or all of them communicate with the others through electronic means such as the Internet or by telephone. A group that holds such alternative meetings does not lose its character as a deliberative assembly (see *Robert's Rules of Order Newly Revised* (12th Edition) 1:1) so long as the meetings provide, at a minimum, conditions of opportunity for simultaneous aural communication among all participating members equivalent to those of meetings held in one room or area." *Robert's Rules of Order Newly Revised* (12th ed.) 9:31. Explicitly stating in the bylaws that email votes are authorized will remove any ambiguity and make

	<p>clear that bar committees can vote by email.</p>
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CHAPTER 4 RULES OF PROFESSIONAL CONDUCT
4-7 INFORMATION ABOUT LEGAL SERVICES
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) [no change]

(b) [no change]

(c) [no change]

(d) [no change]

(e) [no change]

(f) [no change]

(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.

These amendments are intended to resolve difficulties associated with submitting and reviewing sponsored search engine results that frequently include thousands of potential iterations when each iteration is considered a separate.

**CHAPTER 6 LEGAL SPECIALIZATION AND EDUCATION
PROGRAMS
6-12 BASIC SKILLS COURSE REQUIREMENT RULE
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.

Clarifies that confidentiality under this rule applies to the basic skills course requirement and not continuing legal education requirements or certification.

CHAPTER 10 RULES GOVERNING THE INVESTIGATION AND PROSECUTION OF THE UNLICENSED PRACTICE OF LAW
10-2 DEFINITIONS
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.** [no change]
- (b) The Board or Board of Governors.** [no change]
- (c) Circuit Committee.** [no change]
- (d) This Court or the Court.** [no change]
- (e) Designated Reviewer.** [no change]
- (f) Executive Committee.** [no change]
- (g) Nonlawyer or Nonattorney.** [no change]
- (h) Paralegal or Legal Assistant.** [no change]
- (i) Respondent.** [no change]
- (j) Referee.** [no change]
- (k) Standing Committee.** [no change]
- (l) Unlicensed Practice of Law.** [no change]
- (m) UPL.** [no change]

(n) UPL Counsel. [no change]

(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.

The changes would make bar unlicensed practice of law cases consistent with bar discipline cases by requiring electronic filing of documents. See *In Re Amendments to Rule Regulating The Florida Bar – Chapters 3 & 14*, Case No. SC22-1293 (Fla. 2023). This will be easier for the Court to maintain records and also easier for any party to determine the official record solely from the electronic filings. The changes also bring bar unlicensed practice of law cases consistent with most other court filings, which are required to be filed electronically.

**RULES GOVERNING THE LAW SCHOOL PRACTICE
PROGRAM 11-1. GENERALLY
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) [no change]
- (2) [no change]
- (3) [no change]

(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:

The Court approved amendments to rule 11-1.3 to allow practice as a certified legal intern based on a successful criminal history check in lieu of a letter of clearance in *In Re: Amendments to Rules Regulating The Florida Bar - Rules 11-1.2 and 11-1.3*, Case No. SC2024-0236 (Fla. 2024). The changes to rule 11-1.8(a) and (b) would mirror those changes and expedite approving recent law school graduates to practice as certified legal interns after graduation.

(1) [no change]

(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) [no change]

(c) Term of Certification. [no change]

(d) Termination of Certification. [no change]

(e) Withdrawal of Certification. [no change]

CHAPTER 20. FLORIDA REGISTERED PARALEGAL PROGRAM
20-5. INELIGIBILITY FOR REGISTRATION OR RENEWAL
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.

The burden of notification should be placed on the Florida Registered Paralegal instead of The Florida Bar. Supervising lawyers could change frequently with a Florida Registered Paralegal, not to mention the large volume of status changes with Florida Registered Paralegals in continuing education compliance and fees.