

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO THE
RULES REGULATING THE
FLORIDA BAR -- CHAPTER 22

Case No. SC2025-1281

COMMENTS OF THE EXECUTIVE OFFICE OF THE GOVERNOR

The Executive Office of the Governor (EOG) respectfully files the comments below in support of the petition:

- I. Comity with the Executive Branch warrants an accommodation allowing short-term admission of state government attorneys licensed and in good standing in other U.S. jurisdictions.**

Regulating attorney admission and discipline falls within the Court's exclusive jurisdiction.¹ How the Court exercises this authority can significantly affect the various components of the Executive Branch—from executive and cabinet agencies to state attorney offices—in carrying out their constitutional responsibility to ensure faithful and efficient execution of the law. Access to quality attorneys at reasonable expense is critically important to the

¹ Art. V, § 15, Fla. Const.

performance of executive functions. At present, the Executive Branch faces considerable difficulty filling attorney positions throughout the State, especially in Tallahassee. The proposed Chapter 22, which would permit attorneys in good standing in other U.S. jurisdictions to practice in Florida as state government attorneys for up to three years, would help alleviate this difficulty. And it can be done in a responsible way that ensures the technical competence and good character Floridians rightfully expect from attorneys, especially public servants. EOG requests that the Court adopt in the interest of comity the modest accommodation proposed by the Attorney General.

A. Challenges involving Executive Branch attorney recruiting favor adoption of the proposed accommodation.

By temporarily lowering the barrier for out-of-state attorneys to practice law in Florida state government, the proposed Chapter 22 would make it easier for the Executive Branch to fill vacant attorney positions with legal talent from across the nation. Respondents to a nationwide 2025 survey of state, local, and federal government legal departments ranked “attracting and retaining top

talent” as their top challenge.² And given existing legal market dynamics in Florida, recruiting talented state government attorneys is, according to The Florida Bar itself, a “real challenge[.]”³ Florida’s state government employers face significant headwinds when vying for the 80,761⁴ active Florida-licensed attorneys living in the state. With salaries lower than those paid to comparable federal and local government attorneys (and considerably lower than private sector pay), state government attorney positions often go unfilled.⁵ For instance, the five Executive Branch departments with the highest

² THOMSON REUTERS INSTITUTE, *2025 Government Legal Department Report* 6 (2025), <https://www.thomsonreuters.com/en-us/posts/wp-content/uploads/sites/20/2025/05/2025-Government-Legal-Department-Report.pdf>.

³ The Florida Bar’s Comments, In Re: Amendments to Rules Regulating The Florida Bar—Chapter 22, No. SC2025-1281, at 1 (filed on September 11, 2025).

⁴ THE FLORIDA BAR, *Frequently Asked Questions*, <https://www.floridabar.org/about/faq/#members> (last visited August 22, 2025).

⁵ See U.S. BUREAU OF LABOR STATISTICS, *Occupational Employment and Wages, May 2023: Lawyers*, <https://www.bls.gov/oes/2023/may/oes231011.htm> (last visited Sept. 19, 2025); U.S. BUREAU OF LABOR STATISTICS, *Occupational Outlook Handbook: Lawyers*, <https://www.bls.gov/ooh/legal/lawyers.htm#tab-5> (last visited Sept. 17, 2025).

attorney vacancy percentages range from 24% to 55%, averaging 35%.⁶

The problem is particularly acute in Tallahassee, where a substantial plurality of state government attorney positions are based. Tallahassee had the lowest percent increase in population among all Florida metropolitan areas between 2022 and 2023.⁷ Trailing only Washington D.C., Tallahassee was the U.S. metropolitan area with the second highest demand for lawyers in 2024.⁸ Despite this, Tallahassee has the lowest mean annual attorney wage among the ten metropolitan areas with the highest concentration of jobs and location quotients for lawyers⁹ and is below the national median annual wage for lawyers working in state

⁶ As of September 9, 2025, 45 out of 127 positions were unfilled.

⁷ Kristie Wilder & Paul Mackun, *Sunshine State Home to Metro Areas Among Top 10 U.S. Population Gainers From 2022 to 2023*, U.S. CENSUS BUREAU (Mar. 14, 2024), <https://www.census.gov/library/stories/2024/03/florida-and-fast-growing-metros.html>.

⁸ AMERICAN BAR ASSOCIATION, *ABA Profile of the Legal Profession 2024: Demographics*, (www.americanbar.org/news/profile-legal-profession/demographics/) (last visited Sept. 10, 2025).

⁹ U.S. BUREAU OF LABOR STATISTICS, *Occupational Employment and Wages, May 2023: Lawyers* (Apr. 3, 2024), <https://www.bls.gov/oes/2023/may/oes231011.htm>.

government, the lowest paying government category.¹⁰ Given these circumstances, attracting attorneys to Tallahassee is a significant problem.

The proposed Chapter 22 would provide a much-needed inducement to out-of-state attorneys who may have an interest in working for the Florida government but are reluctant to do so because of current Florida Bar requirements. This accommodation would help the Executive Branch secure the public service of talented attorneys from across the nation and thereby alleviate persistently high levels of attorney vacancies in state government.

B. The proposed accommodation can be implemented in a way that protects the public and ensures attorney competence and good character.

The State is well-equipped to ensure that state government attorneys who are permitted to practice under proposed Chapter 22 are adequately mentored and supervised. Mentorship or association with Florida lawyers is already required in other contexts to practice in the state without being admitted to The Florida Bar. Chapter 21,

¹⁰ U.S. BUREAU OF LABOR STATISTICS, *Occupational Outlook Handbook: Lawyers*, <https://www.bls.gov/ooh/legal/lawyers.htm#tab-5> (last visited Sept. 17, 2025).

for example, requires lawyers who practice law in Florida as military spouses to be mentored or employed by a Florida Bar member. Chapter 11 allows law students to practice under the supervision of a member of The Florida Bar in good standing.¹¹ And lawyers seeking to practice pro hac vice in Florida courts must be associated with a member of The Florida Bar in good standing.¹² Thus, the Court has previously allowed individuals who have not passed the examination to practice under the mentorship of a Florida lawyer. Imposing the same requirement here would protect the integrity and quality of The Florida Bar's membership.

The Florida Board of Bar Examiners (FBBE) argues that the general bar examination ensures candidates are proficient.¹³ But the FBBE petitioned for the relaxation of the examination requirement as part of Chapter 21.¹⁴ And The Florida Bar not only failed to argue that this somehow threatened the proficiency of the

¹¹ R. Regulating Fla. Bar 11-1.7.

¹² See R. Regulating Fla. Bar 1-3.10(a); Fla. R. Gen. Prac. & Jud. Amin. 2.510(a).

¹³ The Florida Board of Bar Examiner's Comments, In Re: Amendments to Rules Regulating The Florida Bar—Chapter 22, No. SC2025-1281, at 5–9 (filed on Sept. 3, 2025).

¹⁴ Joint Petition to Amend Rules Regulating The Fla. Bar & Rules of Supreme Ct. Relating to Admissions to Bar, No. SC-18-158 (filed on Jan. 29, 2018).

Bar's membership but was a co-sponsor of Chapter 21 along with the FBBE.¹⁵

Proposed Chapter 22 poses no threat to the proficiency of state government attorneys. Indeed, the Court waived passage of the examination in Chapter 21, showing that, under the right circumstances, proficiency may be satisfied through good standing in other jurisdictions. Chapters 21 and 22 are congruent. Chapter 21 replaces passage of the examination with marriage to a U.S. service member, while proposed Chapter 22 replaces it with time-bounded state government employment. Certainly, the Executive Branch's hiring and supervision of attorneys is a more reliable predictor of proficiency than the random chance that military service members relocated to Florida are married to proficient attorneys.

In addition to the continuing legal education requirements in proposed Chapter 22, the Executive Branch may require training for new hires or appointees to further ensure proficiency.¹⁶

¹⁵ *Id.*

¹⁶ *See, e.g.*, Fla. Admin. Code R. 60L-33.00311.

Finally, on top of a state agency's supervision of its own employees, the Court retains disciplinary authority over state government attorneys. Thus, the low level of risk associated with proposed Chapter 22 is mitigated and outweighed by the public benefit of admitting talented and experienced attorneys who are already members in good standing of another state's bar, dedicated to public service, subject to the Court's disciplinary jurisdiction, and accountable to the Executive Branch leaders who hire and oversee them as they serve the people of Florida.

II. The Court cedes none of its attorney regulation authority when it adopts admissions rules which exempt Executive Branch attorneys from pre-screening.

The Court regulates attorney admission and discipline and is free to change its regulatory scheme. Regulation need not entail review of each attorney's application and may be exercised by adopting rules governing who is eligible for admission, who must undergo pre-screening requirements, and who may be exempt from pre-screening requirements. The Court established the processes by which it considers petitions to amend admissions rules and yields none of its regulatory authority when it chooses to adopt rules that

are triggered by a third-party action (i.e., military orders or an Executive Branch offer of employment).

The Florida Bar's separation of powers argument¹⁷ misses the mark. Hiring and firing its employees, including attorneys, is an inherent Executive Branch function under Article IV, Section 6 of the Florida Constitution. The Court does not usurp the executive power of Article IV, Section 6 when it disbars a state government attorney. Nor does the Executive Branch exercise any of the Court's Article V, Section 15 authority when it hires state government attorneys to provide legal services to the State. The proposed Chapter 22 does nothing to undermine the Court's exclusive regulatory powers under the Florida Constitution.

Respectfully submitted,

/s/ Christopher Kimball

Ryan D. Newman (FBN 1031451)

General Counsel

Christopher Kimball (FBN 1039988)

Senior Deputy General Counsel

Executive Office of the Governor

The Capitol, Suite 209

Tallahassee, Florida 32399

(850) 717-9310

¹⁷ The Florida Bar's Comments, In Re: Amendments to Rules Regulating The Florida Bar—Chapter 22, No. SC2025-1281, at 2–5 (filed on Sept. 11, 2025).

Ryan.Newman@eog.myflorida.com
Christopher.Kimball@eog.myflorida.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing comment has been filed electronically on this 19th day of September, 2025, via the Court's E-Filing Portal and served by email on the following:

James Uthmeier, jenna.hodges@myfloridalegal.com
David Arthmann, davidarthmann@flhsmv.gov
David Axelman, david.axelman@eog.myflorida.com
John James Bajger, john.bajger@myfloridalegal.com
Samantha-Josephine Baker, sammy-jo.baker@fdc.myflorida.com
Ryan D. Barack, rbarack@employeeerights.com
Christopher John Baum, christopher.baum@myfloridalegal.com
C. Suzanne Bechard, carlasuzanne.bechard@myfloridalegal.com
Andrew Joseph Benard, andrew.benard@fdva.fl.gov
Judy Bone, judy.bone@fldoe.org
Alysson Hall Bradley, alysson.bradley@flhealth.gov
Lizabeth A. Brady, liz.brady@myfloridalegal.com
David William Bundy, david.bundy@myfloridalegal.com
William David Chappell, david.chappell@fldoe.org
Kristen Krueger Clemons, kristen.clemons@fdc.myflorida.com
David Costello, dcostello@bsflp.com
Rebekah Ann Davis, rebekah.davis@dot.state.fl.us
Jeffrey Paul Desousa, jeffrey.desousa@myfloridalegal.com
Timothy E. Dennis, timothy.dennis@myfloridalegal.com
George Espy Doty, III, gedoty@gmail.com
Dane Morris Dunson, dmd8e@virginia.edu
Samuel Francis Elliott, samuel.elliott@myfloridalegal.com
Brian Lee Fernandes, brian.fernandes@myfloridalegal.com
Andrew Rubin Fier, andrew.fier@myfloridalicense.com
Nathan Andrew Forrester, nateforrester@yahoo.com
Laura Lee Gallagher, laura.gallagher@ahca.myflorida.com
Sonia Garcia-Solis, sonia.garciasolis@myfloridalegal.com

Kevin Andrew Golembiewski,
kevin.golembiewski@myfloridalegal.com
Robert Gregg, robert.gregg@myfloridalegal.com
John Matthew Guard, johnmguard@hotmail.com
Mark Sean Hamilton, mark.hamilton@floridarevenue.com
Paula Harrigan, paula.harrigan@fldoe.org
Joseph E. Hart, joe.hart@flair.com
Joseph Monroe Helton, Jr., joseph.helton@ahca.myflorida.com
Sonya Roebuck Horbelt, sonya.horbelt@myfloridalegal.com
Allen Liang Huang, allen.huang@myfloridalegal.com
Nicole Hults, nicole.hults@dot.state.fl.us
Daniel Andrew Johnson, dan.johnson@fdc.myflorida.com
Christopher Kimball, Christopher.Kimball@eog.myflorida.com
Christopher Gilman Krampert, christopher.krampert@fdva.fl.gov
Kristen Grace Larson, kristen.larson@dms.fl.gov
Zachary Loyed, zachary.loyed@eog.myflorida.com
Carlos J. Martinez, appellatedefender@pdmiami.com
Darya Daniela Massoudi, daryamassoudi@gmail.com
John Lewis Milla, john.milla@fldjj.gov
Brandee Lynne Miller, brande.miller@myfloridalicense.com
Darrick William Monson, darrick.monson@myfloridalegal.com
John Eddy Morrison, jmorrison@pdmiami.com
Ryan Dean Newman, ryan.newman@eog.myflorida.com
William G. Pafford, pafford2@flcourts.org
Christine Pratt, christine.pratt@myfloridalegal.com
James Leigh Richmond, james.richmond@fldoe.org
Ivy Rollins, ivy.rollins@myfloridalegal.com
Tonja Vickers Rook, tonja.rook@myfloridalegal.com
Erik Sayler, saylere@elderaffairs.org
Robert Scott Schenck, schenckrs@gmail.com
Jeremy B. Scott, jeremy.scott@myfloridalegal.com
Stacy A. Scott, scotts@pdo8.org
Andrew Taylor Sheeran, andrew.sheeran@ahca.myflorida.com
Gregory Scott Slempp, greg.slempp@myfloridalegal.com

Foster Swartz, foster.swartz@myfloridalegal.com
Elizabeth Teegen, elizabeth.teegen@myfloridalegal.com
Edward Alexander Tellechea, ed.tellechea@myfloridalegal.com
Matthew Aaron Toplak, matttoplak@gmail.com
Rajan Kumar Vasisht, rajankvasisht@gmail.com
Rana Marie Wallace, ranawallace@fcor.state.fl.us
Nicholas Weilhammer, nicholas.weilhammer@myfloridalegal.com
W. Joseph Werner, Jr., joewerner1978@gmail.com
Joseph Yauger Whealdon, III, jwhealdon@jimersonfirm.com
Bonnie Wilmot, bonnie.wilmot@fldoe.org
Justin George Wolfe, justin.g.wolfe@dep.state.fl.us

/s/ Christopher Kimball
Christopher Kimball
(FBN 1039988)

CERTIFICATE OF COMPLIANCE

I certify that this comment was prepared in Bookman Old Style, 14-point font, and double-spaced, in compliance with Rule 9.045(b) of the Florida Rules of Appellate Procedure and that this comment complies with the Court's guidelines for Rules submissions. In Re: Guidelines for Rules Submissions, No. AOSC22-78 (Fla. 2022).

/s/ Christopher Kimball
Christopher Kimball
(FBN 1039988)