

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE RULES REGULATING THE
FLORIDA BAR – MISCELLANEOUS**

CASE NO. SC2022-1292

Motion to Revise Comment Schedule

The Florida Civil Legal Aid Association (FCLAA) and Past Presidents of The Florida Bar Foundation¹ (Past Presidents) jointly file this motion to revise the comment schedule set forth in this court's order dated March 11, 2024.

This matter involves a rule amendment to Rule 5-1.1 involving Trust Accounts and specifically Rule 5-1.1(g)(5)(B) that now requires that eligible institutions must provide a minimum interest rate for IOTA accounts and creates minimum interest rates tied to specific indexed rate points. The new rule went into effect on May 15, 2023,

¹ The Florida Bar Foundation is now Funding Florida Legal Aid.

and continues to be in effect.² On March 31, 2023, the Florida Bankers' Association (FBA) moved for rehearing or in the alternative requested to file a comment out of time. The court granted the motion in part and accepted FBA's motion as a timely filed comment. Additionally, the court "directed [The Florida Bar] to file a report in this case on or before October 2, 2023, on the status of the implementation of the amended version of Rule Regulating The Florida Bar 5-1.1(g)(5)(B)." The order also provided "The Florida Bankers' Association, as well as any other interested party, may file a comment on the report on or before November 1, 2023." A large number of interested parties including FBA, FCLAA and the Past Presidents, filed comments.

As noted, on March 11, the court sought additional information and ordered:

The Florida Bar is directed to file a report in this case on or before April 1, 2024, on the status of the implementation of the amended version of Rule Regulating The Florida Bar 5-1.1(g)(5)(B). The Florida Bankers' Association, as well as any other interested party, may file a comment on the report on or before May 1, 2024.

² The court's opinion approving the rule was issued on March 16, 2023, but the court delayed the effective date of the rule until May 15, 2023.

As the court knows, in rule Amendment cases the process is that the Bar files a report recommending a rule change (which the court treats as a petition). Commenters are then given a certain period of time to file comments and then the Bar files a reply. A similar process is followed in substantive law cases, i.e., initial brief(s), responsive brief(s), and reply brief(s).

The FCLAA and the Past Presidents believe that in this case where there are many groups and individuals both supporting and opposing the new rule and the differences between the various commenters are widely divergent, the court would greatly benefit from a commenting process substantially the same as the briefing process in substantive cases.

The Bar has now filed its second report. The second report explains how the rule is working as envisioned. It has provided much needed additional revenue for legal aid groups throughout the state. The Bar, in its report, concludes by asking the court to deny FBA's motion for rehearing.

Under the court's March 11 order anyone else who wants to comment on the Bar's report must do so by May 1, 2024.

But it makes more sense from a practical standpoint that the court use a modified version of the substantive law briefing process and those who oppose the rule should now file comments in response to the Bar's report and then the Bar and those who support the rule file comments in reply. The differences between the various views and the pros and cons of each will then be better elucidated for the Court. An additional short period of time to have all views submitted in a familiar linear progression will not significantly delay this matter.

Accordingly, the FCLAA and the Past Presidents request that the court amend its March 11, 2024, order and provide that all interested parties who oppose the new rule file comments on or before May 1, 2024, and all interested parties who support the new rule file comments by June 1, 2024. The Bar may file a reply by that same date.

Respectfully submitted,

/s/Thomas D. Hall,

Florida Bar Number 310751

Email:

thall@bishoppagemills.com

Bishop Page & Mills PLLC

510 North Julia Street

Jacksonville, Florida

P: [904-598-0034](tel:904-598-0034)

F: 904-598-0395

*Counsel for Florida Civil Legal
Aid Association*

/s/ Bryan S. Gowdy

Bryan S. Gowdy

Florida Bar No. 176631

bgowdy@appellate-firm.com

865 May Street

Jacksonville, Florida 32204

P: (904) 350-0075

F: (904) 503-0441

*Counsel for Past Presidents of
The Florida Bar Foundation*

CERTIFICATE OF TYPE SIZE AND STYLE

I certify that this report is typed in 14-point Bookman Old Style
type.

/s/ Thomas D. Hall

Bishop Page & Mills

CERTIFICATE OF SERVICE

I certify that on this day of April 2024, the foregoing was filed
and served via the State of Florida's E-Filing Portal to:

Bethanie A. Barber, Legal Aid Society of the Orange County Bar
Association, Inc. (bbarber@legalaidocba.org)

Joshua K. Brown (jkbserve@petersonmyers.com)

E. Ginnette Childs, for Florida Bankers Association
(ginny.childs@akerman.com)(kathry.odom@akerman.com)

Thomas H. Dart (tom.dart@arlaw.com)

Diane G. Dewolf, for Florida Bankers
Association(diane.dewolf@akerman.com)(elisa.miller@akerman.com
myndi.qualls@akerman.com)

Rebecca Dolman (becky@dolmanlaw.com)

Jason Gonzalez for Florida Chamber of Commerce
(jason@lawsonhuckgonzalez.com)(marsha@lawsonhuckgonzalez.com)
michelle@lawsonhuckgonzalez.com)

Jeffrey D. Harvey (jeffh@clsmf.org)(sandrac@clsmf.org)
jeffrey.harvey@me.com)

Joseph D. Hudgins (joseph.hudgins@gmail.com)

Jeffry R. Jontz (jjontz@fishbacklaw.com)

Richard M. Klitenick (richard@rmkpa.com)

Karen J. Ladis, Dade Legal Aid (kladis@dadelegalaid.org)

Dominic C. MacKenzie, FFLA (dmackenzie@flabarfndn.org)

Lesley S. Mendoza, CABA Pro Bono Legal Services
(Lesley@cabaprobono.com)

Seth E. Miller, Florida Innocence Project
(smiller@floridainnocence.org)

Colleen Mullen, Florida Pro Bono Coordinators Association
(Fpbca4u@gmail.com)

Mariana Munoz (mariana.munoz@akerman.com;
ann.lambert@akerman.com)

Anthony C. Musto for The Florida Bar Public Interest Law Section
(amusto@stu.edu)(villeanddale@gmail.com)

Jimmy Patronis, Chief Financial Officer, State of Florida
(CFO.Patronis@myfloridacfo.com)

Stephen R. Senn for FFLA
(srsservice@petersonmyers.com)(ssenn@petersonmyers.com)

Jodi Siegel, Southern Legal Counsel, Inc.
(jodi.siegel@southernlegal.org)

Katherine DeBriere, Florida Health Justice Project
(debriere@floridahealthjustice.org)

Sharlene C. Stanford, IDignity (sharlene.stanford@idignity.org)
Michael G. Tanner (mtanner@gunster.com)

W. Douglas White, Northwest Florida Legal Services, Inc.
(whited@nwfls.org)

Richard C. Woltmann, Bay Area Legal Services
(dwoltmann@bals.org)

Chris W. Altenbernd, for The Florida Bar
(servicecaltenbernd@bankerlopez.com)

Joshua E. Doyle, Florida Bar (jdoyle@floridabar.org)

F. Scott Westheimer (rules@floridabar.org)

Roland Sanchez-Medina (rules@floridabar.org)

Rosalyn Sia Baker Barnes (rules@floridabar.org)

Elizabeth Clark Tarbert (rules@floridabar.org)

Service was separately mailed to:

Frederick G. Pullum, One Florida Bank, 33 West Pineloch Avenue,
Suite A, Orlando, FL 32806

Thomas D. Hall

/s/ _____

Bishop Page & Mills