

SUPREME COURT OF FLORIDA

In re Amendments to the Rules Regulating the Florida Bar

978 So. 2d 91 (Fla. 2007) · No. SC06-736 · Decided December 20, 2007

SUMMARY

The Supreme Court of Florida considered The Florida Bar's petition to amend numerous Rules Regulating the Florida Bar and related bylaws. The court adopted the proposed amendments with one exception, declined to adopt a proposed rule establishing a conference-and-dialogue review process, requested further study from the Bar, and made the adopted amendments effective March 1, 2008.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Per Curiam; Wells, J.; Anstead, J.; Pariente, J.; Quince, J.; Cantero, J.; Bell, J.; Lewis, C.J.
JURISDICTION	Florida
DECIDED	December 20, 2007
DOCKET	SC06-736
DISPOSITION	approved
PROCEDURAL POSTURE	The Florida Bar petitioned the Supreme Court of Florida to adopt proposed amendments to the Rules Regulating the Florida Bar and a related bylaw.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion adopting amendments to the Rules Regulating the Florida Bar; precedential as to the court's rulemaking disposition and directives.
PARTIES	The Florida Bar

TOPICS

- rulemaking
- administrative law
- appellate procedure

PRACTICE AREAS

- Administrative law
- Legal ethics and professional responsibility
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should adopt the Florida Bar's proposed amendments to the Rules Regulating the Florida Bar and related bylaw.
2. Whether the court should adopt a proposed rule establishing an optional conference-and-dialogue process for reviewing proposed amendments to the Bar rules.

HOLDINGS

1. The court adopted the Florida Bar's proposed amendments to the Rules Regulating the Florida Bar and the proposed amendment to Bylaw 2-7.3, subject to the court's stated exception concerning proposed rule 1-12.2.
2. The court declined to adopt proposed rule 1-12.2 at that time because the proposal raised significant unresolved issues requiring further study.
3. The court directed the Florida Bar to study how other high courts process amendments to court or bar rules and to address ex parte communication issues, working with the Rules of Judicial Administration Committee.

KEY QUOTATIONS

“Therefore, the Court does not adopt the proposal at this time.” (92)

“Because the proposal presents significant unaddressed issues, the Court requests that the Bar undertake and submit a study addressing how, in states where the high courts have procedural rule or Bar rulemaking authority, those courts process their rule amendments.” (92)

“Accordingly, the Court adopts the amendments to the Rules Regulating the Florida Bar as set forth in the appendix to this opinion.” (92)

FACTUAL BACKGROUND

The Florida Bar submitted numerous proposed amendments to the Rules Regulating the Florida Bar and one bylaw amendment after approval by its Board of Governors. The proposals were published in The Florida Bar News, and the Bar filed them with the Supreme Court of Florida after the public-comment period. The court considered one comment, concerning a proposed alternative procedure for reviewing amendments to the Bar rules.

PROCEDURAL HISTORY

The Florida Bar's Board of Governors approved the proposals, which were published for public comment. The Bar then filed the proposals with the Supreme Court of Florida; the court received one comment and adopted the proposals with one exception, declining to adopt the proposed conference-and-dialogue rulemaking procedure.

DISPOSITION

approved

CASES CITED

- Rose v. State, 601 So. 2d 1181, 1183 (Fla. 1992)
- In re Clayton, 504 So. 2d 394, 395 (Fla. 1987)
- In re Amendments to the Rules Regulating the Florida Bar—Advertising, 971 So. 2d 763 (Fla. 2007)

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