

SUPREME COURT OF FLORIDA

In re Amendments to Rules Regulating The Florida Bar—Subchapter 4-7 Information About Legal Services

No. SC2022-1294 · No. SC2022-1294 · Decided June 22, 2023

SUMMARY

The Supreme Court of Florida approved amendments to subchapter 4-7 of the Rules Regulating The Florida Bar concerning information about legal services and lawyer advertising. The amendments address clear and conspicuous disclosures, disclaimers, certification claims, direct written solicitations, and qualifying-provider participation requirements, effective August 21, 2023.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Chief Justice Muñoz; Justice Canady; Justice Labarga; Justice Couriel; Justice Grosshans; Justice Francis
JURISDICTION	Florida
DECIDED	June 22, 2023
DOCKET	SC2022-1294
DISPOSITION	approved
PROCEDURAL POSTURE	The Florida Bar petitioned the Supreme Court of Florida to amend subchapter 4-7 of the Rules Regulating The Florida Bar concerning information about legal services.
PRECEDENTIAL VALUE	Published rulemaking opinion of the Supreme Court of Florida; establishes and amends binding Rules Regulating The Florida Bar.
PARTIES	The Florida Bar

TOPICS

- rulemaking
- administrative law
- appellate procedure

PRACTICE AREAS

- legal ethics
- attorney advertising
- professional responsibility
- Florida Bar rulemaking

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should exercise its authority to amend subchapter 4-7 of the Rules Regulating The Florida Bar as proposed by The Florida Bar.
2. What amendments should govern required advertising content, disclaimers, certification claims, direct written solicitations, and qualifying providers.

HOLDINGS

1. The Supreme Court of Florida had jurisdiction to amend the Rules Regulating The Florida Bar.
2. The Court adopted the proposed amendments to Bar Rules 4-7.12, 4-7.13, 4-7.14, 4-7.16, 4-7.18, and 4-7.22.

KEY QUOTATIONS

“The amendments shall become effective August 21, 2023, at 12:01 a.m.” (at 4)

FACTUAL BACKGROUND

The Florida Bar proposed amendments to several advertising and solicitation rules governing lawyers, law firms, lawyer referral services, and qualifying providers. The proposals replaced certain prominence requirements with a clear-and-conspicuous standard, revised required disclaimers, removed an unnecessary solicitation disclaimer and a certification disclaimer, and required qualifying providers to have participating lawyers from at least four different law firms. The Bar's governing board approved the proposals, formal notice was published, and no comments were submitted.

PROCEDURAL HISTORY

The Board of Governors of The Florida Bar approved the proposed amendments, and the Bar published formal notice in The Florida Bar News. No comments were received. The Supreme Court considered the petition and adopted the proposed amendments.

DISPOSITION

approved