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SECTION ADMINISTRATION
SECTION RESPONSIBILITIES AND ASSIGNMENTS

In order for The Florida Bar to serve its members successfully, Bar staff in Tallahassee and volunteer section leaders like you from around the state, must understand and carry out our respective and mutually dependent roles. As in every organization, good communication and a clear delineation of responsibilities are keys.

Generally speaking, in pursuing goals and objectives, the Section Chair, the Executive Council and other Section volunteers receive guidance on Bar policies and procedures from the Section’s Program Administrator. As the Professional liaison assigned to you by The Bar, your Program Administrator is trained, not to perform secretarial functions, but to advise you on Standing Board Policies, budget considerations, publication parameters, advertising deadlines, CLE program planning, and myriad other matters. Thus, the position of Program Administrator is unique within The Florida Bar in that Administrators must coordinate with virtually every other Bar department in the carrying out of their duties to Sections. Ultimate decision making rests with Section Leadership, whose decisions must, of course, comport with Bar policy.

To facilitate our working together to serve our membership, we have put together the following summary of Bar procedures, as well as the text of relevant Standing Board Policies and Rules Regulating The Florida Bar. We hope these will provide you with both the overview and details you will need for a successful term.

Thank you.

Dixey Teel
Director, Professional Development

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TIPS FOR SECTION LEADERS

CHAIR:

Develop a Vision

1. Have a clear theme or objectives for your term
2. Utilize or develop a Long Range / Strategic Planning session to determine your course
3. Maintain open communications with past Chairs and continually seek their advice

Building Your Team

1. Enlist other Section members to help in appropriate matters
2. Garner back-up volunteers or co-chairs to ensure success of important projects
3. Personally call to remind or thank Section members who volunteer for projects
4. Devote time to groom future leaders, make sure they care about the Section, track record of working hard
5. Identify future leaders, and place them in “prove yourself” Committee Chair positions
6. Recruit and groom new, young and diverse members during your tenure

Stay Connected

1. Place a Chair’s Welcome on your Section website with your goals detailed for your members
2. Contact BOG Rep, TFB President and President-Elect to garner their support
3. Attend meetings of other Sections to address joint efforts or related controversies

Follow The Money

1. Know the budget for your term (adopted while you are Chair-Elect)
2. Stay within your budget
3. Maintain strong revenue:
   - Keep membership strong with prominent benefits
   - Assign hard-working program chairs to CLEs and Retreats
   - Identify other special events, sponsors or products that produce revenue

Action Agendas

1. Obtain input and feedback from other Officers and Exec. Council members
2. Circulate agendas a minimum of two weeks in advance of each meeting
3. Post agendas on your website or send a link by e-mail to members
Run Efficient Meetings

1. Start on time, end on time
2. Plan ahead for controversial items, and allow time for debate
3. Know Roberts Rules and tools to maintain the tempo of the meeting
4. Take notes, supplemented by Secretary's minutes, of action items

Maximize Publicity

1. Ensure completion of at least two newsletters, four newsletters if possible
2. Alert The Florida Bar News of newsworthy projects or activities
3. Don't miss submitting an annual report for inclusion in The Florida Bar *Journal*

Managing Authority

1. Respond to emails, letters from The Florida Bar President and Board of Governors
2. Respond to emails, letters from other Sections, Committees and Bar leaders
3. Delegate authority to your Legislative Chair, CLE Chair and Sponsor Chair to make decisions on behalf of the Section – with your goals and mission in mind

Engage The Council of Sections

1. Attend meetings or ensure somebody from Section attends
2. Be prepared to report on section achievements or needs
3. Offer agenda items

Finish Strong

1. Publish year-end article highlighting successes during the year
2. Discuss unfinished projects with incoming Chair, find common ground for ongoing items
3. Invite your members to a great reception during your year-end meeting
4. Avoid stepping on new Chair’s toes - but lend a hand when asked

**TIPS FOR FUTURE LEADERS**

**PARTICIPATE!**

1. Attend - show up at as many meetings and events as possible
2. Volunteer - don't wait to be asked when help is needed
3. Available? - be that person who can be relied upon in a pinch, especially last-minute
4. Execute - deliver as promised on seminars, workshop and events
5. Foster relationships with other leaders and section officers
6. Grow - bring new people to events and seminars, recruit new members
7. Reach-out - be a friend, mentor new Executive Council members
WHAT SHOULD YOU EXPECT FROM STAFF & STAFF FROM YOU

What Should Volunteers (Sections/Divisions) Expect of Staff (Program Administrator)?

1. A volunteer should expect to have the time the volunteer is freely giving used to its best advantage, not wasted on things others can do or on relatively unimportant tasks.

2. A volunteer should expect to receive from a staff member options and recommendations for activity, not “what should we do about this?” or “how should we handle this?”

3. A volunteer should expect the staff member to adhere to points of view the staff believes are professionally correct, notwithstanding the attitude of volunteers. At the same time, a volunteer should expect a staff member to be flexible and to incorporate the views of volunteers into the program as appropriate (or provided by policy).

4. A volunteer should view the staff member as a valued professional colleague who is neither dictated to nor put on a pedestal.

5. A volunteer should expect the staff to identify the volunteer’s role and activities and to provide all necessary background information to carry out those responsibilities.

6. A volunteer should expect to be told bad news or problems (as well as good news) and should be involved, when appropriate, in developing solutions.

7. A volunteer should expect from a staff member polite but firm pressure to achieve objectives and to move forward according to an agreed-upon plan.

What Should Volunteers Expect of Themselves?

1. Plan to give the time committed to a program or organization.

2. Put limits on your involvement when you cannot meet your responsibilities.

3. Bring to your association work the same level of intellectual commitment and judgment you would in your own business or professional pursuits.

4. Respect the individuality and style of the organization you are involved with and not assume that your dealings with one association will be exactly the same as your dealings with other associations. Each association is unique. Each has its own purpose and characteristics.
What Should Staff Expect of Volunteers?

1. A staff member should expect from volunteers creativity in addressing the program and issues and not a “rubber stamp” performance. At the same time, the staff member should expect the volunteers to respect staff’s judgment and by and large to accept staff recommendations.

2. A staff member should expect that volunteers need education about the organization. Every staff contact is an opportunity to tell the volunteer more about the organization and its programs and objectives.

3. A staff member should neither fear nor denigrate volunteers, but rather view them as valued colleagues.

4. A staff member should expect volunteers to ask hard questions.

5. A staff member should expect volunteers to have individual strengths and characteristics which must be identified and put to special use.

6. A staff member should be sensitive to the personal and business priorities of volunteers which may impinge on their ability to serve. The staff members must be certain that the things being asked for are substantive and important.

7. A staff member should remember that more good volunteers are lost because too little, rather than too much, is asked of them.

What Staff Members Expect of Themselves?

1. Staff members should prepare plans and guidelines for volunteers so they can react to specifics, not generalities.

2. Staff members should view themselves as members of a team and should give public credit to volunteers for successful programs.

3. Staff members should provide not just service, but leadership. Staff members should provide options for activity, set a positive and forthright atmosphere, and create confidence in their judgment and the program that is being carried out.

4. Staff members should expect to have free access to volunteers and should make sure that all contacts with them are professional and productive.

These pointers add up to basic rules for human relationships. Staff and volunteers work together best in an atmosphere of open communication and mutual confidence and respect. Such relationships don’t just happen; like a good marriage, you have to work at them.
HOW TO CONDUCT MEETINGS THAT GET RESULTS
TIPS, POINTERS, AND GUIDELINES

Associations are composed not of products but of people, and meetings are the glue that holds them together, whether they are board meetings, committee meetings, or informal discussion groups.

Those who aspire to positions of leadership in associations are familiar with the heavy load of meetings in which they must participate.

But the jump from participating in a committee to leading a task force or serving as chair of a committee or head of a board of directors is a big one. There’s more difference between serving as a member and acting as a leader than most people suppose.

Leaders don’t just happen

The best leadership, like the best athletic or artistic effort, appears easy. The reality is that preparation, practice, and diplomacy are all needed if the job is to be done well.

Leaders don’t just happen. They must learn how to orchestrate the complex communications, personalities, and problem-solving components involved in association meetings. Because of this, a leadership position should not be viewed as mere ego gratification, a ceremonial job, or a reward for services rendered.

Experts acknowledge that the single most important ingredient in the effectiveness of committees, task forces, or board of directors is the chair’s effectiveness in getting people to work together — usually at meetings.

Association staff members handle the administrative details of meetings, but the actual orchestration of the meeting is up to you as the volunteer association leader. Here are a few pointers to make the job easier.

Have a reason to meet

When and where the meeting will be held are important considerations. However, the very first question a meeting chair or facilitator should ask is, “Why is this meeting being called and what do we want to accomplish?”

If there are no clear-cut answers to these questions, it would be better not to hold the meeting at all. Meetings with no meat set a bad precedent, and members, once burned, may be reluctant to heed the next call to action.

The dates of some meetings, such as those of standing committees and of the board of directors, may be set by the bylaws. But if there’s no real content to the agendas of even these meetings, it may be time to rethink the goals and priorities of the association.
The location of a meeting is usually decided by custom, room availability, or the condition of the association coffers. The time set for the meeting and how long it will run should be given careful consideration. The first half-hour of meetings scheduled too early in the day is usually spent priming members with coffee in order to achieve the level of alertness necessary for the ordinary conduct of business.

Those held at the end of the day seldom hold the attention of members once normal quitting time has passed. It’s human nature to want to begin and end one’s working day at one’s own pace and place.

Ten o’clock in the morning and 2 o’clock in the afternoon are optimum times for meetings, particularly those that are scheduled to run for one or two hours. Whatever timetable you choose, stick with it. Begin on time, and don’t let the meeting run over.

**Know who participates**

The matter of who attends association meetings is seldom left to the leader. Participants are elected or selected, or they may simply volunteer. In working committees, it’s best to have a definite limit on membership; the optimum size for getting results is five to 15 members. If there is no limit on committee membership and you have more than 15, divide the members into smaller groups for specific tasks.

Another consideration, particularly for standing committees and working groups, is the ratio of mature, successful members to those new to the profession. Ideally, there should be twice as many experienced members.

**Be aware of hidden agendas**

People participate in meetings for a variety of sometimes overlapping reasons; exposure, a desire to develop professionally, a desire to bring about changes which will make their jobs easier, or simply a compulsion to join. With so many different agendas, it’s up to the leader to be aware of and use these motives to encourage participants to get things done.

New committee members need to be brought up to date quickly. This is best done before they attend their first meeting by supplying them with minutes of the past year, a review of the committee accomplishments, and a list of recommendations for future actions made by past committee members. The association staff can handle development and distribution of these materials, but as the leader you should ensure that materials are sent early enough to give time for review.

**Preparing for the meeting**

Effective meetings don’t just happen. They require advance planning and effort on the part of both the leader and the participants. In order to assure this, an agenda should always be sent in advance of a meeting.
According to Frank Snell, author of *How to Hold a Better Meeting*, an agenda should list the date, place, and estimated duration of the meeting. The names of the participants should be given together with the subject of the meeting, some background information, and the status of the material to be discussed. Usually association staff will prepare the agenda, but you should be sure it covers topics that need to be covered.

Most importantly, the agenda should clearly set forth the goal of the meeting. This document doesn’t have to be long and involved, but it should contain enough information so that the participants know what is expected of them. For example, a meeting plan could look something like this:

**Date of Meeting:**
April 5, 2016

**Place:**
Widget Association Conference Room

**Time:**
10 a.m. - Noon

**Who Will Attend:**
Association President Bob X
Public Affairs Director Sarah Y
Members Smith, Jones, Perez and Butler

**Subject:**
Consumer Information Program

**Background of Subject:**
Board has decided that association shall develop a public information program for widget consumers.

**Present Status:**
Staff members have developed three alternative plans.

**Goal of Meeting:**
To reach complete agreement on which plan to use.

Background information and samples of these plans should be included in the agenda mailing. Careful advance preparation of materials serves two purposes: It forces the leader to identify the problem and set a goal; and it allows participants to review the subject thoughtfully and develop a point of view.
Consider seating arrangement

Studies have shown that human beings react in certain predictable ways in certain physical surroundings. Industrial psychologists have gone to great lengths to discover the best room size for meetings, the most effective wall color, and the most efficient seating arrangements.

The first two items may be beyond your control, but the seating arrangements usually aren’t. The first consideration involves the table at which you and your committee or board will sit.

Ideally, a round table is best, but this only works for a small group. A wide rectangular or U-shaped arrangement is effective for larger meetings. There are even some instances where squeezing the participants closely together side by side promotes communication. Strangely enough, the same proximity doesn’t work when members are put face to face across a narrow table, particularly when opposing factions are lined up on either side.

The second consideration is where the leader sits. As a leader it’s important that you be easily seen by all participants. This means positioning yourself at the head of the table if you fancy an authoritarian setting or in the middle of the table if you want to appear to be one of the crowd.

A useful tactic to remember when dealing with a possibly disruptive member, is to seat that person to your immediate right, which means that you will have no eye contact, thus enabling you to ignore signals for attention.

Start on time

As leader you set the tone for the meeting. The one rule upon which all experts agree is this: Start on time. Don’t wait for anyone. It sets a bad example and encourages others to be late at the next meeting.

 Briefly state the purpose of the meeting in clear, lively language, and emphasize the positive aspects of the subject. If you predict gloom and doom from the beginning, members will become discouraged and tune out.

Once the meeting is underway, keep it going. B. Y. Auger explains in his book, *How to Run Better Business Meetings*, that with a little practice, leaders can learn to keep a discussion moving along briskly.

His seven control points are:

1. Stimulate discussion; don’t let it lag.

2. Balance the discussion; don’t let any single point of view predominate when others are to be heard.

3. Keep the discussion on track; don’t let people digress.

4. Break up hot controversies; they’ll tear the meeting apart.
5. Keep the meeting lively; don’t let people daydream.

6. Watch your timetable; finish on schedule.

7. Make sure there is a conclusion and some positive action is initiated.

If the subject matter is complicated, go slowly and use a blackboard. This is also a useful tool in defusing a heated discussion, since listing the points being discussed seems to disassociate the idea from the person proposing it; it becomes more impersonal and easier to discuss freely.

**Orchestrating results**

Generally speaking, it’s usually easier to encourage and direct rather than to push and pull, and this is where knowledge of the personalities and inner agendas of the participants is important. Manipulation may sound like a dirty word, but it works, and it’s certainly less irritating than ruling by fiat, particularly in a democratic organization like a trade or professional association.

Remember, peers are the most difficult people to command. Try a carrot instead of a stick.

It’s important to give each participant a chance to speak. This is difficult with those who are naturally reticent or who choose to play it close to the vest. However, by getting this type of person to open up by asking him/her to share information, you can sometimes open the way for opinions to come out as well.

It may take time and coaxing, but it’s worth the effort. The silent ones are taking everything in while the gregarious ones are just too busy talking to listen.

The close of a meeting is as important as it’s opening. The leader should point out what decisions have been reached, what differences remain, and what needs to be done in the future.

**Qualities of a good leader**

Strange as it may seem in this age of double talk, the duty of a leader is to lead. This doesn’t mean to ride roughshod over others, but it does involve a responsibility which, if not exercised, can lead to group inaction or chaos.

A meeting leader should stay neutral, avoid lecturing, and guide the meeting from problem to solution.

A leader should not hog the meeting, publicly rebuke a member, or permit unnecessary interruptions such as phone calls, outside questions, and so forth.
After the meeting adjourns

Once the meeting is adjourned, the leader still has work to do. The results of the most successful meeting in the world will slip away if they are not put into concrete form almost immediately. Frank Snell, author of *How to Hold a Better Meeting*, suggests setting up a standard form for a follow-up memo. It should be tailored to a group’s or committee’s specific needs and include the following information:

- Date of Meeting
- Name of Sender
- Subject of Meeting
- Participants
- Conclusions reached
- Future Action

Send the memo to the participants, the association staff liaison, and to others who have a need to know. This memo can serve as the basis for the agenda for the next meeting.

A good meeting gets results

A good meeting is one that meets its goal in the fairest and fastest manner possible. Only an effective leader can make this happen. The leader has temporary custody, after all, of the participant's most precious commodity -- time.

You can stretch money, you can cut staff, but you can’t manipulate time. Twenty-four hours a day is all anyone gets. By coming to a meeting, an association member puts this finite commodity into the leader’s hands. It’s a good leader who values this trust and makes the most effective use of it.
OVERVIEW
The Board of Governors has approved the use of social media for The Florida Bar and Florida Bar Sections/Divisions (also referred to in this policy as “Florida Bar entities”) subject to compliance with this policy.

NOTIFICATION REQUIREMENT
When a Florida Bar program (e.g., Leadership Academy, Practice Resource Institute) or Section/Division determines it has a business need for use of social media, or for use of additional social media platforms, notification will be submitted to the Director of Public Information of The Florida Bar or his/her designee who will:

- Provide the current Florida Bar social media policy, guidelines for setting up new social media accounts, guidelines for handling negative comments, guidelines for users/participants and other guidelines and information as needed;

- Maintain a current list of all employee administrators, Bar member administrators, user IDs and passwords;

- Provide through IT a page monitoring account for public records archiving of postings via installation of software to the staff administrator’s office computer; and

- Provide ongoing counsel for use of social media and generally oversee Bar entities’ use of social media.

SOCIAL MEDIA USE BY COMMITTEES
Committees may only use social media after a proposal is submitted to and approved by The Florida Bar’s Public Information Director. The PI Director may consult with the BOG Communications Committee and its technology consultant before approval. If approved, the notification requirements listed above must be followed.

ACCEPTABLE USE
All use of social networking sites by Florida Bar entities should be consistent with applicable state, federal, and local laws and regulations, and policies, including public records obligations.

COMPLIANCE WITH FLORIDA BAR PUBLIC RECORDS OBLIGATIONS
Communication via Florida Bar related social networking sites is a public record. This means that the posts of Florida Bar entities will become part of the public record. The Florida Bar is part of the judicial branch of government. Access to records of the judicial branch is governed by Florida Rule of Judicial Administration 2.420. In the absence of an exemption, judicial branch records, including the records of The Florida Bar, are subject to disclosure. Records of the judicial branch are defined to include "all
records, regardless of physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business by any judicial branch entity. "Fla. R. Jud. Admin. 2.420(b)(1).

Records created by Florida Bar entities within a social networking site that meet the definition of a public record (material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type), and are not confidential or exempt from disclosure, are public records and must be available for access to the public and must be maintained according to the appropriate records retention category of the Judicial Branch Records Retention Schedule, as assigned by The Florida Bar. For example, many of the communications on the social networking site may be "transitory" in nature. A Florida Bar entity may decide by policy that only transitory messages may be communicated on the site. Transitory messages are created primarily for the communication of information, as opposed to communications designed for the perpetuation of knowledge. Transitory messages do not set policy, establish guidelines or procedure, certify a transaction, or become a receipt. The retention requirement for a transitory message is until the message is obsolete, superseded, or the administrative value is lost. However, if communications on the site are intended to perpetuate, communicate or formalize knowledge of some type, then the communications could not be designated as transitory and must be maintained for the appropriate amount of time as determined by the judicial branch records series.

Florida Bar entities must be aware of the records retention schedule and must make sure that communications that constitute an official record of the Florida Bar entity are being captured and maintained according to the branch retention schedule and are available for public disclosure if requested.

To archive all posts to meet the public records retention requirement, The Florida Bar, Florida Bar Sections/Divisions and other approved entities must use the designated page monitoring service to archive all posted announcements and comments. The software for the service will be installed on the office computer of the staff administrator.

Because others might not be aware of the public records law, entities should include the following statement in the Organization section on the social networking site: **Members of Florida Bar entities communicate via this site. Consequently, any communication via this site may be subject to monitoring and disclosure to third parties.**

**POLITICAL/LEGISLATIVE CONTENT**

The activities of The Florida Bar are defined by the Rules Regulating The Florida Bar, and those rules apply to social networking activity, as well as a variety of other activities.
As a unified bar with mandatory membership, The Florida Bar cannot take positions on political or social issues that do not relate to or affect the practice of law or the administration of justice. Social media platforms should not be used to endorse any candidates or for other political activity.

**ENFORCING THESE POLICIES**

The Florida Bar actively monitors these sites for inappropriate postings. If an inappropriate posting is brought to the attention of The Florida Bar, The Florida Bar will take appropriate action to enforce this policy.

**NEWS MEDIA**

If journalists are contacting you through social media, refer them to the Public Information Department of The Florida Bar: 850-561-5666 or email pubinfo@flabar.org.

**APPROVED:**
The Florida Bar Board of Governors, January 30, 2015

**STAFF CONTACTS:**
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850-561-5762

Danny Aller, Public Information Coordinator/Social Media Specialist
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850-561-5739
WEBSITES

Websites, along with social media, are the cutting edge technology used by The Florida Bar sections to reach their memberships. Section websites, at a minimum, should include the following information:

- Leadership Information: executive council and committee contact information, preferably with photos
- Membership information and applications
- Upcoming events and current CLE links to Bar CLE registration page or InReach registration page
- Past CLE links to OnDemand and audio CD and/or DVD sales
- Links to Social Media, e.g. Facebook, Twitter
- Information regarding section listserv or blogs
- Section bylaws should be listed
- Resource Links to other related organizations relative the substantive areas of the section
- Website content should be generated from a website/communication committee chair, not a program administrator

Section websites would do well to consider the following cutting edge technology points:

- Mobile Friendly Design. Having a mobile-friendly website is no longer an option, it’s a requirement. As association members increasingly depend on their phones to search for and visit websites, having a mobile-friendly website your members can access is a must.
- Accessibility. Its requirements include: 1) making content accessible through assistive technologies; 2) labelling navigation elements specifically; and 3) making content accessible via a keyboard
- Consistent Branding. *It takes up to 8 seconds for a visitor to identify your brand – longer than that, and the majority of visitors leave.* Your association’s web properties enhance and extend your brand, so include logos and other recognizable signs of identity so visitors know they have come to the right place.

A few links to best website design practices for associations are listed below.


http://www.webbrightservices.com/the-association-blog/best-website-design-practices-for-associations

http://moveableonline.com/blog/2014/07/04/7-key-features-successful-professional-association-website/
USING THE FLORIDA BAR’S VIDEO CONFERENCING SERVICE

Overview

The Florida Bar's Video Conferencing allows for face-to-face interaction with sites virtually anywhere in the world. It can reduce travel costs and increase productivity. We provide dedicated video conference rooms at all five TFB locations, equipped with high-definition cameras, microphones, and flat-panel displays. Remote clients can access our video conferences using dedicated video conference rooms, desktop or laptop computer, telephone, and even mobile devices (iOS and Android).

Uses include:

Long-distance, multi-site meetings
Remote class/training participation
Job interviews
Project collaboration

How do I request this service?

Video conferencing equipment and services can be reserved using TFB’s Resource and Reservation system.

Video conference requests should be made 48 hours in advance to allow for appropriate configuration time.

When is this service available?

Video Conferencing rooms are open during normal TFB business hours. TFB's Video Conferencing Services are available to fit the demand of your conferencing schedule. Appropriate lead time is required in order to fulfill your request. Exceptions to availability will include any planned maintenance, and unplanned outages.

How do I get help with this service?

Support for Video Conferencing is provided Monday to Friday 8 AM - 5.30 PM. Contact the The Florida Bar's Service Desk for help with this service:

Telephone: 5820

Email: servicedesk@floridabar.org
VIDEO CONFERENCING SERVICES

**Video Conferencing Rooms**

Several video conferencing rooms may be reserved with seating capacity for up to 25 people. These video conference rooms are available at all five TFB locations. Each room is equipped with high-definition cameras, microphones, and flat-panel displays.

**Bridging Services**

This service is available to any user connected to the Internet and allow for multi-site and multi-party video conferences.

**Desktop/Mobile Device Video Conferencing**

The Desktop/Mobile Device video conferencing service is currently powered by the Scopia software client. The Scopia software will allow you to video conference from your desktop, laptop, or mobile device giving you the ability to share audio, video, and content simultaneously. You will be able to interact with not only Scopia users but anyone using a H.323 capable video conferencing endpoint.

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CONDUCTING YOUR MEETING

ROBERT’S RULES OF ORDER
HOW TO CONDUCT A MEETING
ACCORDING TO ROBERT’S RULES OF ORDER
(NEWLY REVISED)
&
IN LIGHT OF CASE LAW

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INTRODUCTION

Since The Florida Bar has adopted *Robert's Rules of Order, Newly Revised* (henceforth cited as *RONR*) as its parliamentary authority, it is important to explore the main aspects of this particular manual. In addition to statutory provisions for nonprofit organizations, the user should be alert to many factors influencing the effectiveness or pertinence of *RONR*, such as:

A. Contractual relationship to adopted manual

Courts have held that the adoption of parliamentary rules creates a contractual relationship between members and their organizations. Confusion caused by the existence of many other manuals and the peculiar rules in legislative bodies often results in erroneous interpretations of the contractual provisions contained in *RONR*.

B. Case law

While *RONR* is the most frequently used parliamentary manual (A. Sturgis, *Code of Parliamentary Procedure* being the second one), its rules are primarily for ideal situations under ideal circumstances. The rules in *RONR* are not always upheld in the courts. The test seems to be whether an individual's rights have been unduly violated. At least one court has said it will not stand on form alone, and another one has specifically refused to “sit as Grand Parliamentarian” in a dispute. As rules of parliamentary procedure are being contested in court, a growing body of common parliamentary law has been established.

C. Lack of previous training

Because admission to the Bar does not routinely carry with it familiarity with *RONR* (currently, no accredited law school teaches Parliamentary Law and Procedure as a separate topic or in conjunction with another class) and because each rule must be considered in its context as well as in light of any judicial interpretations of it, great care should always be exercised in the application of RONR. Please see the role of a parliamentarian, below at VII.
D. **Intent**

Correct vocabulary is essential for understanding of the *intent* of the group when proper form is not observed. Often, the person recording the actions of a meeting cannot easily ascertain the intent of a group, unless accurate vocabulary is used during the proceedings.

When this is not the case, the intent can easily be obscured or misrepresented by the recorder and lay the foundation for future litigation by malcontenders.

E. **Custom**

Organizations have a tendency to develop their own customary, unwritten rules a fact *RONR* readily acknowledges in connection with the format of minutes. A presiding officer should, therefore, work closely with the parliamentarian on deciding when proper procedure may be overlooked to accommodate a custom that may be, politically or otherwise, more “correct.” Members, on the other hand, should always be advised of the fact that objections must be made at the time of an alleged violation of the rules.

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Below is an outline of the most essential aspects of understanding proper procedure according to *RONR*:

**I. PROPER MEETING AGENDA**

A. Convening a Meeting  
B. Opening Ceremonies  
C. Approval of Minutes  
D. Report of Officers  
E. Reports of Committees  
F. Unfinished Business  
G. New Business  
H. Announcements  
I. Adjournment

**II. MAIN MOTIONS**

A. Ordinary Main Motions  
B. Resolutions  
C. General Consent
III. RANKING MOTIONS

A. Subsidiary Motions
   1. Postpone Indefinitely
   2. Amend
   3. Commit or Refer (to a committee)
   4. Postpone to a Certain Time
   5. Previous Question, or Close Debate
   6. Lay on the Table

B. Privileged Motions
   1. Recess
   2. Adjourn

IV. NON-RANKING MOTIONS

A. Appeal
B. Parliamentary Inquiry
C. Division of the Assembly
D. Suspension of Rules

V. RESTORATORY MOTIONS

A. Reconsider
B. Rescind

VI. ROLE OF PRESIDING OFFICER

VII. ROLE OF PARLIAMENTARIAN

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I. PROPER MEETING AGENDA

Some organizations customarily present members with an agenda at the beginning of a meeting. Sometimes, this merely serves an informative purpose; at other times, adoption is proposed. Once an agenda is adopted, it sets the order of business for the day. By amendment, the assembly may however decide to delete from or add to the agenda. Some organizations, such as municipalities, operate with consent agendas. Items appearing on such agendas are then approved without a further vote. A combination of both kinds of agendas may also occur.

A. Convening a Meeting

The call to order must include a mention of the nature of the meeting (special or regular, etc.). Meetings should convene at the set time, so as to alert members to punctuality in the future and as a courtesy to members who have arrived on time.

A quorum is presumed present and continuous unless that point is raised.
B. Opening Ceremonies

Organizations invariably create their own traditions for the convening of a meeting. Examples are the invocation, roll call, Pledge of Allegiance, etc. As the rule is “God before country”, the blessing precedes the Pledge. None of these procedures are, however, necessary.

C. Approval of Minutes

Proper vocabulary is approval, not adoption. The best method for approving minutes is by general consent (see below at II-C). The minutes are either read (by the secretary), mailed in advance, or distributed to members upon arrival. The Chair then says: “Are there any corrections?” (“additions” is inherent in this word). The Chair pauses and says: “The minutes are approved as read (published/mailed/distributed).” If there are corrections, the secretary simply makes the proper notation in the margin, and the minutes are then approved “as corrected.”

Minutes are not the secretary’s personal report but a record of business transacted. Up till such a time that they are approved, they merely reflect the recorder’s understanding of what transpired at the meeting. They should not contain debate, although many organizations have adopted a custom of including a synopsis of comments made. This is not a recommended procedure since it invariably alienates members whose opinions were not recorded, and also because it empowers the secretary to select between comments to be recorded and those not deemed significant enough. The name of the maker of a motion may be recorded, although it is not necessary, but the name of the seconder is not included. Minutes must always include the time when the meeting convened and adjourned. Also, it is no longer customary for the secretary to sign “respectfully.”

D. Report of Officers

The treasurer reports and the Chair then asks for questions, to which the Chair responds, or requests the treasurer to address the inquiries. The report is then filed (not: “for audit”). Other officers, such as the Vice President, frequently report at this time.

E. Reports of Committees

The committee chairs report and either conclude with a motion proposing an action (on which the assembly votes), or the report is merely filed with the documents of the group. A motion deriving from a committee does not require a second since it is inherent in the proposal that more than one member supports it.
F. **Unfinished Business**

This is with all probability the most commonly abused and misunderstood item of an agenda. First of all, it is correctly called unfinished (not “old”) and secondly, it only includes:

1. any motion postponed definitely to the current meeting (as long as the group meets at least quarterly), but not set as a special order for a particular hour; or

2. a motion before the assembly when it adjourned last.

From the minutes of the previous meeting it is clear if there is any unfinished business: a good presiding officer will be aware of this in advance, rather than having the secretary bringing it to the officer’s attention. Unfinished business particularly does not include incomplete committee reports or other items partially reported at the previous meeting.

G. **New Business**

The presiding officer opens the floor for new business by declaring “new business is now in order.” In most instances, a presiding officer has previous knowledge of what items will come up and perhaps even who might wish to introduce one. Unless outlined on the agenda, these items will come to the floor through the line of recognition sought by members from the Chair.

For further information on proper presentation of new business, see Main Motions, II, below.

H. **Announcements**

Properly, this is a place where members can share non-controversial items of general concern that do not prompt any debate or vote. A pertinent example is to share practical arrangements for the next meeting or news of an absent member, or perhaps to welcome someone new.

I. **Adjournment**

Usually, there is a feel for when a meeting is near to closing: either all items on the agenda have been disposed of, or members seemingly indicate adjournment is expected. At such times, meetings are best adjourned by general consent. The Chair merely asks whether there is any further business or any objection to adjournment and then says, after pausing briefly: “Hearing no objection, the meeting is adjourned.” If there is dissent, the Chair puts the motion to the assembly.
II. MAIN MOTIONS

A. Ordinary Main Motions

The main motion introduces a new item of business. Some motions may be both main (when no other business is pending) or privileged when some item of business is already on the floor. An example would be the motion to recess.

The following are the steps in the disposal of a main motion:

1. The person proposing new business first seeks recognition of the presiding officer, either by raising a hand or by calling out, depending on the custom of the group. It is the duty of the Chair to give precedence to the first person seeking such recognition.

2. Chair: “The Chair recognizes Mr. Smith” (only last names with or without title).

3. Mr. Smith: “I move that ...” (RONR does not provide for any debate before the motion, unless the group consists of less than a dozen members). The motion should be worded in a concise and unambiguous way to enable the secretary to record it properly. “So move” is not a proper motion, since it does not reflect a contemplated action by the group and cannot be restated as such by the presiding officer or the secretary.

4. Chair: “Is there a second?” (or, a second might automatically be called out by someone).

   It is important to note that the maker of a motion must speak for it (but not necessarily vote for it, since they might change their mind during debate), but there is no implication whatsoever that the seconder is in support of the motion. A second infers only that the seconder feels the motion warrants enough consideration to be brought to the floor.

5. Chair: “It has been moved and seconded that...” “Is there any discussion?” (or: “Are you ready for the question”, which, contrary to common belief, means only that debate is in order).

6. Debate. The maker of the motion speaks first. After this, the Chair should alternate, as much as possible, between proponents and opposers of the motion. The Chair might do so by asking whether the next person wishes to speak for or against the motion. RONR permits each member to speak twice, for no more than 10 minutes each time. Rights in regard to debate may not be transferred to another member.
Case law is clear that the Chair has no right to stop debate unilaterally. In fact, all major parliamentary authorities, as well as history, holds that the right to debate is the most valuable right a member has.

The Chair should remain neutral. If the Chair wishes to participate in debate, the Chair must relinquish the chair and physically move into the assembly while the next-in-line (usually the Vice-Chair) assumes the chair.

All debate must be impersonal and go through the Chair (ex: “I strongly disagree with Mr. Jones”, not “John is wrong”). It must also be germane. Comments that do not pertain to the merits of the pending question must not be permitted.

Special procedures allow for debate to be cut short and/or the original motion to be amended (more on both under special motions, below). But once a motion is seconded and stated by the Chair, it belongs to the assembly and the original maker has no control over it, such as withdrawing it according to the Chair's own wishes without permission of the assembly.

7. The Chair **puts the motion.** Chair: “It has been moved and seconded to... All those in favor say ‘aye’, all those opposed say ‘no’.” “The ‘ayes’ have it and the motion is carried.” (or, conversely, “The nays have it and the motion is lost”). The negative vote must always be called for to complete a proper motion.

8. The Chair **announces the vote.** A commonly overlooked part of the procedure, this is an important last duty of the Chair when putting a main motion to the assembly. Until such a time that the vote has been announced, a member has a right to change his or her vote.

If the adoption of the motion carries with it a duty to do something, the Chair concludes with a notation of what is to be done, such as "The Secretary will please order the items agreed upon."


B. **Resolutions**

A resolution is a written, formal version of a main motion. It consists of a preamble (“whereas...”) and the body, and follows a certain format (“resolved that...”). All complicated main motions are best presented in writing to both the Chair and the secretary, although not necessarily in the form of a resolution; but under no circumstances should this be made a requirement with no exceptions so as not to unduly hinder members from presenting spontaneous, albeit complicated, motions arising out of the business at hand.

When considering a resolution, the preamble is always amended last.
C. **General Consent**

A form of main motion, this is the most convenient motion of all. Instead of the formal procedure for adoption of regular main motions, general consent provides for an effective and practical way to achieve the same goal in situations where disagreement is not anticipated. The presiding officer merely states, “Unless there is any objection (or: “Is there any objection?”), we will .... “ Objections must be stated immediately as the disagreeable action occurs”. Use of this motion is particularly recommended for adoption of minutes or adjournment.

III. **RANKING MOTIONS**

RONR divides all ranking motions in three groups (bottom to top): main, subsidiary and privileged motions. A higher-ranking motion always takes precedence over a lower one. In addition, there is the group of non-ranking motions, which include incidental as well as restoratory motions. Clearly, it is impossible to include all individually within the framework of this chapter. Therefore, a selection has been made based on the frequency of usage in the opinion of this author. Additionally, RONR contains a quick reference chart on all motions.

A. **Subsidiary Motions**

1. **Postpone Indefinitely**

   Often confused with the motion to table, the motion to postpone a matter indefinitely has the peculiar characteristics of opening the main question to debate and, if adopted, it effectively kills further consideration of an issue. This motion ranks immediately above the main motion. It takes a second and a majority vote.

2. **Amend**

   Ranked second above the main motion, this subsidiary motion is probably the most difficult one to comprehend, primarily because of its many modes and its frequent abuse.

   Among the main characteristics of the motion to amend:

   a. no more than two amendments, one primary and one secondary, may be pending at any one time;

   b. an amendment must be germane to the motion to be amended, but it may be hostile to the spirit of the original motion;

   c. once the amendment has been seconded and stated by the Chair, it becomes the property of the assembly and the maker may not “withdraw” it. The concept of a “friendly amendment” belongs in some legislative bodies, but is improper in other groups.
the amendment requires a majority vote, even when the motion it applies to requires a larger majority.

3. **Commit or Refer (to a Committee)**

Ranked third above the main motion, it provides the procedure for referring a matter to an existing or to-be-named committee. When creating a committee, the maker of the motion should be advised to include that suggestion in the motion (ex: “a committee of three...” (“...appointed by the Chair” or “elected by the assembly”). Once the motion is adopted, the Chair must proceed with the selection, as such a committee may not commence its work until its make-up has been provided and announced to the assembly.

4. **Postpone to a Certain Time**

Frequently confused with the motion to table, the purpose of the motion to postpone to a certain time (ranking fourth above the main motion) is to bring a matter back for consideration at a later meeting. At that time, it comes up under unfinished business as a general order. If the matter has been designated as a special order for a specified time, it must be brought before the assembly at that time, no matter what item is pending then.

If an organization meets less than quarterly, RONR does not permit usage of this motion.

5. **Previous Question, or Close Debate**

Ranked sixth above the main motion, the motion to close debate is surrounded by so much erroneous vocabulary as to sometimes make it impossible to discern the intent of the assembly. Unfortunately, RONR still prefers the archaic usage of “previous question” which has led the general public to coin the unacceptable term of “question” (or “call the question”), frequently leading a presiding officer to believe that one person may unilaterally call for an end to debate. Case law is quite clear in **not** permitting this kind of abuse of the privilege of debate by one member alone, or even the Chair.

If another subsidiary motion is attached to the motion for which a motion is pending to close debate, it must specify whether the latter is “on all pending matters” or just on the immediately pending subsidiary motion.

Among characteristics of this motion is that it takes a second, is not debatable and takes a 2/3 majority.
Immediately beneath the motion to close debate is the lesser used motion to limit debate. While being useful for setting limits on the time each speaker may normally have, it generally follows the same rules as the motion to close debate, with the exception that it is amendable.

6. **Lay on the Table**

This motion tops all subsidiary motions and therefore has precedence over all others. It is not debatable or amendable. Its purpose is to set aside a pending matter *temporarily*, to be taken up later in the same meeting. If it is not taken from the table, by virtue of a motion to take from the table, by the end of the next meeting (provided the organization meets at least quarterly), the matter will die. The motion to table particularly does **not** serve the purpose of postponing a matter to a later meeting. (Also see, motion to postpone to a definite time.)

B. **Privileged Motions**

Some motions have been designated “privileged” because of the urgency of their nature. They have precedence between each other and supersede all subsidiary motions. Among the most commonly used, only two warrant an inclusion in this chapter (in the order of rank, lower to higher):

1. **Recess**

   The purpose of a recess is usually brief although there is no definite limitation of time. If the time has already been set in an agenda, there is no need for a motion. It is a useful motion for allowing members to caucus in order to work out compromises, or simply to allow members a rest period.

   Among the characteristics of this motion is its very high rank. It also takes a second and a majority vote. RONR permits no debate on the motion to recess, nor an interruption of another speaker.

2. **Adjourn**

   Normally a motion presented by general consent, adjournment may also be proposed as a high-ranking privileged motion, only superseded by the motion to fix the time to which to adjourn. RONR permits no debate, nor an interruption of a speaker. The presiding officer should not permit a motion to adjourn when there is business remaining on the agenda.

   Once the meeting has been adjourned (the presiding officer must clearly state adjournment), no business may be transacted. Case law confirms this parliamentary rule by holding such business null and void.
IV. NON-RANKING MOTIONS

Also called incidental, motions in this group are incidental to a pending matter. They have no assigned rank within the normal order of motions. Depending on circumstances, some incidental motions may occasionally supersede a pending motion. A brief overview of the four most commonly used follows:

A. Appeal

A ruling (not an opinion or the statement of facts) by the presiding officer may be appealed to the assembly. A good chair should welcome an appeal since it takes the burden off the Chair and puts it where it belongs: with the membership. After the Chair states reasons for a ruling, the person proposing an appeal may debate it first. After every member has had an opportunity to debate once, the Chair may make concluding remarks before the vote.

An appeal takes a second and a majority vote. Since the question is on whether the decision of the Chair shall be sustained, a majority or tie vote upholds the Chair and the decision of the Chair then becomes the decision of the assembly.

A presiding officer may also profess doubt as to a certain ruling and simply submit it to the assembly personally.

The most frequent route to an appeal is through the incidental motion of a point of order. A member raises the point, the presiding officer rules and the ruling then becomes appealable. Members raising frivolous points of order should be called out of order.

An appeal must be made immediately when the disputed ruling is rendered. In fact, courts have held that an aggrieved member must go through the internal appeals process before litigating an issue.

B. Parliamentary Inquiry

While quite archaic, this incidental motion is a way of getting information about parliamentary rules. There is no second, debate or vote. The presiding officer merely responds to the inquiry. If a ruling is issued, it becomes appealable.

A good presiding officer will guide members through intricate procedural rules and when in doubt, consult with the parliamentarian. See Role of Parliamentarian, below at VII.

C. Division of the Assembly

This incidental motion serves to verify a voice or hand vote by requiring participants to stand and even be counted. No second, debate or amendment is required or permitted. The presiding officer simply complies with this request.
D. **Suspension of Rules**

A useful motion for allowing members to take some action normally prevented by parliamentary rules or an adopted agenda, this requires a 2/3 majority because of its potential consequences. While it requires a second, it is not debatable. If adopted, the motion allows certain procedural rules to be set aside. However, rules contained in the charter, bylaws or applicable statutes may not be suspended. In addition, parliamentary rules of a common law nature (e.g., quorum requirements) may not be suspended.

V. **RESTORATORY MOTIONS**

A. **Reconsider**

Sometimes a main motion was adopted with erroneous information or before certain circumstances came to light. The motion to reconsider must then be presented at the same meeting where the original motion was adopted. A frivolous or capriciously presented motion of this nature is not in order.

The characteristics listed in RONR include the fact that only a person having voted on the prevailing side may propose the motion to reconsider. It requires a second and a majority vote. It has the peculiar quality of reopening debate on the merits of the main motion.

B. **Rescind**

This motion serves to cancel a main motion previously adopted regardless of when. The only time limitation is when irreversible actions have already taken place. The motion to rescind requires a second and is debatable, with the peculiarity of reopening debate on the main motion under reconsideration. *RONR* normally requires the same vote as for adoption of the original motion.

VI. **ROLE OF THE PRESIDING OFFICER**

Depending on custom, organizations use the term President or Chair/man/woman/person for the person designated to preside. No matter what the term, the presiding officer has a duty to lead the assembly into its primary goal of ascertaining the will of the majority “on a maximum number of questions...in a minimum time and under all kinds of internal climate ranging from total harmony to...impassioned division of opinion” (RONR, p. xlii). The vehicle used for this is, of course, the proposition of a main motion followed by debate and a vote, according to set rules of procedure.

The Chair should remain impartial at all times and express opinion on the merits of a main motion only if willing to step down from the chair. Unless the vote is by ballot, the Chair loses neutrality by voicing a vote. In a tie the Chair might consider casting a vote, although there is no duty to do so.
The Chair should seek to maintain the decorum of the assembly at all times. Proponents of frivolous motions should be called out of order. An efficient presiding officer usually commands order by mere presence. The usage of a gavel should be very limited, certainly not beyond convening and adjourning a meeting.

It is the duty of a presiding officer to guide members through the intricacies of parliamentary law and procedure. Contrary to common belief, members with some knowledge of the rules can not accomplish their own personal agendas without the consent of the assembly. There just is no room for “filibusters” in ordinary organizations, unless the group willingly lets itself be anarchisticly ruled. At all times, the power belongs with the membership - not with one or more vocal members.

VII. ROLE OF THE PARLIAMENTARIAN

Any organization is wise to have a designated parliamentarian, preferably one who has nothing personally at stake in the outcome of deliberations of the group. In no case can a presiding officer “serve as parliamentarian”; either there is one or the Chair merely acts without the benefit of one.

It is the duty of a parliamentarian to enhance the presiding officer, not correct for the sake of correction. A good parliamentarian relieves the Chair of the pressure of having to make sound rulings on procedure under the most adverse conditions.

Contrary to common belief, though, a parliamentarian never rules. A parliamentarian only counsels the presiding officer, who is free to disregard the advice. A parliamentarian should never claim the floor to explain or expound on a point of procedure, unless specifically asked by the Chair. Even so, a member may object to time being allotted to a parliamentarian, and the Chair may then find it necessary to make decisions, quietly consulting with the parliamentarian before issuing a ruling.
TIPS FOR AGENDAS
HOW TO DEVELOP AND USE AN AGENDA

An essential element in the exercise of leadership in any operation involving committees, councils, boards, or similar groups is an effective agenda. The agenda is a road map, timetable, overview, advertisement, and goal-setter to cue the presiding officer, enlist the attention of the members, and keep everyone moving in the same direction.

An agenda is almost always necessary, even if it is only in the mind of the chair. A small, informal meeting may do without a written agenda, but even here it is usually helpful if points to be raised are mentioned at the outset so that members understand the task before them.

The most common practice is to have a prepared agenda available prior to the meeting. It's a good idea, especially if members must travel some distance, to have an agenda, along with the background information required for intelligent discussion, in the hands of members two weeks prior to the meeting. To prepare members for the meeting, the advance agenda should be detailed so that everyone will recognize at least the general import of each item, and it should be presented in as interesting a fashion as possible.

Is the Meeting Worthwhile?

Members often use the agenda to help decide whether to attend the meeting. They want to know, frankly, whether it will be worth the trip. Those who must get travel time and expenses from their employers may need an agenda to justify their participation. An informative agenda also leaves members who decide not to come with no grounds for complaint if matters of importance are decided without them.

The agenda thus functions as a guide during the meeting, a preparation beforehand, and an inducement to attend. From the leader's point of view, however, the agenda ought to be a principal focal point of the entire group process. Ideally, it represents the best thinking of the leadership about what the organization ought to be doing. All the conversations and informal discussions and all the formal planning sessions converge in this one gathering place--the preparation of the agenda for the next meeting. It is a strategic point that ties thought to action. It is the point where the items calculated to get the best mileage out of the group are selected for consideration. In writing an effective agenda, there are three major considerations: content, sequence, and style.

Content

A common problem is that agenda content so often seems to choose itself. It is governed by decisions made at previous meetings, issues that in the nature of things must be considered by this group at this time, matters that everyone knows will be of concern to the membership, assignments from supervisory bodies or agencies, and the like.

Rather than simply capitulating to the tyranny of compulsory agenda items, an alert leadership will examine and evaluate carefully each item and make judgments on its relative merit. See if there are some actions that can be taken on the authority of the chair or the staff without using valuable meeting time. Keep the group content by simply announcing that a certain action will be taken if there is no objection. If the leadership understands members' views well enough, chances are there
will be no objection, and time will be saved. Care must be taken, of course, to avoid slipping something by for which objections do exist -- a ploy that tends to reduce the credibility of the leadership.

Some items can be set aside and revived at a later meeting. Consult with members known to have an interest in those subjects and get agreement to postpone or perhaps scale them back.

**Complete the Job**

The basic idea, of course, is to have enough time to discuss each issue adequately, and to complete everything within the time available.

One strategy is to place at the end of the agenda those items that would suffer least from being postponed in case there isn't enough time for them; however, there is always something a little demoralizing about a meeting that is adjourned before completing the job. It leaves an impression of poor organization and lukewarm commitment.

By the same token, there is something satisfying about setting out to do a job and then doing it. This factor works in favor of what is probably the best method of handling a tight agenda. Send it out with adequate background material, and include a note saying, in effect: “There is a lot to do, but we can do it. Inform yourselves and come prepared.”

**Use Time Wisely**

Groups with uncontrolled agendas are always so busy putting out fires that they have no time to plan ahead. It is worthwhile to work at minimizing time spent on less important issues and making discussions more efficient. In this way, time can be made available for discussion of innovative approaches and matters important for long-term effectiveness.

An active leadership looks ahead, stays alert to needed changes, and manages the agenda with those changes in mind. For a long-term program, agenda items may be sketched out for several meetings in advance.

**Sequence**

While agenda content is obviously important, it is easy to overlook the fact that the sequence in which matters are presented for decisions can also affect the success of the meeting. The more easily matters seem to flow from one subject to the next, the more manageable the meeting will be.

Put first the things that are most accessible to mind, either because of high interest or ease of handling. It takes a while for the group to get its mind in gear. A few easy jobs to start with will get the participants in shape to tackle a more substantive program.

On the other hand, a complex issue on top of everyone's mind may well be put first if everyone is preoccupied with it and unwilling to pay much attention to anything else. However, in that case some skill on the part of the presiding officer may be required to close the discussion in time to deal with the balance of the agenda.
**Force Quick Decisions**

There is also a philosophy that recommends squeezing a topic that is expected to engender lengthy commentary into the closing minutes of the meeting. The idea here is to force a quick decision just before everyone has to take off for the airport. This tactic is justified if the discussion is likely to be anecdotal and loaded with reminiscences, reflections, and recitals of complaint. Compressing the time squeezes out the nonessential verbiage and focuses attention on the essentials of what may be a relatively simple decision.

However, any issue that requires careful examination and needs input from all interested and informed sources is poorly served if the agenda does not allow adequate time for discussion.

Finally, there are some topics that benefit by being placed in a sequence so that a discussion on one resolves some of the problems that apply to the next one, or where one decision makes the next one easier.

Fine tuning an agenda is one of those subtle operations that may pass quite unnoticed but, when successful, gives the meeting a sense of smoothness, competence, and significant accomplishment.

**Style**

The style or format of an agenda has two aspects: heading and main body. The heading may seem relatively unimportant, and certainly the name of the group and the date will suffice for a heading in many cases.

However, where the agenda becomes part of an official record, or where it is used to announce meeting details, more complete information is desirable. This information may already be in an announcement letter, but papers get misplaced, and it's good insurance to have details in as many places as possible.

Break the information into logical groups laid out in an interesting fashion; vary upper- and lower-case usage, spacing, and so on.

Once you have a heading that does the job, keep that format. Members will get used to it, will easily recognize which committee they are hearing from, and will know where to look for details.

**Give Enough Information**

In the main body of the agenda, each item should be written in a way that leaves no doubt as to what the issue is. Subjects that are already well known may require only the briefest mention. On the other hand, if it is proposed that the number of meetings be increased, an item that says, “Approval of meeting schedule,” is not as helpful as one that says, “Proposal to increase number of meetings from two to four each year.” The basic rule here is that items should be brief and understandable.

Related items may be put in outline form, showing subtopics that need to be considered in support of the main decision. In special cases, consider an “annotated agenda,” something like an annotated bibliography title followed by a three- or four-line description of the question to be decided.
Whatever helps members to organize their thoughts in a meaningful way will eventually pay dividends in more efficient operation.

Another thing the agenda should convey is a sense of timing. One method is to put a time designation on each item in the program:

9:00 Introductory remarks.

9:10 Report of Program Subcommittee on guest speakers for the balance of the year; review and approve proposed program.

9:30 Proposal to study subject X; discussion and decision.

10:00 Break.

This format serves notice that time is important and that the leadership intends to meet all the objectives of the meeting. It works quite well where you have a series of set speeches or reports.

Where discussions leading to decisions are the order of the day, however, estimating times with precision is quite impossible, and setting down times that are not adhered to makes a slipshod impression. For this reason some people prefer to group several items in the morning and others in the afternoon.

Such a format conveys the message that work will be done on schedule but allows for some internal flexibility. It is still a very good idea, however, for the presiding officer to keep in mind a tentative target time for each item and to move things along as the target time is approached or passed.

**In Summary**

The committee or board meeting is a central fact of association life, and the agenda is the central device for planning and managing a good meeting. An effective agenda is an instrument of effective leadership.
Savvy planning of your next meeting’s agenda can make a surprising difference in the success of the program.

An agenda defines the purpose of a meeting. More than just a list of topics, it tells attendees how and when they will make decisions. A good agenda is an action-oriented blueprint for the meeting, and it should be linked to the clock. Time limits and expected actions should be specified for each item in the agenda.

Too often, the agenda is scribbled on the back of an envelope a few minutes before a meeting, or even during the meeting. Prepare your agenda well in advance of the meeting so you can distribute it to everyone who will attend. With all the members properly prepared, you can get a lot of work done in a two-hour meeting.

Meetings rarely should last more than two hours. The time can be extended to three hours if necessary, but meetings that last longer than three hours become counterproductive. Don’t believe it when people say they are willing to “meet all night if necessary.” After about three hours, they will reach for any excuse to adjourn.

The old, typical agenda format begins with a reading of the minutes of the previous meeting, followed by reports, old business, new business, and miscellaneous business. This kind of agenda is no good. You can read the minutes if that is appropriate for your meeting, but frame the rest of the meeting according to the complexity of items and the clock.

Consider simple items in the early part of the meeting, and move to more difficult items just past the middle of the meeting. Return to simple items toward the end of the meeting. With this kind of structure, you should be able to cover about seven items in a two-hour meeting. The following are some basic, time-related rules for framing the meeting:

**Read brief, agenda-relevant minutes (10 minutes)**

In a typical committee meeting, there is a reading of the minutes of the last meeting, changes in the minutes if necessary, and adoption of them.

“Agenda-relevant” minutes means the headings of the last agenda are repeated in the minutes. This way, anyone can compare the meeting’s agenda and minutes to get a quicker understanding of actions taken.

The minutes should summarize the meeting and all decisions made. Refrain from a verbatim recording of what was said, and emphasize instead what was decided. This will avoid bogging down the meeting with a rehash of the last meeting.

Summarizing any points of view expressed without naming members’ names will further reduce controversy over the minutes. Accuracy is all that should concern the members.
If you do all of this and the members still want to go over the same ground again, focus on language to avoid fresh discussion. For instance, ask “What language do you feel would be more appropriate?”

Here are four rules for dealing with agenda-relevant minutes:

1. Record members’ views without naming them.
2. Summarize debates and avoid verbatim reports.
3. Keep it crisp and brief; record the actions taken.
4. Write the minutes using headings from the previous meeting’s agendas.

Reports (time varies)

The number of reports should be kept to a minimum because they are great time-wasters. If you list a report, you can be sure that the reporting person will have something to say and often will ramble on interminably once given the floor. So, list on the agenda only those reports that are absolutely necessary.

As early as possible, find out if the subcommittees have something to report. If they do not, leave it out of the agenda. When you list a report in the agenda, clearly state the action that the members will be invited to take. This will encourage them to read the report outside the meeting, which is where reports belong. Many members never bother to read reports because they expect to be subjected to a reading of them at the meeting.

If a report is to be included in the agenda, circulate executive summaries of it to all members well in advance of the meeting. Such summaries should be no longer than about 10% of the original, preferably no longer than one or two pages. Good executive summaries will encourage members to read the reports beforehand, which is more efficient than their listening to them. Reading a paragraph is better than listening to a paragraph.

Here are four rules for handling reports:

1. List only relevant reports in the agenda.
2. Specify the expected activity relative to the report.
3. Summarize reports requiring no action.
4. Distribute executive summaries of scheduled reports before the meeting.
Announcements (15 minutes)

This is a flexible category that allows you to fill time if people are late for the meeting. It is essential that you start meetings on time; this shows respect for those who are there at the scheduled time.

Announcements should be noncontroversial and declarative in nature, made simply to transmit information. They should provoke little or no discussion. If an announcement does stimulate a good deal of discussion, table it and schedule it for the next meeting’s agenda.

Less controversial items (15 minutes)

Light, relatively easy items should come early in the agenda. Easily reaching their first decision makes members optimistic and confident to tackle more difficult items. A quick, easy decision puts everyone in a decision-making frame of mind.

If the agenda is written in a way that specifies exactly what actions are required, members will be more prepared to deal with each item effectively. Examples are approval of minutes, appointment of the new membership director, and whether to purchase machine X or Y.

Most difficult time (25 to 40 minutes)

The middle section of a meeting is typically the time of the peak attendance. And, in a two- or three-hour meeting, members have the most psychological energy in the middle. So this is the best time to deal with the most difficult item.

The agenda should allow 30 to 40 minutes for dealing with the most difficult item. If more time is required, the members probably need more information. Table the item. Make the arrangements to get more information and bring the item back in a later meeting.

Break (3 to 4 minutes)

Take a brief stretch break about two thirds of the way through the meeting. The mind can only absorb what the seat can bear, and the members will have been sitting for more than an hour. Besides, they need a mental break after dealing with the most difficult item.

The break itself need last only a few minutes, but the mental break will continue with the discussionable items.

Discussion-only items (15 to 30 minutes)

Putting discussion-only items after the most difficult item helps reduce tensions that might have built up. Discussing an item without having to reach a decision allows for ventilation of feelings. It also allows members to assess the political orientations of other members and their feelings about the issue. This sets the stage for compromises that members can make between meetings. And they will be prepared to get down to business when the item comes up at the next meeting.
Members know in advance that no decision is required on discussion-only items. This is an advantage because it provides adequate discussion of an issue, which helps avoid premature decisions.

Taking a straw vote can also help avoid wasted research by giving preliminary indications of which alternatives are preferred.

The “in-principle” technique should be used to help keep the discussion from getting out of hand. This is an agreement to stick to the major elements of an issue and leave the lesser how-to aspects for later. Without an in-principle agreement, members tend to oscillate between discussing major elements and minor details. It is better to have a thorough discussion of the major elements and leave the minor details for the next meeting.

**Least difficult item (10 minutes)**

Put your least difficult item -- a quickie that can be dispatched with ease -- in the final minutes of your meeting. This allows you to end the meeting on a positive note of agreement. That way, people can leave with a sense of orderliness and accomplishment.

The feelings that people have on leaving a meeting are important. The end of one meeting is the beginning of the next one, so good feelings at the end make the beginning of the next one more positive.
SECTION PUBLICATIONS
GUIDE FOR PUBLICATION EDITORS
by Tex Roberts, CAE

If you are going to publish a publication for your section you must be committed to the idea, and you must work hard at it.

A well-written, well-edited publication probably would get them better readership than a magazine would. In addition, the publication can help to hold the organization together and increase section membership.

The first step then, in creating a publication, is an intellectual commitment. You must be determined to gather the material, write and rewrite it, and then impose the self-discipline you need to keep it on a regular schedule.

Here are some guidelines to follow:

1. You must assume the role of editor or have a specific person assigned to act as editor or your assistant editor. Each newsletter has a volunteer section member who is responsible for editing the publication. Establishing a “Publications” Committee works well.

2. You and your assistant must constantly comb the fabric of your association and events swirling around it for news items and opinions worth relaying to your readers. Confer frequently. Recommended topics for inclusion:
   - Chairs Message
   - Editors Comments
   - Industry Update
   - Case Notes
   - Case Law Update
   - Law School Liaison Reports
   - Membership Application
   - Calendar of Events

3. Know your readership and their needs, interests, and wants.

4. Take the initiative and inspire your members to pursue the goals of the profession, your association, and your current administration.

5. As a good editor, you will gather tear sheets out of other publications, scribbled notes from your telephone conversations, serious and humorous food for thought from wherever you find and boil out the important information from meetings. Put it all in your “Publication Copy Idea File.” When it becomes finished copy, you can tag it for a specific issue of the publication.
6. You must develop your natural curiosity so that no idea misses you if it has possibilities for the publication. Take regular breathers from your administrative duties to put on your editor's hat.

7. Observe the publication schedule and start to work, with realistic deadlines for contributing writers. Be sure to allow adequate time for editing and proofing, as well as, delivery time to the webmaster for uploading and refreshing of your sections website.

These are only guidelines, of course. You will want to tailor your schedule to the time requirements of suppliers in your area.

8. Be flexible for extra hot news issues that you will compress into one or two days. Always have extra sets of mailing labels or envelopes ready for these situations.

9. The style of your design and layout, methods of printing, and other technical decisions will all fall into place once you have committed yourself, your staff, and the volunteers to the proposition that you go to press on a certain day and the copy deadline is real and must be observed.

10. Don't be afraid of controversial questions and thought-provoking content. If you serve up vanilla pudding, your readers will leave you.

11. Set your advertising rates so they are worth fooling with, and don’t cut rates. If your publication has candor and guts, you will get the readership and that will keep the advertisers.

12. Do it. Commit yourself to a timetable. Stay with it.

Remember that without a regular publication, your membership may drift apart, and the association may flounder.
REPORTS AND ARTICLES IN THE JOURNAL AND NEWS

The Journal

The Journal is reserved for in-depth articles of general interest and for specialized columns sponsored by sections. Sections wishing to provide a column for publication on a regular basis may contact Editor Cheryle Dodd (cdodd@flabar.org). The Florida Bar Journal Editorial Board has adopted a policy that entitles Sections of fewer than 1,000 members to publish columns five times a year, and Sections with 1,000 or more members to publish ten columns a year.

Manuscripts for the Journal:

Section columns may not exceed 12 double-spaced, letter-size pages, including endnotes. Each section column editor is responsible for the accuracy and appropriateness of each column submitted. The quality of the column will reflect upon the sponsoring group. Articles of general interest that a section or committee wishes published in the feature section of the Journal may be submitted to the editor for review. Such articles, and those submitted by individuals, are sent to the Editorial Board for a decision regarding publication. All articles are selected according to merit and general usefulness to the Bar. The Journal is best able to use feature articles when they do not exceed 18 double-spaced, letter-size pages, including endnotes.

The News

All timely information about programs and projects of Sections may be submitted to the News for publication as space permits. Information and photographs for publication in the News should be submitted to the staff at least 15 working days before the publication date. Issues are dated the 1st and 15th of each month and are usually received by Florida lawyers on or before those dates. Ready-written news articles are welcomed but information may also be submitted in letter form, from which the staff may write an article. Complete details about the program or project should be given. Phone calls to the editor or reporting staff are encouraged. Please contact:

Mark Killian
The Florida Bar
Managing Editor
E-mail: mkillian@flabar.org
850/561-5683.
THE FLORIDA BAR JOURNAL
COLUMN GUIDELINES

The primary purpose of columns is to educate or inform the reader on issues of substantive law and practical concern to lawyers. Analysis, opinion, and criticism of the present state of the law also are encouraged and should be clearly identified as the author’s. Such analysis should be accompanied by sufficient legal authority on all sides of an issue to enable the reader to assess the validity of the opinion. When criticism is voiced, suggestions for reform should also be included. Criticism should be directed to issues only.

The Florida Bar Journal will not publish articles by authors who are involved in pending appellate proceedings on the topic discussed by the article or by authors whose firms are involved in pending appellate proceedings covered by the article. Primary authorities cited in the article should be final.

Although the editorial office conforms all articles to the Journal’s style, section column editors review and edit the columns for publication submission. The column editor will check citations and verify that the law covered in the column is current and correct.

Columns must conform to the following guidelines:

1. Columns should be submitted by email in Microsoft Word. (Text and endnotes should be double-spaced with one-inch margins.)

2. Columns may not be longer than 12 pages, including endnotes.

3. Citations should be consistent with The Bluebook: A Uniform System of Citations, and placed at the end of the article in endnote form. If a case is named in the text, the full citation should be given at that point in the text. Statutory citations should be included in the text to the extent possible. Repeat citations of a case previously identified should be omitted except when necessary to assure clarity. Excessive endnotes are discouraged.

4. Columns must be received by the Bar Journal editorial office not later than the first working day of the month two months preceding the publication date. Articles received late will be scheduled for the next publication.

5. In order to encourage diverse authorship, only two columns per year should be written by any one member of a section or committee.

6. Authors should include a brief (50 words or fewer) biographical sketch. The biography may include undergraduate and law degrees, present employment or law firm affiliation.

7. Section and committee columns must be reviewed by each editor for accuracy of text and citations prior to submission. If written by the editor, the column must be...
reviewed by at least one other person, designated by the section or committee chair.

(8) The Florida Bar Journal prefers not to publish an article or any version of an article that has been previously published elsewhere in print or electronic form.

(9) Assigned publication agreement is required from all authors prior to publication. The publication agreement should be submitted to the editorial office at the same time as the column and biography of the author.

(10) An author information form will be collected and reviewed by the section column editor and submitted with the article, biography, and the publication agreement to the editorial office.
FLORIDA BAR JOURNAL/NEWS DEADLINES

Deadline for the Journal:

Copy deadline is the 1st working day of the month, two months preceding date of issue. For example, deadline for the November issue is September 1.

The Journal is mailed about one week before the month of issue so most members will receive it by the first day of the month.

Deadline for the News:

Submit information by the 15th of the month for the 1st of the month issue, and by the 1st of the month for the 15th of the month issue. The News is mailed several days before the issue date, but its distribution time varies in each postal area. Telephone calls with story ideas are encouraged.

Material for the Bar Journal may be sent to:

Cheryle M. Dodd, Editor  
The Florida Bar Journal/News  
651 E. Jefferson Street  
Tallahassee, FL 32399-2300  
cdodd@flabar.org  
850/561-5686

Material for the Bar News may be sent to:

Mark Killian, Managing Editor  
The Florida Bar News  
651 E. Jefferson Street  
Tallahassee, FL 32399-2300  
mkillian@flabar.org  
850/561-5683
NEWSLETTER PUBLICATION

We want to help you plan and produce good-looking publications in a timely manner. The following information may be beneficial to you in planning and producing your publications this Bar year. Most sections are on a quarterly newsletter circulation schedule, producing a Spring, Summer, Fall and Winter publication. E-Newsletters are able to be created and circulated more frequently.

Submitting Articles:

PLEASE e-mail articles and photos directly to your Program Administrator at the Bar. Ask your Administrator about compatible formats and software. You may also send a CD containing materials for your newsletter. As a last resort, hard copy can be scanned to produce text, but additional proofreading will be required. DO NOT send materials by FAX! (See “Submitting Text and Graphics” section below for more detail).

Content:

The content of any publication is entirely up to the editor, contributors, and the Program Administrator.

Please indicate a preferred order for your articles, by cover letter or spreadsheet. We will adhere to your request as space limitations allow. (Note: If your publication begins articles on page 1, please limit articles to a maximum of two since page 1 also contains the masthead and the “What's Inside” box.)

Pull Quotes: Editors (or authors) are urged to note phrases, sentences, or quotes to be used to "pull" the readers into the articles. They should be something that captures part of the concept of the article.

Photos: It’s great to include photo spreads to show Section activities at such events as the annual Bar Convention, seminars, Section conventions or retreats, executive council meetings, etc. (Be careful about including too many photos from cocktail parties!)

Author Bios and Photos: It is recommended that you include a photo and short (paragraph or two) biography provided by the authors of the articles. Information to include: degrees, schools, area of practice, firm, city, relevant offices/memberships held. (Please SEND THE BEST & LARGEST PHOTO IMAGE AVAILABLE, i.e. NOT taken from a website or with a cellphone.)

Filler: We provide filler when needed, usually pertaining to Bar programs or events of general interest. If your Section/Committee/Division wants to promote an upcoming meeting or seminar, or something unique to your group, we can use that information as “filler” too.

Scheduling:

Plan on an average turn-around time for production (this includes layout, proofreading, printing and mailing) of approximately FOUR WEEKS for an AVERAGE publication
(20 pages or under) when all phases of production are handled in-house. It is usually shorter, particularly when all material is received electronically, and was proofread and edited BEFORE layout.

(Note: The faster you are able to edit your publication’s draft(s), the faster it can be sent to print [or your website]).

“CRUNCH” TIMES: There are times when your publication may take longer than four weeks due to the number of other publications in production. These can be:

1. August/September (Pre-Midyear meeting)
2. April/May (Pre-Annual Convention)

At these “log-jam” times, it might be a good idea to publish a smaller, less time-crucial publication in order to have it out before the upcoming big meeting and save the larger issue for a later publication date after the big meeting.

Two Circulation Methods:

E-newsletters – growing trend in section publication. It provides a timely, convenient, cost effective method to communicate Section news with its members. It drives traffic to your website and allows for easy access to archive issues. The cost for an e-newsletter is nominal.

Printed newsletters – Although phasing out, some sections still create printed newsletters. This is seen as an added section benefit and provides an aesthetically pleasing product. Most sections will offer these printed publications in an electronic format as well. The concern regarding printing these publications is timeliness of material and the rising costs of production.

The most economical route for any Section/Division printed newsletter is to use the Bar's Print Shop. There are certain limitations for in-house printing, however, so coordinate with your Administrator when planning a newsletter. A printed newsletter involves the cost for printing, labeling and mailing.

To help you plan: Approximately 4½ letter-sized pages of double-spaced copy will yield one page in the newsletter. (Note: ALL publications are printed in multiples-of-four pages.)

General in-house printing limitations: 28 pages for Sections of up to 3,000 members. (More than 28 pages or more than 3,000 copies will usually require outside printing.) Bids will be obtained to acquire the best rates when printing larger projects out of house.

If you find that your next issue is going to be HUGE, please notify your Administrator as soon as possible. There are times when personnel and time limitations will necessitate outside printing.
The Web:
An electronic copy of your newsletter or selected articles can be made available for placement on your Section website.

The Bar can provide individual newsletter articles in Adobe Acrobat (PDF), basic HTML, InDesign CS6, or MS Word formats. It is always best to check with your Section webmaster to see which format is preferred when requesting individual articles.
SUBMITTING TEXT AND GRAPHICS ELECTRONICALLY

Text on CD or via email:
Please submit ALL files either via e-mail or on CD.

MS Word files are preferred. We can work with some other formats, but please submit all articles as documents, not as PDFs.
We cannot import / use MS Publisher files.

Photos and Graphic Images on CD or via email:
When submitting photos for use in newsletters and other publications, please send high resolution TIF, JPG or EPS files (150-300 dpi) whenever possible. Use of internet (website) formats (GIF and JPG) at 72 ppi can result in low resolution, fuzzy, or distorted final output.

Please DO NOT embed images into documents submitted for newsletters. Send graphics as separate files (.jpg or .tif) Documents with an image embedded in them generally do not provide useable images.
Hard copy photographs can be scanned in our office.

We are able to convert some graphics and text from presentation software documents (PowerPoint), but would prefer a graphic file and text file sent separately if possible.

If sending art for ads, the original digital art files or an Adobe Acrobat PDF are preferable. We can scan some line art with good results, but it may not be as clear as using original digital art files.

We are a PC-based shop. We cannot use graphics submitted on Macintosh-formatted disks. Some Macintosh-based graphics files are not compatible with our software, but all Macintosh-based graphics can be saved as PC-compatible files by the designer. Please check with your graphic designer if you have any questions, or feel free to contact us.

etc.:
If you should have any questions regarding production of your newsletter or other publications please contact your Program Administrator or Colleen Bellia (cbellia@flabar.org) and we will be glad to assist you.

LMB-Rev. 06/12
STANDING BOARD POLICIES

SECTIONS AND DIVISIONS
STANDING BOARD POLICIES OF THE FLORIDA BAR SECTIONS/DIVISIONS

5.50 SECTIONS OF THE FLORIDA BAR

The bar will maintain a current list of its sections and will post the list on its website. A section is a voluntary group of bar members organized to provide information and education in a specific area of law and to allow bar members to meet other practitioners in that specific area.

5.51 SECTION MEMBERSHIP POLICIES

(a) Affiliate Membership of Sections. Any bar section may provide for affiliate membership in the section’s bylaws subject to approval by the board. The bylaw provisions relating to affiliate membership must include:

(1) affiliate membership is of the particular section only;

(2) affiliate members may not vote;

(3) affiliate members may not hold any section office;

(4) affiliate members must pay dues as set by the section;

(5) affiliate members must be students currently enrolled in an accredited school of law, members of stated professions, inactive bar members, or persons who hold positions directly related to the section’s area of law;

(6) the section must reimburse the bar for expenses incurred by the bar in administering the affiliate memberships; and

(7) affiliate members will comprise no more than 1/3 of the total section membership.

(b) Section and Division Membership for New Bar Members. New bar members may elect to join up to 3 sections, or 2 sections plus the bar’s Out-of-State Division, without paying section dues for the first fiscal year following admission to the bar.

5.52 SECTION OFFICERS AND EXECUTIVE COUNCIL MEMBERSHIP

Sections are represented by groups or persons selected by the section membership in a manner that ensures the opportunity for democratic election. In order to comply with this policy a section may elect either of the following methods:

(a) Election of Executive Council. At least 1/2 of each section’s executive council will be elected by the membership of the section. The numerical computation used to determine compliance with this requirement will not include ex-officio members or those members who serve on the executive council by virtue of their position as chair or vice chair of a committee of the section.

(b) Election of Officers. All officers of each section will be elected by the membership of the section.
(1) If a section’s bylaws provide for circuit representatives on the executive council, the circuit representatives will be elected by the membership of the section.

(2) If a section’s bylaws provide for appointment of members to the executive council, the appointments will not be effective unless approved by a majority of the elected officers.

(3) If a section’s bylaws provide for executive council membership by virtue of appointment to a section position (such as, but not limited to, committee or subcommittee chair), those persons will not assume executive council membership unless a majority of the elected officers approve the appointments.

5.53 SECTION BUDGET POLICIES

(a) Section Budget Preparation. The section’s designated officers or budget committee will prepare and submit a proposed budget for the forthcoming fiscal year to the executive council for approval. The bar’s budget committee will designate a date that the proposed budget submission is due to the bar.

(b) Approval of Budget. The bar’s budget committee will consider budgets proposed by the sections in the same manner as all other items submitted to the committee and recommend a proposed budget to the board for approval. All notice, hearing and objection provisions of the Rules Regulating The Florida Bar regarding budgets remain in effect.

(c) Publication of Budget. The section’s proposed annual budget, including full disclosure of the section’s policy regarding reimbursement of officer or member expenses, will be distributed to all section members after recommendation of the budget committee and approval by the board and the Supreme Court of Florida.

(d) Budget Amendments. The section executive council may approve budget amendments totaling no more than 10% of its total disbursement budget or 30% of the budgeted ending fund balance in the original approved budget, whichever is greater. The executive council may delegate its budgetary authority to its executive committee only if actions of the executive committee are ratified by the full council. Once the maximum budget amendment level has been reached all further budget amendments for the fiscal year must be approved by the board.

(e) Legislative Budget. A section may use section membership dues and other revenue for legislative activities but may not budget or expend for legislative activities any amount that will result in a negative projected year-end fund balance.

(f) Travel.

(1) Budgeting of Out-of-State Travel for Staff. The section annual budget will include the purpose, location, and duration of the travel for all out-of-state trips that are expected to require staff support.

(2) Approval of Out-of-State Staff Travel. All out-of-state staff travel requested by the section must be approved by the executive director at least 30 days in advance of the travel.
(3) **Reimbursement of Member Out-of-State Travel.** All reimbursement of member out-of-state travel and meeting-related travel must be identified as separate line items in the budget.

(g) **Gratuities.** No gratuities will be budgeted for or paid to bar staff.

(h) **Publication of Final Budget after Amendments and Actual Operations.** The section will publish a comparison of the final budget after all amendments and actual results of operations within a reasonable period after the end of the fiscal year.

(i) **Excess CLE Speaker Expense.** Sections may elect to pay speaker expenses in excess of the CLE policy provided these expenses are clearly identified in the published section budget. The budget must show the maximum amount payable in excess of the CLE reimbursement limit or a statement that there is no limit, and the total amount budgeted by the section for payment.

(j) **Conflicting Policies.** This is the controlling policy if a conflict arises with another existing bar or section policy.

### 5.54 SECTION DISBURSEMENT POLICIES

(a) **Disbursement Authorization.** Expenditures may be made only as authorized by the approved budget.

(b) **General Purchasing and Contracting Policies.** All standing bar policies regarding purchasing, contracting, employment for personal services and documentation of expenditures must be observed. Policies are not reproduced here in detail. Bar staff will guide a section through compliance.

Purchase orders are required for all purchases of goods and services over an amount established by the executive director. Documentation of bids secured and evidence of receipt are required. Original invoices or receipts are required for payment of expenses except when the section member has made payment to the vendor. In those cases a copy of the invoice or bill is acceptable. Invoices or receipts are not required for normal miscellaneous office expenses such as copying, postage and telephone charges.

Personal services may not be paid without a written contract approved by the executive director or designee.

(c) **Disbursement Approval.** The officer designated by the section must approve in writing the payment of reimbursable expenses in excess of the amount approved by the section as part of the required disclosure outlined in standing board policy 5.54(c) for officer and member expense reimbursements. These requests and appropriate documentation must be sent to the designated officer for approval and then forwarded to the program administrator for payment.

The designated officer has the discretion to accept a signed, written statement of explanation from the reporting individual if the original invoices, receipts, or other documentation are not available. The requestor must state the nature and amount of the expenditures and that the documentation is not available.
The designated officer may not approve that officer’s own reimbursement request and another section officer must approve the reimbursement request prior to payment.

(d) **Entertainment Expenses.** Sections should not expend section funds for entertainment purposes. However, minor amounts may be expended for refreshments at functions that invite attendance of the general section membership. Fees collected specifically for entertainment purposes at a section function may be expended for those purposes.

(e) **Section Reimbursement Policy.** Sections may separately budget a fixed amount to be paid annually to section officers for reimbursement of all expenses incurred as opposed to reimbursing expenses on an item-by-item basis. Except for the expense allowance provided for section officers, all reimbursement of expenses must be in accordance with, or be on a more restrictive basis as determined by individual sections, the following:

1. **Telephone Charges.** All conference call charges must identify the parties called and the amount and purpose of the call. Telephone calls up to $50.00 per month may be reimbursed without itemization. If charges exceed that amount, all charges must be identified by the following:

   (A) party called;

   (B) telephone number called; and

   (C) purpose of the call.

2. **Copy Costs.** Office copy costs must not exceed 10¢ per copy and must be itemized by number of copies and purpose. “Miscellaneous” or “general” are appropriate descriptions for small numbers of copies.

3. **Postage.** The reimbursee must itemize contents, recipients, and costs for large mailings. Mailings should be done by section staff at the bar headquarters when possible.

4. **Printing.** All printing must be done at bar headquarters unless, for the benefit of the section and the bar, circumstances warrant otherwise.

5. **Travel Expenses.** Travel expense reimbursement is essentially the same as for bar staff.

   (A) Air fare in all instances must be economy class.

   (B) The section establishes the mileage reimbursement rate up to the maximum the IRS allows without the reporting requirement.

   (C) When taxis or other ground transportation are not practicable, a rental car may be used. Reasonable rental car rates will be reimbursed.

   (D) The method of travel should be the most economical, considering both time and travel costs.
(E) Actual, reasonable meal expenses will be reimbursed on approval by an authorized section officer. An individual will not be reimbursed for a group meal function paid for by the section.

(F) Copies of receipts for lodging, meals, out-of-town travel expenses (such as airline tickets) and all other charges of $25.00 or more (other than mileage) must be attached.

(G) When paying expenses (such as meals) for other individuals, the names of the other parties must be indicated and the relation to bar activity disclosed.

(H) CLE speaker expense in excess of bar CLE policy may be reimbursed. The reimbursement must be provided for in the section’s annual budget as an “excess speaker expense.”

(I) The travel expenses of the associate of a bar CLE speaker may be reimbursed in the same amounts and for the same items as otherwise allowed for the speaker. The reimbursement for an associate of a CLE speaker must be provided for in the section’s annual budget as an “excess speaker expense.”

(6) Time Limits for Reimbursement Requests. Reimbursement requests must be submitted within 30 days of the end of the reporting quarter. Expense reports due for periods ending on June 30 must be filed by July 15. A section may hold expense reimbursements for the last quarter of the fiscal year until July 15. An officer designated by the section may approve reimbursements outside these limits if there are extenuating circumstances.

(f) Conflicting Policies. Sections may establish policies specific to the individual section within the umbrella policies of the bar. The bar policy will override the section policy if there is a conflict between them.

5.55 SECTION STAFF TRAVEL

Travel expenses for the section’s assigned program administrator or an approved substitute will be charged to the section when the travel is necessary to support the section’s activities. Expenses for travel that is necessary for a CLE activity will be charged to the assigned course number and considered a direct cost. The bar will pay from agreed section support fees for staff travel expenses for administrative needs such as training a new program administrator or professional development.

5.56 SECTION ADMINISTRATIVE SUPPORT POLICY (SECTION MANAGEMENT)

Each section must use bar staff and services, to the extent they are available, to perform and coordinate the day-to-day tasks required to support the level of activities provided for in the section’s budget.

(a) Basic Section Support Services. The bar will provide basic section support services in an amount of $10 per member for the first 1,000 members and $5 per member for each additional member at no charge to the section.
(b) **Section Management Fees.** Sections will pay the bar a per-member section management fee based on bar support of section activities. The section management fee covers basic administrative support including staff time and general administrative overhead to provide the basic level of support needed for each section to organize and staff routine meetings, section service projects as defined in the 600 series of these policies, and member events; organize and distribute routine member communications; and perform routine administrative tasks such as bookkeeping and budget preparation and tracking. Each section will budget for section management fees in 1 of 3 categories (low, medium, or high), depending on that section’s level of required bar support for estimated section activities for the upcoming fiscal year. The section management fee will be published as part of the annual budget instructions provided to sections for budget preparation and will not be changed during the budget year.

(c) **Special Projects Support Fees.** Sections will pay to the bar a separate special projects support fee when the section undertakes special projects or requests IT services that exceed the basic level of support described in (a) and (b) above. The bar will prepare an estimate based on time and expense to complete the special projects as agreed between the bar and the section and included in the section’s budget.

(d) **Section Budget Process.** As part of the annual budget preparation process, each section will provide an estimate of the level of effort that will be required from bar staff to support the planned section activities, which must include the number of:

1. section service projects, including whether they will be held in conjunction with scheduled bar meetings;
2. section retreats, executive council meetings or other committee meetings, including whether they will be held in conjunction with scheduled bar meetings;
3. meals or social events to be organized;
4. newsletters to be prepared, including their approximate size; and
5. audio events, webcasts and/or conference calls, including the type of materials to be provided.

(e) **Adjustments.** The bar’s CFO will compare the section’s budget estimate to the section’s actual activities at the end of each fiscal year to determine if adjustments are necessary for variances between the estimated section management fee and the section’s actual activity for that year. The bar will calculate any fiscal adjustments to the section management fee collected by the bar based on the difference between the estimated category and the actual activity of the section. The section will include the fiscal adjustment in its budget for the next budget cycle being prepared.

5.57 **GUIDELINES FOR GROUPS SEEKING SECTION STATUS**

(a) **Petition.** Any group, organization or committee must petition the board for approval to become a section. The petition must be filed with the executive director and include the following:
(1) a statement of the basic purpose of the proposed section, including the specific areas of interest of the proposed section;

(2) a statement demonstrating the need for the proposed section’s creation;

(3) a statement showing the overlap, if any, existing between the proposed section’s purpose and areas of interest and those of any current bar section or committee;

(4) a list of initial officers, executive council members and proposed committees;

(5) a list of proposed meeting dates for the executive council and committees for the initial year;

(6) a set of proposed bylaws that comply with all applicable standing board policies;

(7) a detailed budget of estimated income and expenses, containing a dues structure sufficient to generate at least $3,000.00 in dues income for each of the first 3 years of operation;

(8) a statement of the types of programs proposed and a specific proposal for programs for the year of establishment, including dates and the cost of the proposed programs; and

(9) an estimate of how many bar members will join the proposed section within its first 3 years.

(b) Signatures; Certification. The petition will be signed by the chair-pro tempore, chair-elect and all members of the initial executive council; and certify that at least 1 percent of bar members in good standing have expressed an interest in joining the proposed section and paying the proposed dues.

5.70 DIVISIONS OF THE FLORIDA BAR

The bar will maintain a current list of its divisions and will post the list on its website. A division is a group of bar members sharing a specific demographic, organized to address the needs and concerns of its members and encourage participation in the bar.

5.71 GENERAL DIVISION ADMINISTRATIVE POLICIES

All policies applicable to section budgeting, disbursements, staff travel and time reporting are applicable to bar divisions, and all policies applicable to groups seeking section status are applicable to groups seeking division status unless otherwise specified in these policies.

5.80 BOARD REVIEW OF BAR DIVISIONS, SECTIONS AND SUBSTANTIVE LAW COMMITTEES

The board will review bar divisions, sections and substantive law committees at the end of their third full fiscal year of existence and periodically as the program evaluation committee determines. The review will include:
(a) the programs and purposes of the division, section or committee, compared to the initial statement submitted with the petition for section status or proposal for the creation of the division or committee;

(b) whether the division, section or committee is fulfilling the goals and objectives stated in the petition for section status or proposal for the creation of the division or committee;

(c) comparison of the division’s, section’s or committee’s 3-year budget projected in the petition for section status or the proposal for creation of the division or committee and the actual budgets for those 3 years;

(d) determination of whether the division’s or section’s dues and income are sufficient to fund the operation of the section or division without further bar financial support;

(e) determination of whether the division, section or committee has maintained adequate membership levels and attendance; and

(f) whether the division, section or committee functions within the bar’s framework and furthers the bar’s goals and purposes.
MEETINGS DEPARTMENT
To All Section Chairs and Chairs-elect,

To assist you in your position of Section Chair or Chair-elect, I would like to inform you of the resources available through the Meetings & Convention Department of The Florida Bar. The Meetings office has the primary responsibility for negotiation of contracts/agreements with meeting and hotel facilities. The Program Administrators of each Section work closely with the Meetings Department to facilitate the contracting of Section meeting venues.

Our goal is to take the information provided by the Program Administrator and Section leadership, and negotiate the best rates and concessions possible under the name of The Florida Bar for maximum benefit. The Bar’s buying power is substantial due to Annual Convention, the Fall and Winter Meetings, Board of Governors meetings, and numerous section and committee meetings, as well as CLE held annually. The number and value of these combined functions can be used to the section’s advantage.

The Meetings Department is also responsible for arranging site visits for Section leaders who would like to visit a property being considered as a possible location for a future Section meeting. By having the site visit pre-arranged, the property can be made aware of your meeting’s requirements in advance, saving both time and hassle.

The Meetings Department welcomes the opportunity to research and negotiate for you while the Section can select the location seen as the best fit and value.

For additional information, please contact:

Kathy Tucker  
Director, Meetings & Conventions  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
Phone 850-561-5614  
Email ktucker@flabar.org

Best Regards,

Kathy L. Tucker  
Director, Meetings and Convention
Meetings Department

BAR POLICY:

Section 10. Contracts : 2. Facility Contracts/Agreements

The Meetings and Convention office has the primary responsibility for negotiation of contracts/agreements with meeting and hotel facilities for rental of meeting space or sleeping rooms and other services in connection with holding a meeting at a facility. A completed meetings request form shall be submitted by bar staff to the Meetings Department for initial determination of availability, costs and other pertinent details. If a site visit is necessary to determine suitability, it will be arranged by the Meetings Department. A proposed contract shall be provided to the appropriate staff member for review prior to execution. Any contract negotiated by an unauthorized party and presented to the Meetings and Conventions Department for execution shall be accompanied by a staff liaison memorandum confirming that the contract contains all clauses required by The Florida Bar and is economically favorable to the Florida Bar. The contracts may, but are not required to be executed by authorized staff. Contracts will not be an obligation of the Bar if executed by an unauthorized party.

Facility rentals arranged in the normal course of business by Professional Development or the Meetings Department of less than $10,000 in maximum obligations may be executed by the Director of Meetings. Execution of other contracts is in accordance with III, Section 10.1. A computation of the maximum obligations, signed by the Director of Meetings, shall be attached to the Bar's copy of each contract and shall be the controlling amount for purposes of determining the required approver.
SECTION GROWTH &
RETENTION CONSIDERATIONS
SECTION GROWTH & RETENTION CONSIDERATIONS

Growth

- Section Membership Drives
- Outreach to Affiliate Members (i.e., Florida Registered Paralegals)
- Ready availability of a Membership Form on the Section website
- Distribution of Membership Forms at CLE seminars
- Section Member/Executive Council Member Colleague Recruitment

Retention

- Activity. Most individuals join a Section or Committee because they want to be engaged and involved.

- Quality Programming. Among the top reasons Bar members join a Section is to receive discounts (Section member pricing) for CLE programs and Section Service programs.

- Section Newsletter and website. Section members want to be informed, and the two easiest ways and most visible methods to keep the membership up-to-date and informed are the Section Newsletter and the Section website. For some Sections, the newsletter and the website are the only constant communications/membership resource the membership has from their Section.

For additional information on membership growth and retention, please contact:

Terry L. Hill
Director, Programs Division
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
Phone 850-561-5700
E-Mail thill@flabar.org
<table>
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<tr>
<th>Section/Division</th>
<th>Ten Year Total</th>
<th>Five Year Total</th>
<th>Three Year Total</th>
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<td>Young Lawyers Division</td>
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<td>11%</td>
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<tr>
<td>Real Property, Probate and Trust Law</td>
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<td>7%</td>
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<tr>
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<td>3%</td>
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<tr>
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<tr>
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<td>Appellate Practice</td>
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<td>(-3%)</td>
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<tr>
<td>International Law</td>
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<tr>
<td>Entertainment, Arts, &amp; Sports Law</td>
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<tr>
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<td>(-17%)</td>
<td>(-11%)</td>
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<tr>
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Percentages indicate total growth over a three, five and ten year period -- not an average.

* Includes merger with former Practice Management & Development Section.
The 2015-18 Strategic Plan for The Florida Bar

Mission: Inculcate in its members the principles of duty and service to the public, to improve the administration of justice, and to advance the science of jurisprudence.

The Florida Bar Objectives

I. Ensure the Judicial System, a Coequal Branch of Government, is Fair, Impartial, Adequately Funded and Open to All.

II. Enhance the Legal Profession and the Public’s Trust and Confidence in Attorneys and the Justice System.

III. Strive for Equal Access to and Availability of Legal Services.

IV. Enhance and Improve the Value of Florida Bar Membership and the Bar's Relationship with its Members.

V. Continue to Encourage and Promote Diversity and Inclusion in All Aspects of the Profession and the Justice System.
Objective I: Ensure the Judicial System, a Coequal Branch of Government, is Fair, Impartial, Adequately Funded and Open to All

Actions

1. Develop a multi-year, long-term plan for permanent judicial system funding from an independent and stable source. Explore the possibility of including judicial funding in a constitutional amendment.

2. Determine what The Florida Bar can do, within the rules as a mandatory bar, to become an even more active and effective advocate for maintaining a fair and impartial judiciary that is open and accessible to all.

3. Use all available resources, including a coalition of political leaders and business groups, to educate the public, Florida Bar members and legislators on the role of the judiciary and what it takes to ensure that the judicial system is adequately funded.

4. Increase efforts to educate the public and Florida Legislators about the role of the judicial system and the need to maintain a fair and independent judiciary.

5. Increase education initiatives by studying and identifying what The Florida Bar does most effectively, institutionalizing and replicating those efforts, and including civics education within Florida high schools.

6. Work more closely with the Voluntary Bars to promote educational initiatives.

7. Continue to enhance outreach efforts to the Governor, as well as to the Executive and Legislative branches of government to build a better relationship between the other branches of government and The Florida Bar.

8. Thoroughly analyze the political environment and prepare for the upcoming establishment of a Constitutional Revision Commission.
Objective II: Enhance the Legal Profession and the Public's Trust and Confidence in Attorneys and the Justice System.

**Actions**

1. Develop and implement a coordinated and cohesive plan to promote key issues of professionalism to Florida Bar members.

2. Work to change the ethics rules so that they contain a professionalism component and encourage the Florida Supreme Court to adopt a rule similar to Federal Rule 11 to reduce misbehavior and strengthen the Bar’s professionalism commitment.

3. Use positive print and electronic media placement to achieve favorable media coverage for attorneys, judges and the judicial system.

4. Capitalize on innovative technology to communicate The Florida Bar's message to its diverse membership and the general public.

5. Increase outreach and promotion, focus, participation and implementation for the Justice Teaching, Benchmarks, and Speakers Bureau programs.

6. Develop creative and dynamic social media messaging by The Florida Bar and its leadership to provide more positive recognition of member achievements on an individual basis.

7. Pursue more public announcements about the Judicial Qualifications Commission enforcement efforts in order to enhance public confidence in the judicial system.
Objective III: Strive for Equal Access to and Availability of Legal Services

Actions

1. Use technology, self-help videos, and online delivery to increase access for members of the public and for pro se litigants to have easier access to the Florida Courts system.

2. Identify where unmet needs exist and thoroughly explore the development of other types of service delivery initiatives, such as residency programs and mandatory pro bono for third year law students.

3. Devise innovative models to match unmet legal needs with underutilized attorneys. Create a mid-level panel to connect law school graduates and new lawyers with the unmet need of consumers of legal services.

4. Examine the possibility of revising the rules to allow for limited appearances and the unbundling of legal services, as is currently done in family law.

5. Create a coalition of business and community leaders to address equal access and availability of legal service issues.

6. Continue to encourage and support The Florida Bar Foundation’s “One” campaign.

7. Identify pro bono and access to justice programs that are successful, ensure that they are adequately funded, and replicate them in other areas.
Objective IV: Enhance and Improve the Value of Florida Bar Membership and the Bar’s Relationship with Its Members

**Actions**

1. Aggressively pursue new services/benefits for the membership.

2. Accelerate the Bar’s use of technology and allocate resources on an annual and continual basis to improve Florida Bar communications and education processes.

3. Be supportive in the adoption of new technology by Florida Bar divisions, sections and committees.

4. Thoroughly study the concept of adding a technology CLE requirement.

5. Expand the LOMAS program and enhance member benefits through the use of teaching videos on the Bar’s website or via a YouTube type format. Encourage members to both access this platform to educate themselves and create new videos to teach other lawyers.

6. Thoroughly study the concept of a mentoring “buddy system” between technology savvy lawyers and those lawyers who are seeking technology assistance.

7. Continue to monitor the evolving continuing legal education needs of Florida lawyers and develop new educational programs and resources to address those needs.

8. Support and work to implement the recommendations of the Vision 2016 Commission.
Objective V: Continue to Encourage and Promote Diversity and Inclusion in All Aspects of the Profession and the Justice System

The term “diversity” has a dynamic meaning that changes as the demographics of Floridians change. Apart from differences in race, color, gender, national origin, religion, age, sexual orientation, citizenship, and geography, to mention a few, the public and our profession will experience changes in thought, culture, and beliefs. These demographics are constantly in flux. Defining “diversity” based on current differences would limit its application to future changes, and likewise restrict or limit The Florida Bar’s consideration of and response to such changes.

The Florida Bar is fully committed to the enhancement of diversity within the Bar, the legal profession, legal education, and in the justice system, and affirms its commitment toward a diverse and inclusive environment with equal access and equal opportunity for all. -- The Florida Bar Board of Governors.

Actions

1. Continue the Bar’s “Get Involved” Campaign.

2. Encourage members to provide self-identity data to The Florida Bar and develop baseline data.

3. Promote diversity and inclusion from both within and through the Judicial Nominating Commissions.

4. Initiate a conference of Judicial Nominating Commissions and invite Bar leadership and the Governor’s office.

5. Request that the Board of Governors become more active in their outreach to members and the public by increasing the number of speeches they provide and participating in an ambassador outreach program.

6. Task recent graduates of the Wm. Reece Smith, Jr. Leadership Academy to develop ideas for increased outreach.

7. Continue to enhance the diversity grant program.
LEGISLATIVE PROGRAM
THE FLORIDA BAR’S LEGISLATIVE PROGRAM

The Governmental Affairs Office of The Florida Bar administers the legislative program for the Bar. The office is staffed by Paul Hill, General Counsel and Joni Wussler, his assistant. Their primary functions include: coordination of the legislative and political activities of The Florida Bar and various sub-groups; staffing the Legislation Committee; advising elected leaders and outside consultants on various governmental issues; and serving as general information resources to all members of The Florida Bar on legislative and political matters. In addition, legislative counsel and advisors are retained to advocate the official positions of The Florida Bar in the legislature.

Every proposal for a legislative position must be reviewed and considered by the Legislation Committee. The committee meets prior to Board of Governors meetings, usually on Thursday afternoons. In order for proposals to be placed on the committee’s agenda, a Legislative Position Request Form must be submitted to the Governmental Affairs Office at least 21 days prior to the meeting of the committee.

Standing Board Policy 9.50(c) requires a section or committee to circulate its legislative proposals to other sections or committees that may have an interest in the matter prior to the presentation of the request to the Legislation Committee. In order to assure that all interested parties have an opportunity to comment on the proposal, the Legislative Position Request Form specifically requires a listing of the groups (both inside and outside the Bar) from whom your section or committee has solicited comments.

It is also suggested that a person who is familiar with the substance of a legislative position request be present and available for questions during consideration by the Legislation Committee (and by the Board of Governors, if the matter is controversial). If a knowledgeable representative does not appear before the Legislation Committee, the committee may defer the matter because of inadequate information.

Once a legislative position has been favorably acted upon by the Board of Governors, it is recorded on The Florida Bar’s master list of positions, maintained by the Governmental Affairs Office. Legislative positions are considered active for the two-year period coinciding with the legislative biennium. The master list is revised after each new position is approved. A current version of that list may be accessed on The Florida Bar’s website.

Consistent with the distinction between "big bar" and section lobbying, many sections of The Florida Bar have developed separate grassroots lobbying programs. Some sections retain their own outside advisors, who further assist volunteer members in advocating particular positions in the legislature or before other governmental bodies.

A key contact program is in place. Lawyers who have access to or a personal relationship with state and federal officials can volunteer to participate in the program. Those who volunteer are kept informed on various issues that comprise the Bar's political agenda and are called upon to present the Bar's views as necessary. These lawyers serve as the localized components of an
influential statewide network that often augments the efforts of the Bar's Tallahassee-based legislative resources. Such localized efforts by various attorneys and lay volunteers have been highly effective in defending the Florida Supreme Court's regulation of the legal profession, and in explaining selected aspects of the Bar's political platform.

The Governmental Affairs Office provides a variety of services to assist all Bar leaders in keeping abreast of the issues regarding the legal profession as well as significant political developments which may affect the Bar.

Throughout the legislative session, each bill is reviewed for its potential interest to every group within The Florida Bar. Within “Legislation of Interest to the Legal Profession,” separate bill reports – specific to each section, division and committee – can be found on the legislative pages of The Florida Bar website. These reports provide real-time updates on the progress of all legislation and allow members to access copies of any bill, amendment, or legislative analysis.

To facilitate the tracking of bills throughout regular and special sessions, the Bar utilizes a commercial on-line governmental information service. That bill tracking service includes a governmental directory, committee information, statute tracking, daily agendas and voting records.

Additionally, the official website of the Florida Legislature – “Online Sunshine” – provides a wealth of useful legislative information. The site also provides an alert service for intense bill tracking. The system supplies full text of bills, their complete parliamentary history, proposed amendments, up-to-date vote information, all state statutes, House and Senate rules, legislator information, House and Senate calendars, and lobbyist information.

All of this data is available free of charge through the Internet via http://www.leg.state.fl.us/. The Department of State posts new laws to its website one day after action by the Governor. Those postings can be found in the "Laws of Florida" section of the Department of State's website, accessed via http://laws.flrules.org/.
INFLUENCES ON FLORIDA BAR POLITICAL IDEOLOGICAL ACTIVITY

I. Introduction

Political and ideological activities of The Florida Bar are primarily influenced by the Rules Regulating The Florida Bar as promulgated by the Supreme Court of Florida, by operational policies of The Florida Bar Board of Governors, and by court decisions that have explored First Amendment rights of individual members of unified state bars or other mandatory membership organizations.

Within those confines, The Florida Bar works to advise and assist the courts and all other branches of government on a variety of law-related matters. Through its officers, volunteer members, professional staff and retained counsel, The Florida Bar presents a visible and respected presence within the political arena at both the state and federal levels.

II. Florida Bar Policy

The Rules Regulating The Florida Bar authorize the Board of Governors to establish, maintain and supervise "a program for providing information and advice to the courts and all other branches of government concerning current law and proposed or contemplated changes in the law." R. Regulating Fla. Bar 2-3.2(d)(4).

Bylaws to the Rules Regulating The Florida Bar specify that official legislative positions are effected by vote of the board, the executive committee, or singular act of the president. R. Regulating Fla. Bar 2-9.3(a). Standing Policies of the Board of Governors (the 900 Series) provide greater detail on this process and other procedural aspects of legislative and political activities of the Bar.

Proposed legislative action by The Florida Bar is usually first considered by the legislation committee, a nine-member group chaired by an incumbent board member and composed of at least five persons who were board members at the time of their appointment. The committee generally advises the leadership on all legislative or political matters affecting the Bar, its committees, and its sections.

The Florida Bar may only advocate legislative or political positions that are true to its chartered purposes "to improve the administration of justice" and "to advance the science of jurisprudence." R. Regulating Fla. Bar 1-2.Case law has further refined those general terms and has more specifically shaped the scope of the Bar's legislative authority.

Consideration of possible legislative or political activity by all of the Bar's various reviewing authorities involves a two-step analysis. Any potential position of The Florida Bar or an organic Bar committee must undergo a threshold analysis to verify whether the matter is within the scope and purposes of the Bar, followed by a second determination of the merits of the issue as proposed. For the Board of Governors to formalize a proposal as an official Bar position, a two-thirds margin on both these votes is required of those governors present at a regular meeting of the board.

The role of the Executive Committee in such matters is defined by board policy that acknowledges certain political issues may arise quickly, and can require action between meetings of the board of governors. A majority of the executive committee members acting on a matter must initially confirm that the requested action could not reasonably have been submitted to the board, or that there has been a significant material change in circumstances since the board's last meeting, to necessitate executive committee action on behalf of the Bar.

For the executive committee to formalize a proposal as an official bar position, two-thirds of the committee must vote that the issue is within the scope and purposes of the Bar. Any subsequent action on the merits of the measure similarly requires a two-thirds vote.

During a legislative session or other political emergency when it is not feasible to convene the executive committee, the president may act upon proposed legislation or other pending issues. Board policies state that such emergency
action should be in consultation with the president-elect and chair of the legislation committee if possible.

Once adopted, legislative positions of the Bar are published in The Florida Bar News for official notice to every member. Within 45 days of the date of publication, Bar members may file a written objection to a specific legislative position. Upon receipt of a timely objection, dues money allocated to the advocacy of any contested issue is immediately escrowed for possible rebate. The Board of Governors has an additional 45 days to decide whether to authorize a pro rata refund to the objecting member, or to refer the matter to arbitration.

Legislative positions of Bar sections evolve via a similar procedure, in that they are usually first considered by the legislation committee and then by the board. To accommodate Bar sections with active political agendas, board policies provide for an expedited review of section submissions upon request. Procedures reflect a "notice and estoppel" type philosophy, which acknowledges a section's basic authority to lobby a matter unless prohibited by the Bar within specific timelines, or affected by court action.

The Bar may prohibit a section from advocating a particular legislative or political position only if any of the following criteria are not met: (1) the issue is within a section's subject matter jurisdiction as reflected in its bylaws; (2) the issue is either beyond the scope of The Florida Bar to advocate, or is within the Bar's scope but not inconsistent with any existing Bar position; or (3) the issue does not present the potential of deep philosophical or emotional division among a substantial segment of the Bar's membership.

Legislative positions advocated in the name of The Florida Bar and underwritten by mandatory dues are distinct from those advanced and supported by volunteer section funds. Any presentation of a Bar section's position to governmental officials or others is required by Florida Bar policy to be clearly identified as a section position – and not a matter advocated by The Florida Bar – unless the board votes to make the issue a Bar position as well.

III. Judicial History

In re Florida Bar Board of Governors' Action, 217 So.2d 323 (Fla. 1969): Political activity by the Board of Governors on behalf of The Florida Bar was first challenged in the Supreme Court of Florida in 1969. Although the court summarily denied a petition for review of the Bar's advocacy of a proposed revision of the state constitution – and a membership referendum on the measure – Justice Hopping issued a special concurrence.

After reciting the history of Florida's unified bar, Justice Hopping noted as to "political" advocacy:

The test as to whether or not The Florida Bar should engage in a particular activity is not whether the activity is "political" in nature or directly connected with the administration of justice. The true test is whether the matter is of great public importance, and whether lawyers, because of their training and experience, are especially fitted to evaluate the same. If a matter vitally affects the public, and lawyers are peculiarly fitted to evaluate it, it is not only the right but the duty of the Bar as a professional organization to make such evaluation and advise the public of its conclusions.

Upon further describing the Bar's representative form of board governance and apportionment, Justice Hopping also noted:

If the matter on which the Board of Governors speaks meets the tests heretofore set out, this Court should not second guess the position taken by the Board of Governors because to do so would substitute this Court's beliefs for that of the Board's. While there is no guarantee that the Court's views represent the views of the lawyers of this state, because the Board of Governors is the duly elected spokesman of the lawyer members of The Florida Bar, its view is at least representative.

The Florida Bar, 439 So.2d 213 (Fla. 1983): The Florida Bar's "political activities" were again called into question in a 1983 proceeding wherein 25 members petitioned for Florida Supreme Court amendment of Bar rules, to read: "The Board of Governors shall not engage in any political activity on behalf of The Florida Bar nor expend money or employ personnel for such purpose."
The court initially determined that the improvement of the administration of justice and the advancement of the science of jurisprudence are compelling state interests sufficient to justify a constitutional intrusion into an individual's freedom of association.

After reviewing the Bar's history of advocacy among the various branches of state and federal government, the court held that The Florida Bar's political activities – particularly as limited by operational policies of its governing board – were germane to compelling state interests. The petition was therefore denied.

Gibson v. The Florida Bar, 798 F.2d 1564 (11th Cir. 1986): In "Gibson " a member challenged The Florida Bar's opposition to a state constitutional proposition (eventually struck from the general election ballot) that would have created limits on governmental revenues. Gibson argued that his First Amendment rights of free speech and association were violated by such use of his compulsory dues to advocate political and ideological positions.

The court held that: (1) the Bar could use compulsory dues to finance its lobbying efforts only to the extent that its legislative positions were germane to the Bar's stated purposes; and (2) the Bar had the burden of proving that its lobbying expenditures were constitutionally justified, by showing that its past positions were sufficiently related to the Bar's purpose of improving the administration of justice.

In one footnote, the court opinion indicated that acceptable areas for Bar lobbying would include the following topics: (1) questions concerning the regulation of attorneys; (2) budget appropriations for the judiciary and legal aid; (3) proposed changes in litigation procedures; (4) regulation of attorneys' client trust accounts; and (5) law school and Bar admission standards.

Another footnote indicated that the difficult task of discerning proper lobbying positions could be avoided by either of two methods: a voluntary program allowing lawyers to contribute to the legislative program as they wished; or a refund procedure allowing dissenting lawyers to object to a Bar position and to then receive that portion of their dues allotted to lobbying.

The Florida Bar re Schwarz, 526 So.2d 56 (Fla. 1988): In "Schwarz I " a member sought appointment of an ad hoc committee to study the legality, propriety, scope and procedure through which the Supreme Court of Florida should exercise its political power via delegation to its "official arm," The Florida Bar. The court declined to appoint a special committee, but referred the matter to the Judicial Council for comment and recommendations.

The Florida Bar Re. Amend. to Rule 2-9.3, 526 So.2d 688 (Fla. 1988): In view of the developing law in this area, the Bar sought amendments to its rules to set forth a procedure and potential remedy for members who would question the propriety of the use of their Bar dues to support legislative positions approved by the Board of Governors. The procedures, as adopted then, remain the heart of the Bar's current rule on member dissent and dues rebates. The court's opinion adopting the rule included this additional observation: "Although the pecuniary recovery may be limited, members of the Bar should still be able to bring injunctive actions seeking to prevent unauthorized Bar activities and expenditures."

Judicial Council of Florida, Special Report to the Florida Supreme Court: Legislative Activities of The Florida Bar (December 1988): In response to Schwarz I, the Judicial Council of Florida issued a special report in 1988 on the Bar's legislative activities. The Council recommended that the following subject areas be recognized as clearly justifying legislative activities by the Bar: (1) questions concerning the regulation and discipline of attorneys; (2) matters relating to the improvement of the functioning of the courts, judicial efficacy and efficiency; (3) increasing the availability of legal services to society; (4) regulation of attorneys' client trust accounts; and (5) the education, ethics, competence, integrity and regulation as a body, of the legal profession.

The Judicial Council recommended that, when a matter appears to fall outside the five specifically identified areas, the following criteria be used to determine whether the Bar could become actively involved in its advocacy: (1) that the issue be recognized as being of great public interest; (2) that lawyers are especially suited by their training and experience to evaluate and explain the issue; and (3) the subject matter affects the rights of those likely to come into
contact with the judicial system.

The Florida Bar re Schwarz, 552 So.2d 1094 (Fla. 1989), cert. denied 498 U.S. 951, (1990): In "Schwarz II" the recommendations of the Judicial Council requested after Schwarz I were approved by the Supreme Court of Florida for determining the scope of permissible lobbying activities of The Florida Bar.

The court further observed "that the Board exercise caution in the selection of subjects upon which to take a legislative position so as to avoid, to the extent possible, those issues which carry the potential of deep philosophical or emotional division among the membership of the Bar." The court added: "In any event, we also wish to make clear that any member of The Florida Bar in good standing may question the propriety of any legislative position by the Board of Governors by filing a timely petition with this Court."

Finally, the court suggested two refinements of Rule 2-9.3, regarding burden of proof and the confidentiality of objecting Bar members’ names. Both were later codified, along with other minor amendments to the rule.

Keller v. State Bar of California, 496 U.S. 1 (1990): The most definitive U.S. Supreme Court pronouncement in this area came after members of the California State Bar challenged their bar's use of mandatory dues to finance a variety of so-called political activities. In extending the labor union analogy to unified bars, the High Court ruled that a compulsory state bar association may constitutionally fund with mandatory dues only those political or ideological activities "germane" to its purpose: namely, "regulating the legal profession or 'improving the quality of the legal service available to the people of the State" The opinion further acknowledged that, with appropriate member notification and dissent procedures in place, an even broader range of political activities (if within the organization's basic authority) can be funded from mandatory dues of non-objecting members.

Gibson v. The Florida Bar, 906 F.2d 624 (11th Cir. 1990), cert. dismissed, 502 U.S. 104, (1991): "Gibson II" continued one member's challenge of The Florida Bar's use of his compulsory dues to fund political lobbying. Gibson appealed the denial of his original claim in Gibson I, for declaratory and injunctive relief, after the district court judge reviewed the 1988 revisions to Rule 2-9.3 on member objections to legislative positions.

The Eleventh Circuit Court of Appeals held that, with the exception of one minor feature since corrected, the escrow/rebate procedures in Rule 2-9.3 were sufficient under U.S. Supreme Court guidelines. In so doing, the court rejected Gibson's claim that an advance dues deduction scheme was mandated for the portion of dues that the Bar knows it will use for political activity.

The court further noted that Rule 2-9.3’s requirement of an objection to specific legislative issues does not dictate that individuals disclose their personal sentiment on any topic. And, the opinion observed that the mere fact the three-member arbitration panel called for in the rule is composed of Bar members would not taint any proceedings thereunder.

As to the amount of interest on any dues refunds paid, the court faulted Rule 2-9.3’s plan for calculations "as of the date the written objection was received." The opinion observed that, in order to protect against the danger that a dissident's dues could be used to finance questioned advocacy, "the Bar would have to calculate interest as of the date that payment of the members' dues was received." That concept is now incorporated into the current objection procedures.

The Florida Bar re Frankel, 581 So.2d 1294 (Fla. 1991): After the U.S. Supreme Court's opinion in Keller a member challenged The Florida Bar's authority to lobby several "children’s" issues, both under Keller and the Florida Supreme Court's Schwarz II holdings.

After failing to find the questioned issues within the five primary areas noted in Schwarz II as clearly justifying Bar advocacy, the court addressed another Frankel challenge by determining that the three additional criteria in Schwarz II were consistent with the Keller holding.
In its application of the three additional *Schwarz II* standards the court determined that, while the contested matters were of great public interest, they failed to satisfy the second *Schwarz II* criterion — that lawyers were especially suited by their training and experience to evaluate and explain the issues. The court did not consider the third criterion.

As to an appropriate remedy the court again noted that, if a lobbying position is outside the ambit of permissible Bar advocacy, a petitioner may enjoin the Bar from lobbying on that issue. The Bar was therefore ordered to refund Frankel a proportionate share of his dues applicable to the challenged matters, plus pertinent interest.

Taking its first opportunity to comment on the intervening Eleventh Circuit Court of Appeals ruling in *Gibson II*, the Florida Supreme Court agreed that The Florida Bar need not recognize generalized member objections to legislative matters, and that the Bar's codified objection procedures were not overly burdensome.

*The Florida Bar Re: Authority of a Voluntary Section to Engage in Legislative Action*, No. 79,321, Final Order (Fla. May 1, 1992): This case ensued after the Board of Governors of The Florida Bar prohibited the Public Interest Law Section of The Florida Bar from advocating the repeal of Florida's prohibition against adoptions by homosexuals. The board's action was premised on a belief that the issue would be divisive within the Bar's membership at large.

The section petitioned the Supreme Court of Florida to verify whether the *Frankel* opinion authorized section lobbying essentially without any restraints by The Florida Bar. The *Frankel* case had included an observation that "volunteer sections" were the appropriate entities for advocating issues outside the guidelines for permissible lobbying activities of The Florida Bar as established in the *Schwarz II* opinion.

The section's petition was summarily denied after the Bar submitted pleadings that noted the issue of section lobbying was neither briefed nor argued in *Frankel*, and that lobbying by subunits of a mandatory membership organization — especially on topics that may be divisive within the general membership of the umbrella group — raised particularly unique freedom of association issues.

The Florida Bar's response also noted that sections "of" a unified bar — with no independent basis for existence and often funded with mandatory monies — seem quite distinctive from the financially autonomous and wholly separate "voluntary" groups discussed in the controlling federal court cases as acceptable alternatives to lobbying by a mandatory membership organization.

*The Florida Bar, Re: Harvey M. Alper, Joseph W. Little and Henry P. Trawick*, 666 So.2d 142 (Fla. 1995), cert. denied 515 U.S. 1145 (1995): Petitioning Bar members sought a Florida Supreme Court order clarifying that The Florida Bar was without authority "to employ any funds, personnel, property, symbols or other evidences of Bar involvement in promoting or advocating any change in the means by which judges are selected in Florida," or "in promoting or publicizing the merit retention elections of incumbent justices and judges." Petitioners asserted that a legislative position of the Bar to eliminate the popular election of trial judges and the Bar's distribution of printed materials — allegedly favorable toward incumbent merit retention candidates — to the public media and local bar associations were divisive political and ideological activities outside the limits of the Bar's authority clarified in *Schwarz* and *Frankel*. Petitioners asserted that these were matters on which lawyers have no claim to a superior position, and that such activities violated their First and Fourteenth Amendment rights under *Keller*.

The Florida Bar's response noted that both activities meet the *Schwarz* and *Frankel* criteria, and stressed the special value of its collective opinion regarding judicial selection, and reiterated that petitioners' argument confused the objective question of whether an issue is germane to the administration of justice with the subjective question of the desirability of any proposed change. Regarding its printed merit retention materials, the bar emphasized the complete neutrality of those documents — as separately determined by Florida's Department of State — and noted The Florida Bar's uninterrupted history of never endorsing individual judicial candidates. The Supreme Court of Florida summarily denied the petition.

Petitioners thereafter sought a writ of certiorari from the United States Supreme Court. Following the submission of
briefs, the Court denied the petition without opinion.

**Liberty Counsel v. The Florida Bar Board of Governors, 12 So.3d 183 (Fla. 2009):** Two Bar members and their non-profit public interest law firm petitioned the Florida Supreme Court for injunctive and other relief based on The Florida Bar’s governing board allowing the Family Law Section to file an amicus curiae brief in support of a circuit judge’s invalidation of a state statute that prohibited homosexuals from adopting. Petitioners claimed that such action violated their First Amendment rights under *Keller, Schwarz, Frankel*, was contrary to applicable Bar policies and was *ultra vires*, and created an unresolvable ethical conflict for judicial members of the Family Law Section and anyone who might appear before those judges with similar such legal issues. The filing sought to nullify the Board’s action and to enjoin both the Family Law Section’s filing and any future Florida Bar or section advocacy beyond proper parameters.

In a 5-2 opinion, the Florida Supreme Court concluded that the Bar’s actions in permitting the Family Law Section to file an amicus brief did not violate the First Amendment rights of the petitioners because membership in the section is voluntary and any such advocacy by that group is not funded with compulsory Florida Bar dues. The court also rejected without detailed discussion petitioners’ claim that the filing of an amicus brief by the section would cause judges who are members of the section to be in violation of the Code of Judicial Conduct. “Even assuming the filing of a legal brief discussing the relevant case law on a legal issue is analogous to a political or ideological position, a view with which we do not agree,” the court said, “nothing in this court’s case law or in the Code of Judicial Conduct prohibits judges from belonging to associations because the associations endorse a particular political or ideological position as a result of a decision in which the judge took no part. If that were the case, judges would be prohibited from being members of a variety of voluntary professional associations, including the American Bar Association and the National Bar Association, and from participating in the valuable nonpolitical activities of bar sections.”

The court further emphasized that the standards and restrictions it has adopted subsequent to *Keller* address only the activities of The Florida Bar and not the activities of its voluntary sections. The court added that it will not interfere with or micromanage the activities of the Bar’s sections, or the approval of such activities by the Bar, unless the Bar’s actions regarding the scope of the activities of its voluntary sections are clearly outside the Bar’s authority. Finally, the opinion noted that the Bar’s approval of the section filing was not *ultra vires* because, in doing so, the Bar did not act contrary to any court rule or Bar policy, and implicit in the Board’s unanimous vote on the matter was the notion that the Board waived by the necessary two-thirds vote the requirement that it determine the divisiveness of the issue. The dissenters argued that the Bar had failed to comply with or properly waive its policies, and that the court has a duty to supervise the Bar in such instances.

* * * * *

These court opinions merely delineate the legislative authority and political agenda of the organization known as The Florida Bar. They do not foreclose additional advocacy throughout the state's legal profession – whether by individual lawyer licensees of the Bar, or by separately funded voluntary groups of attorneys.
GUIDELINES FOR LEGISLATIVE ACTION BY
THE FLORIDA BAR, BAR COMMITTEES & BAR SECTIONS

THE FLORIDA BAR

• The Florida Bar re Schwarz, 552 So.2d 1094 (Fla. 1989), cert. denied 498 U.S. 951, (1990)--reconfirmed in The Florida Bar re Frankel, 581 So.2d 1294 (Fla. 1991)

The following subject areas clearly justify legislative activity by The Florida Bar:

1. questions concerning the regulation and discipline of attorneys;
2. matters relating to the improvement of the functioning of the courts, judicial efficacy and efficiency;
3. increasing the availability of legal services to society;
4. regulation of attorneys' client trust accounts; and
5. the education, ethics, competence, integrity and regulation as a body, of the legal profession.

Additionally, the following criteria are to be used to determine the type of legislative matters that The Florida Bar may become actively involved with when an issue appears to fall outside of the specifically identified areas listed above:

1. that the issue be recognized as being of great public interest;
2. that lawyers are especially suited by their training and experience to evaluate and explain the issue; and
3. the subject matter affects the rights of those likely to come into contact with the judicial system.

The Supreme Court of Florida has further suggested that the Board of Governors of The Florida Bar "exercise caution in the selection of subjects upon which to take a legislative position so as to avoid, to the extent possible, those issues which carry the potential of deep philosophical or emotional division among the membership of the Bar."

• Keller v. State Bar of California, 496 U.S. 1 (1990)

The compelled association within a unified bar is justified by the state's interest in regulating the legal profession and improving the quality of legal services. "The State Bar may therefore constitutionally fund activities germane to those goals out of the mandatory fees of all members. It may not, however, in such manner fund activities of an ideological nature which fall outside of those areas of activity."

* * *

The guiding standard must be whether the challenged expenditures are necessarily or reasonably incurred for the purpose of regulating the legal profession or "improving the quality of the legal service available to the people of the State."
BAR SECTIONS

Standing Board Policies

9.50 Legislative and Political Activities of Bar Sections

(a) Authority. The board will permit a bar section to take a position on a legislative or political issue only when the issue:

(1) is within the section’s subject matter jurisdiction as described in the section’s bylaws;

(2) either is beyond the scope of the bar’s permissible legislative or political activity, or is within the bar’s permissible scope of legislative or political activity and the proposed section position is consistent with an official bar position on that issue; and

(3) does not have the potential for deep philosophical or emotional division among a substantial segment of the bar’s membership.

*f* *

(f) Prohibition from Advancing Section Position. The bar may prohibit the section from acting on or advancing a position only when it finds that the position fails to meet the criteria of subdivision (a). The section may not advocate a position or take other proposed action if the board or a court prohibits the proposed position or activity. The board must provide written notice of the board’s prohibition within 60 days after the executive director receives the section’s notice.

☐
CHAPTER 1. GENERAL

INTRODUCTION
The Supreme Court of Florida by these rules establishes the authority and responsibilities of The Florida Bar, an official arm of the court.

1-1. NAME
The name of the body regulated by these rules shall be THE FLORIDA BAR.

1-2. PURPOSE
The purpose of The Florida Bar shall be to inculcate in its members the principles of duty and service to the public, to improve the administration of justice, and to advance the science of jurisprudence.

CHAPTER 2. BYLAWS OF THE FLORIDA BAR

2-3. BOARD OF GOVERNORS

Bylaw 2-3.2 Powers
***
(d) Programs. The board of governors may establish, maintain, and supervise:
***
(1) a program for providing information and advice to the courts and all other branches of government concerning current law and proposed or contemplated changes in the law;

2-7. SECTIONS

Bylaw 2-7.5 Legislative Action of Sections and Divisions

(a) Limits of Legislative Involvement. Sections and divisions may be involved in legislation that is significant to the judiciary, the administration of justice, or the fundamental legal rights of the public or interests of the section or division or its programs and functions.

(b) Procedure to Determine Legislative Policy. Sections and divisions shall be required to adopt and follow a reasonable procedure, approved by the board of governors, for determination of legislative policy on any legislation.

(c) Notice to Executive Director. Sections and divisions shall notify the executive director immediately of determination of any section or division action regarding legislation.

(d) Identification of Action. Any legislative action taken by a section or division shall be clearly identified as the action of the section or division and not that of The Florida Bar.

2-9. POLICIES AND RULES

Bylaw 2-9.3 Legislative Policies

(a) Adoption of Rules of Procedure and Legislative Positions. The board of governors shall adopt and may repeal or amend rules of procedure governing the legislative activities of The Florida Bar in the same manner as provided in bylaw 2-9.2; provided, however, that the adoption of any legislative position shall require the affirmative vote of two-thirds of those present and voting at any regular meeting of the board of governors or two-thirds of the executive committee or by the president, as provided in the rules of procedure governing legislative activities.

(b) Publication of Legislative Positions. The Florida Bar shall publish notice of adoption of legislative positions in The Florida Bar News, in the issue immediately following the
board meeting at which the positions were adopted.

(c) Objection to Legislative Positions of The Florida Bar.
(1) Any member in good standing of The Florida Bar may, within 45 days of the date of publication of notice of adoption of a legislative position, file with the executive director a written objection to a particular position on a legislative issue. The identity of an objecting member shall be confidential unless made public by The Florida Bar or any arbitration panel constituted under these rules upon specific request or waiver of the objecting member. Failure to object within this time period shall constitute a waiver of any right to object to the particular legislative issue.
(2) After a written objection has been received, the executive director shall promptly determine the pro rata amount of the objecting member's membership fees at issue and such amount shall be placed in escrow pending determination of the merits of the objection. The escrow figure shall be independently verified by a certified public accountant.
(3) Upon the deadline for receipt of written objections, the board of governors shall have 45 days in which to decide whether to give a pro rata refund to the objecting member(s) or to refer the action to arbitration.
(4) In the event the board of governors orders a refund, the objecting member's right to the refund shall immediately vest although the pro rata amount of the objecting member's membership fees at issue shall remain in escrow for the duration of the fiscal year and until the conclusion of The Florida Bar's annual audit as provided in bylaw 2-6.16, which shall include final independent verification of the appropriate refund payable. The Florida Bar shall thereafter pay the refund within 30 days of independent verification of the amount of refund, together with interest calculated at the statutory rate of interest on judgments as of the date the objecting member's membership fees at issue were received by The Florida Bar, for the period commencing with such date of receipt of the membership fees and ending on the date of payment of the refund by The Florida Bar.

d) Composition of Arbitration Panel. Objections to legislative positions of The Florida Bar may be referred by the board of governors to an arbitration panel comprised of 3 members of The Florida Bar, to be constituted as soon as practicable following the decision by the board of governors that a matter shall be referred to arbitration.
The objecting member shall be allowed to choose 1 member of the arbitration panel, The Florida Bar shall appoint the second panel member, and those 2 members shall choose a third member of the panel who shall serve as chair. In the event the 2 members of the panel are unable to agree on a third member, the chief judge of the Second Judicial Circuit of Florida shall appoint the third member of the panel.

(e) Procedures for Arbitration Panel.
(1) Upon a decision by the board of governors that the matter shall be referred to arbitration, The Florida Bar shall promptly prepare a written response to the objection and serve a copy on the objecting member. Such response and objection shall be forwarded to the arbitration panel as soon as the panel is properly constituted. Venue for any arbitration proceedings conducted pursuant to this rule shall be in Leon County, Florida; however, for the convenience of the parties or witnesses or in the interest of justice, the
proceedings may be transferred upon a majority vote of the arbitration panel. The chair of the arbitration panel shall determine the time, date, and place of any proceeding and shall provide notice thereof to all parties. The arbitration panel shall thereafter confer and decide whether The Florida Bar proved by the greater weight of evidence that the legislative matters at issue are constitutionally appropriate for funding from mandatory Florida Bar membership fees.

(2) The scope of the arbitration panel's review shall be to determine solely whether the legislative matters at issue are within those acceptable activities for which compulsory membership fees may be used under applicable constitutional law.

(3) The proceedings of the arbitration panel shall be informal in nature and shall not be bound by the rules of evidence. If requested by an objecting member who is a party to the proceedings, that party and counsel, and any witnesses, may participate telephonically, the expense of which shall be advanced by the requesting party. The decision of the arbitration panel shall be binding as to the objecting member and The Florida Bar. If the arbitration panel concludes the legislative matters at issue are appropriately funded from mandatory membership fees, there shall be no refund and The Florida Bar shall be free to expend the objecting member's pro rata amount of membership fees held in escrow. If the arbitration panel determines the legislative matters at issue are inappropriately funded from mandatory membership fees, the panel shall order a refund of the pro rata amount of membership fees to the objecting member.

(4) The arbitration panel shall thereafter render a final written report to the objecting member and the board of governors within 45 days of its constitution.

(5) In the event the arbitration panel orders a refund, the objecting member's right to the refund shall immediately vest although the pro rata amount of the objecting member's membership fees at issue shall remain in escrow until paid. Within 30 days of independent verification of the amount of refund, The Florida Bar shall provide such refund together with interest calculated at the statutory rate of interest on judgments as of the date the objecting member's membership fees at issue were received by The Florida Bar, for the period commencing with such date of receipt of the membership fees and ending on the date of payment of the refund by The Florida Bar.

(6) Each arbitrator shall be compensated at an hourly rate equal to that of a circuit court judge based on services performed as an arbitrator pursuant to this rule.

(7) The arbitration panel shall tax all legal costs and charges of any arbitration proceeding conducted pursuant to this rule, to include arbitrator expenses and compensation, in favor of the prevailing party and against the nonprevailing party. When there is more than one party on one or both sides of an action, the arbitration panel shall tax such costs and charges against nonprevailing parties as it may deem equitable and fair.

(8) Payment by The Florida Bar of the costs of any arbitration proceeding conducted pursuant to this bylaw, net of costs taxed and collected, shall not be considered to be an expense for legislative activities, in calculating the amount of membership fees refunded pursuant to this bylaw.
900 LEGISLATIVE POLICIES AND PROCEDURES

9.10 Authority

9.20 Action by Board of Governors

9.21 Action by Executive Committee or President

9.30 Legislation Committee

9.40 Procedure for Hiring Advisor and Consultants

9.50 Legislative and Political Activities of Sections

9.51 Procedure for Hiring Section Advisors

9.60 Legislative and Political Activities of Divisions and Committees

9.70 Advice and Consultation with Governmental Officials or Others by Florida Bar Members

900 LEGISLATIVE POLICIES AND PROCEDURES

9.10 AUTHORITY

These policies and procedures, combined with the amicus curiae policy and procedures in standing board policy 8.10, establish the board’s powers to maintain and supervise the bar’s legislative program. The legislative program will provide information and advice to the courts and all other branches of government concerning current law and proposed or contemplated changes in the law. The bar will not advocate a legislative or political issue unless the board determines that the matter is related to the bar’s purposes as set forth in the Rules Regulating The Florida Bar and is otherwise consistent with applicable court decisions. These policies govern the limits and procedures regarding legislative or political involvement by bar committees, sections and divisions.

9.20 ACTION BY BOARD

(a) Procedure for Requesting Board Action.

(1) A request that the board take action on a legislative or political issue must be submitted in the form and with the information specified in subdivision (c) of this policy. The request must be received by the executive director at least 20 days before the beginning of any regular board meeting.
The executive director will circulate copies of all requests for board action on a legislative or political issue to all board members and to the legislation committee for review and action in accordance with these policies.

A request for board action on a legislative or political issue that is not submitted by the deadline will not be considered until the next succeeding board meeting unless:

(A) the request is presented in writing to the legislation committee at its meeting preceding the board meeting; and

(B) sufficient copies of the request for each board member are delivered to the executive director prior to the board meeting; and

(C) the board by majority vote agrees to include the request on its agenda.

The board may be called on to act on a request for action on a legislative or political issue either by:

(A) a recommendation of the legislation committee made in the form of a motion by its chair or 1 of its members; or

(B) motion of a board member addressed to matters previously considered by the legislation committee.

Consideration of any request for action on a legislative or political issue by the board must be consistent with the Rules Regulating The Florida Bar and proceed in the following order:

(A) an affirmative vote by a 2/3 majority of those present and voting that the proposed legislative or political action is within the scope of the bar’s authority under the Rules Regulating The Florida Bar and applicable court decisions;

(B) if the vote is affirmative, a second affirmative vote by 2/3 of those present and voting that the specific legislative or political position is adopted.

(b) Appearances before Board or Committees. The legislation committee, the board, or the executive committee may allow any interested person to appear before it in support of or in opposition to any legislative or political action being considered, subject to reasonable limitations on available time.

(c) Requests for Bar Position. Requests that the bar take a position on a legislative or political issue must be accompanied by a copy of the pertinent legislation or a detailed presentation of the political issue, together with the following information:

(1) identification of, reference to, or copies of similar legislation or presentation being considered by the legislature or other body;

(2) a statement concerning the known principal proponents and opponents of the legislative or political issue including, if possible, a brief statement of the
reasons for opposition or support by the other interests;

(3) a statement of the known position on the legislative or political issue taken by any bar division, section, or committee that considered the matter including the principal reasons for support of or opposition to the issue; and

(4) confirmation that notice of the proposed legislative or political action has been circulated to all bar divisions, sections, and committees that may be interested in the issue, together with a statement identifying all groups the notice has been submitted to for comment, and reciting the comments received.

(d) Duration of Bar Positions; Notice to Board. A position with regard to a legislative or political issue, once adopted or recognized by the board, will remain a bar position for the full biennial legislative session during which the board adopted or recognized the position, unless reversed or rescinded. The executive director will notify the board at its July meeting of the bar’s legislative and political positions.

(e) Form of Position. If formalized, a position on legislative or political issue will indicate support of, opposition to, or a neutral position on, the issue. The position may be that the bar will provide nonpartisan technical assistance on the issue.

(f) Categories of Legislative Activity. The board or the executive committee may provide for different categories designating the extent of the bar’s activity in support of, or in opposition to, a legislative or political issue. The categories may include the following:

(1) Active Support or Opposition. The bar, through its agents, will actively support or oppose a legislative or political issue in appropriate public and governmental forums.

(2) Approved or Disapproved. The bar either approves or disapproves a legislative or political issue.

(g) Effect of Board Consideration. Requested legislation or political action must receive a 2/3 vote by the board to be considered board action. Legislative or political issues that do not receive the required 2/3 vote will not be considered action by the board.

(h) Review of Past or Current Positions. Any member of the board or the executive committee may request review of a past position. Review of a past position is required on a majority vote of those present. A current position on a legislative or political issue may be altered, amended, or withdrawn by a 2/3 vote of the board members present at the meeting.

(i) Publication of Legislative and Political Positions. The Rules Regulating The Florida Bar govern the official notice and publication of positions on legislative and political issues adopted on behalf of the bar.

(j) Objection to Legislative and Political Positions. The Rules Regulating The Florida Bar and applicable court decisions govern the procedures for member objections to legislative and political positions adopted on behalf of the bar.
9.21 ACTION BY EXECUTIVE COMMITTEE OR PRESIDENT

(a) Action by Executive Committee. The executive committee will not take action on a legislative or political issue unless the executive committee determines by majority vote of those voting that:

(1) the requested legislative or political action could not reasonably have been submitted for board consideration in accordance with existing policies, or,

(2) there has been a significant material change in circumstances since the last board meeting making it necessary that the bar take legislative or political action.

(b) Review of Matters Previously Considered by Board. The executive committee will not take action on a matter previously acted on by the board unless there has been a significant material change in circumstances.

(c) Required Votes. When making recommendations or acting on a legislative or political issue, the executive committee must:

(1) affirmatively establish by 2/3 majority vote of the committee that the proposed legislative or political action is within the scope of the bar’s authority as set forth in the Rules Regulating The Florida Bar and applicable court decisions; and

(2) if the vote is affirmative, a second affirmative vote by 2/3 of those present that the specific legislative or political position is adopted.

(d) Action by President. The bar president, on consultation with the bar president-elect and the chair of the legislation committee (if possible), may act on a pending request for action on a legislative or political issue if the legislature is in session or an emergency exists and it is not feasible for the executive committee to act.

(e) Report to Board. Any legislative or political action taken by the executive committee or bar president must be reported to the board at its next meeting.

9.30 LEGISLATION COMMITTEE

(a) Structure. The legislation committee is composed of 9 current board members.

(b) Appointment; Terms. The bar president-elect appoints 3 members and names a chair-elect. The chair-elect becomes chair when the bar president-elect becomes president. Terms of all members are 3 years.

(c) Purpose. The legislation committee will develop recommendations for the board on requests that the board adopt or recognize a legislative or political position.

(d) Report to Board. The legislation committee will make a recommendation to the board. The committee will determine whether the proposed action is within the scope of the bar’s authority under the Rules Regulating The Florida Bar and applicable court
decisions. The committee will also determine whether any legislative or political position should be formally adopted or recognized by the board.

(e) Authority to Draft Legislative or Political Concepts. The legislation committee has the authority to draft and submit recommendations to the board on legislative or political concepts which may, or should be, the subject of legislation or other advocacy.

9.40 PROCEDURE FOR HIRING ADVISOR AND CONSULTANTS

(a) Counsel or Advisor. The bar may hire an advisor on a part-time as needed basis to advise the bar on legislative or political matters. The advisor may also represent the bar in communicating the bar’s position to the committees and individual members of the legislature or to other governmental officials. The person employed may or may not be an attorney. If the person employed is an attorney, the person will be known as “legislative counsel.”

(b) Term of Employment. The person will be employed for a 2-year period to coincide with the 2-year legislative session. The term will commence July 1st and end June 30th 2 years later.

(c) Review of Performance. The bar president, president-elect, executive director, and/or the chair of the legislation committee will review the performance of the legislative counsel or advisor and, when appropriate, review the terms and conditions of a contract and consider any applicants for the position.

(d) Recommendation of Employment. Six members of the legislation committee must affirmatively vote to recommend employment of a legislative advisor.

(e) Time of Recommendation. The committee will make its recommendation to the board no later than October. The legislative counsel or advisor should be retained by the bar in time to attend and participate in the Florida Legislature’s organizational meetings held in November.

(f) Retention of Other Consultants and Experts. The legislation committee may recommend and the board may approve retaining consultants and expert witnesses for legislative and political matters. If the board is unable to timely act on the recommendation, the executive committee may approve retainers for consultants and expert witnesses provided the cost is within the previously approved budget for legislative and other political activities.

9.50 LEGISLATIVE AND POLITICAL ACTIVITIES OF BAR SECTIONS

(a) Authority. The board will permit a bar section to take a position on a legislative or political issue only when the issue:

(1) is within the section’s subject matter jurisdiction as described in the section’s bylaws;

(2) either is beyond the scope of the bar’s permissible legislative or political activity, or is within the bar’s permissible scope of legislative or political activity and
the proposed section position is consistent with an official bar position on that issue; and

(3) does not have the potential for deep philosophical or emotional division among a substantial segment of the bar’s membership.

(b) Procedures. Sections engaging in legislative or political activities must adopt procedures to determine legislative and political positions. The procedures must be reviewed by the board’s legislation committee and approved by the board before each legislative biennial. The procedures must include the establishment of a legislation committee composed of at least 3 members who will serve staggered terms. Two-thirds of the executive council members present must determine that the matter is within the section’s scope. A majority of the executive council members present must approve the position.

(c) Notice of Bar Positions. The executive director will give periodic notice to the sections of their recognized positions or activity and the bar’s official positions on legislative or other political issues.

(d) Notice of Bar Section Proposals. Bar sections must advise the bar of proposed legislative or political activity by providing written notification to the executive director. The proposal must be circulated to all bar divisions, sections, and committees that may be interested in the issue. The written notice must identify in writing all groups the proposal has been submitted to for comment and include the comments received. When a decision is needed within 60 days, the proposal must include an explanation of the need for an expedited decision, and request a specific deadline for a decision by the bar.

(e) Bar Response. The legislation committee and the board will review a section’s proposed legislative or political activity unless an expedited decision is required. The executive committee may review the section proposal if expedited review is requested. The bar president, president-elect, and chair of the legislation committee may review a section proposal if the legislature is in session or an emergency exists and the executive committee is unable to act. The bar must immediately give written notice to the section of the decision on proposed legislative or political activity.

(f) Prohibition from Advancing Section Position. The bar may prohibit the section from acting on or advancing a position only when it finds that the position fails to meet the criteria of subdivision (a). The section may not advocate a position or take other proposed action if the board or a court prohibits the proposed position or activity. The board must provide written notice of the board’s prohibition within 60 days after the executive director receives the section’s notice.

(g) Review of Executive Committee or President’s Action. The section may request board review of the executive committee or bar president’s decision to prohibit the section’s proposed legislative or political activity. The review must be at the board meeting immediately following the date the section was noticed of the decision.

(h) Coordination with The Florida Bar. A section must clearly distinguish its legislative and political activity from that of the bar. Each section must coordinate its legislative and political activity with the bar. Each section must advise of any section representatives who
might make direct personal contact with governmental officials to further any section position or activity on a legislative or political issue.

9.51 PROCEDURE FOR HIRING SECTION ADVISORS

(a) Bar Approval Required. The board must approve a bar section’s retention of a legislative or political advisor.

(b) Request for Approval; Contents. A section must submit a request for approval to retain a legislative or political advisor. The request for approval must be submitted to the board and contain the following information:

(1) the name and address of the proposed advisor;

(2) the proposed contractual terms for the advisor’s contract;

(3) a statement showing the need for hiring the advisor;

(4) a list of current legislative clients of the advisor and the advisor’s firm;

(5) an agreement that subsequent legislative or political clients will be disclosed to the bar at least 5 days prior to the advisor or any member of the advisor’s firm beginning representation of the subsequent client and that any subsequent conflicts will be disclosed immediately;

(6) a provision that the bar may terminate the contract if it decides that the section advisor or a member of the advisor’s firm does not act within the bar’s best interests; and

(7) an agreement that the advisor will work on bar legislative or political matters if the executive director believes bar participation is necessary and in the best interests of the bar’s membership. If this occurs, the cost of the advisor’s time will be assessed against the section, unless this creates a shortage or hardship on the section. In that event, the bar may reimburse the section for the appropriate amount of the expense.

(c) Review of Requests and Report to Board. The legislation committee and the executive director will review proposed contracts and make recommendations to the board for a section’s legislative or political advisor.

(d) Notice to Executive Director. A section’s advisor must agree to communicate all significant legislative or political developments to the executive director.

(e) Budget Limit on Section Legislative or Political Activity. A section may use section membership dues and other revenue for legislative activities, but may not budget or expend for legislative activities any amount that will result in a negative projected year-end fund balance.
9.60 LEGISLATIVE AND POLITICAL ACTIVITIES OF BAR DIVISIONS AND COMMITTEES

Bar divisions and committees may advance a legislative or political position only if the issue is within the scope of the bar’s permissible activity, is within the area of subject matter interest of the bar division or committee, and is authorized by the board.

9.70 ADVICE AND CONSULTATION WITH GOVERNMENTAL OFFICIALS OR OTHERS BY BAR MEMBERS

These policies do not preclude lawyers from presenting their individual personal views to the Florida Legislature, the United States Congress, or any other person or body on any legislative or political matter.
A Bar News clip (attached), describes how bills in the Florida Legislature are “tagged” by the Bar’s Governmental Affairs staff and sorted by subject matter or topic into separate compilations, for display on The Florida Bar website.

These “bill reports” in various topical categories essentially match the substantive law interests of most Florida Bar sections and committees and allow for “real time” bill tracking, plus access to bill and amendment text, parliamentary history, analyses, and other helpful legislative data. Every Bar section can use these compilations as their own, free legislative tracking service.

The 2016 Bill Reports can be found at this direct link: http://www.floridabar.org/DIVEXE/GCBillReport.nsf/WDOCS?OpenView

Please share this information with your Legislative Chair / Legislative Committee.

Should you have any questions regarding legislative bill tracking or LobbyTools, please contact Paul Hill at e-mail address phill@floridabar.org
**TRACK BILLS ON THE FLORIDA BAR’S WEBSITE**

The 60-day annual legislative session in Tallahassee can seem a confusing, rushed, and hectic mishmash of activity.

Bills with vague titles are introduced in committee, amended, sent to another committee, altered again and then — if they’re still alive — eventually make it to the floor of their respective chambers. Where, again, they can be rewritten in their entirety (via the ubiquitous strike-all amendment).

Using its website and the Lobbytools legislative information service, The Florida Bar is trying to demystify the legislative process for its members and also make it easier to find and track bills of interest.

Bar General Counsel Paul Hill said all filed legislation is reviewed and then sorted according to potential interest to various Bar committees and sections.

To access the information, click on Legislative Activity on the left side menu on the Bar’s home page at www.floridabar.org. On the resulting page, scroll down to “The Current Legislative Session” and then click the first link “Legislation of Interest to the Legal Profession.”

That goes to a page with a list of all sections and committees that may be affected by legislation. Click on any section or committee to see bills that might fall into its purview.

Hill said if there’s any hint a bill would be of interest to a section or committee, it’s included.

“It’s our effort to imagine who would care about a bill with the biggest stretch of the imagination,” Hill said.

Having a bill number is one thing. Getting information is another. Rather than have Bar members take the number and look up the bill on a legislative website, each listed bill is connected to a page run by Lobbytools. Clicking on the link takes the member to the page, which provides links to staff analysis of the bill, text of the legislation, proposed amendments, legislative history as it proceeds through committees, and a schedule of when and where it is next set to be heard.

If more in-depth bill tracking is desired, one can simply create legislative tracking accounts on both the House (Florida House of Representatives — Legislative Tracking Login Page), and Senate (Senate Tracker Login — The Florida Senate), websites. Once an account is established, these tracking systems can be personalized to follow specific issues of importance and can be set up to receive automatic email alerts when the status of those items changes.
A different part of the legislative activity section of the site provides a list of all current Bar-wide, section, and committee authorized legislative positions. It also explains the Bar policies that govern legislative activities.

Hill and Joni Wussler, his legislative aide, said the web service is an expansion of what the Bar has always done to keep sections and committees informed about bills.

Wussler can be reached at jwussler@floridabar.org or by calling (850) 561-5662.
TIPS FOR EFFECTIVE COMMUNICATION WITH LEGISLATORS  
PREPARED BY THE FLORIDA BAR’S OFFICE OF GOVERNMENT AFFAIRS

Advance Work
• Know something of the legislator’s personal background and political history – voting records and prior positions pertinent to your concerns are important facts to understand. Also, it is important to understand the context in which votes were cast and positions were advocated. For example, many legislators opposed an education standards bill because an amendment adopted during floor consideration would have allowed school prayer. In that instance, the legislator may have been chastised as "standing for mediocrity in education" when their real purpose may have been protection of the separation of church and state.

• Get to know your legislators' support staff, especially their aides. It is important to remember aides do not just answer the phones and open the mail. They are professionals charged with making the legislator effective in all aspects. All communication generally flows through the aide, and it is best to be forthcoming with them about your issue. Understand legislators rely on their aides to be "gatekeepers", and to keep them organized, on track and informed at all times. Remember, aides are the only people with immediate and "carte blanche" access to the legislator, and they can become your best resource for information, advice and access.

• If your issue is already the subject of proposed legislation, know as much as possible about the bill and the companion proposal in the other chamber:
  - Bill number(s)
  - Actual title and any other working title or popular name
  - Primary sponsor and any co-sponsors
  - Which committees the bill has been referred to, and who serves on those committees
  - Where the bill is currently within the legislative process
  - The "players" in the process (i.e., who is in support/opposition)
  - The political dynamics surrounding the bill/issue
  - Whether the original proposal has been (or might be) amended, and the effects of such action

• Realize there are 2500 - 3000 bills filed every session. No lawmaker is familiar with them all, nor may your legislator immediately appreciate your special concern without a few specific details. Remember, you may be monitoring one single issue or bill, but the legislator and their aide may be monitoring one hundred bills.

• Ideally, your advance efforts will set the stage for more meaningful contact later. Future communications should be timely, when the most important legislative action is imminent.

Developing your Presentation
• Try to restrict each contact to a single issue unless more information is sought or expected from you. Understand your issue well enough to explain it simply and succinctly. Legislators work with many varied and complex matters, and are not always instant experts on all of them -- however, few lawmakers want to be overwhelmed with details, "legalese", or other esoteric terms.
• Localize and personalize your presentation whenever possible -- nothing hits home like "home". However, never use "home" interests as a veiled or implied threat.

• Whether you're supporting or opposing an issue, consider a positive approach. Legislators usually consider themselves as problem solvers and have little tolerance for unconstructive naysayers. Offer "solutions"; most lawmakers will appreciate clear, well-defined "solutions" -- even if they might not agree with you.

• Prepare two sets of your backup materials for advance delivery (maybe 1-2 days ahead of the scheduled appointment) to the legislator and their aide. Advance delivery will ensure the legislator and the aide have perused the material and will be prepared for the meeting.

**Personal Visits -- Capitol or District Office, and Elsewhere...**

• Use personal visits as your best opportunity to discuss specific issues or to meet a lawmaker and support staff – and to enhance the likelihood that you will be remembered and heard in the future.

• Set an appointment in advance and specify the purpose of your call. Effective, responsible aides will attempt to schedule appointments that are "timely" *(i.e., if there is a meeting of the Insurance Committee on Wednesday, appointments related to insurance issues may be scheduled for Tuesday).* Be flexible and expect to negotiate a mutually convenient time for the meeting. Also expect a brief visit – usually 15 minutes maximum – unless you have both agreed to a more lengthy discussion. Expect the legislator to be behind schedule; expect to wait; expect appointments to be cancelled and rescheduled. Do not get cranky with the aide about scheduling problems. Sometimes snafus are unavoidable, *i.e.* impromptu meetings with the President or Speaker, interruptions by other legislators. It is not a perfect process. Be flexible and accessible *(i.e., provide cell phone numbers, pager numbers, etc.) and be prepared to come when called *(i.e., if there is a short recess, or if the legislator steps back into the office for a small break).* Aides will generally bend over backward to get you in, to correct a snafu. Just work with them.

• Know your legislator's preferences about weekend visits when they're home at their district offices, especially during session. These can be great opportunities for contact unless they collide with other personal or professional priorities. Also, note that most matters will need special treatment and supporting materials because most lawmakers' working files are in Tallahassee – and what you present to your legislator back home may need to be literally carried back to the capitol.

• Be prepared for the meeting... You will have already delivered your advance materials, but frame a mental agenda to help the meeting flow smoothly.

• Seek a commitment on your position respectfully, but do not expect an immediate one. Most legislators will immediately answer "no" if they feel pressured or trapped. A neutral or equivocal reaction may indicate an open mind – and a true opportunity to be for influence. Sometimes, legislators prefer not to openly commit to a matter still under committee study or sponsored by a fellow lawmaker who is needed as an ally for another cause.

• If you don't know the answer to a legislator's question, admit it and pledge to find the answer – then do so promptly. If asked to provide additional information or do more legwork, do it within requested timelines – or find someone responsible who will.
• If you're unsure whether the legislative office has a complete record of your address, phone and other personal information, leave a business card with the aide. If other people accompany you – or would be additional resources on an issue – be sure their names are also provided via some appropriate listing.

• Follow up most meetings with a note or letter expressing thanks and briefly recapping any important aspects of your visit.

• Don't ever give up. Persistence frequently makes the difference in the legislative process. Attorneys should especially appreciate that it often takes a great deal of time and effort to make a law (or to keep that process from occurring).

• Among the biggest "don'ts" in legislative communications are: demands for specific action without a stated rationale for it; claims of your influence in the political process or elsewhere; or threats to defeat a lawmaker in the next election.

**Telephone Contact**
• During session, a telephone call may be the most expedient way to deliver a message, however, do not expect to talk directly with your legislator due to likely conflicts with committee meetings and other demands.

  • If a return call is requested, understand the call will be made at the convenience of the legislator, *i.e.* during lunch hours, after hours, etc. Be sure to provide the aide with as much background information as possible. Often, a legislator will not return a call unless the aide can explain the reason for the call. Sometimes, legislators will ask their aide to return a call on their behalf and address the matter. Be prepared to work with the aide in that instance.

  • ALWAYS leave your message directly with the aide to ensure the information will reach the legislator.

  • Volunteer your name and all appropriate phone numbers.

**Written Communications -- Notes, Letters, FAXes, E-Mails, Etc.**
• A thoughtful, concise one-issue message is easiest for legislators or their staff to quickly digest and catalogue – the well-aimed rifle shot often beats several shotgun blasts.

  • Try to limit your presentation to one page – two at the most. Typed letters, printed on business or personal stationery, work best. Otherwise, make sure that your address, phone and FAX numbers are part of the letter. Don't expect envelopes to be retained.

  • Preprinted messages and form letters are not well regarded. Form letters will be acknowledged with a form letter response.

  • The same rules apply to FAX transmissions, e-mails or telegrams – which are often used as "last minute" communications where brevity is even more significant. Refer to the matter in its present form, *e.g.* "I strongly support and urge your favorable consideration of HB 123, as now amended by
...,” and then briefly state your reasons for that position. One note: "blast faxing" is not good form. Many legislators share FAX machines with other legislators or with legislative committees, and blast faxing ties up the machine and prohibits use.

**After Any Contact**

- Assume that your sentiments will be recorded and tallied with others, for the legislator’s future reference. Many lawmakers have office policies that require followup and acknowledgement of your visit or other contact (*i.e.*, usually there is a policy that all letters are answered, all phone calls returned, etc.)

- Find opportunities for further contact with legislators:
  - Invite them to local bar functions or other law-related activities as appropriate
  - Compliment them when they’ve been honored or done something commendable
  - Salute them with a card on birthdays or other special occasions
  - Make contact in the off season, when your concerns and other legislative matters don’t seem as pressing

- Most importantly, praise legislators when they’ve done something for which you’re appreciative. Don’t hesitate to write a note thanking them for supporting and voting for a position that you advocated.
CLE - PROGRAMS

POLICIES, PROCEDURES AND GUIDE
PROGRAM CHAIR & STEERING COMMITTEE
DEFINITIONS OF FREQUENTLY USED TERMS

Program Chair - A volunteer assigned to coordinate the substance of a CLE seminar. This includes, but is not limited to, selecting topics and the course title, contacting speakers, enforcing course material deadlines, and appearing on-site at the live presentations to introduce the seminar and speakers. Some Program Chairs will choose to collect the various speakers' course materials prior to their delivery to the Bar for the purpose of quality control and to eliminate overlaps or errors. Some Program Chairs also serve as moderators, and act as discussion leaders during Q&A portions of the seminar (e.g., walking a mic to audience members asking questions).

Steering Committee - A group of volunteers who assist the Program Chair in determining course subject matter, title, topics, and speakers. Members will usually meet via conference call (or in person as possible) 4 months prior to the designated course presentation date. This will continue as necessary until the promotional materials for the course are complete, which are due 12 weeks out. Speaker selection is a difficult job for one person. Working together makes it much easier to select speakers with experience, diversity and good ratings from previous programs. One member of the Steering Committee should be appointed as the Quality Coordinator.

Program Administrator - The Bar staff person assigned to the sponsoring Section/Division whose responsibility it is to assist the Program Chair and Steering Committee to adhere to important seminar deadlines. Duties also include the preparation of promotional brochures and Bar News ads, CLE credit approval, site selection and arrangements, speaker letters, course material compilation, and on-site registrations.

CLE Administrative Charges (Joint Sponsored & Section Sponsored)
The applicable rate is applied per program hour

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PROMOTIONAL BROCHURE HOW TO’s

The Steering Committee determines the scope of the course, course title, topics, lecturers, and time periods, all of which is necessary to produce a complete course brochure. THE BROCHURE INFORMATION IS NEEDED AT LEAST 12 WEEKS BEFORE THE DATE OF THE FIRST COURSE PRESENTATION. It is essential to have the brochure information 3 months in advance to ensure adequate time to advertise the program to potential registrants. Seminars that miss this deadline should consider cancellation to avoid low registrations.

Simply titling each lecture is not sufficient for potential registrants to have an understanding of the program's subject matter. A general course synopsis is also helpful to describe the scope and the overall content of the program. The better informed a prospective registrant is by the brochure, the greater the possibility of excellent seminar attendance and thus a rewarding experience for the attendees and the sponsoring section.
1) **Course Title and Synopsis** - The title should be concise and to the point; it should refer specifically to main seminar topics or the practice area. For example, "Hot Topics in Mediation" is not sufficient if the seminar subject matter is specifically family mediation. The synopsis should describe the relevance and educational benefit of the course content for attorneys who may or may not have experience in the specific areas of law to be discussed.

2) **Time Schedule** - Each time segment must include the following for the purpose of course credit hour approval:
   
   a. Beginning and ending times; including break times and lunch;
   b. A detailed description of the topics and subtopics to be covered; and
   c. The full name and city of the speaker(s).

3) **Speakers** - Highlight speakers who are board certified (if applicable to topic). Provide a brief biographical sketch if the program has a featured speaker.

4) **Steering Committee Members** - Provide a list of all Steering Committee members not included as speakers and the city from which they reside for inclusion on the brochure.

**Course Level Classification** - The course should be classified as basic, intermediate, or advanced. See page 18 for parameters defining advanced course classification in more detail. The basic course level and the word "basic" in a course title may only be used by the Young Lawyers Division.

   **Basic:** Course designed for the practitioner with fairly limited experience in the subject area related to the course. A law survey course would be considered basic unless there are significant changes in the law. Note: The presentation of basic level courses is the responsibility of the Young Lawyers Division.

   **Intermediate:** Course designed for the practitioner somewhat experienced in the area but not necessarily an expert. A survey course related to an area of the law in which there have been substantial changes would be considered intermediate.

   **Advanced:** Designed for the practitioner with extensive experience in the subject matter of the course (see page 18 for more details).

5) **Synopsis of the Course Content** - Describes the relevance and educational benefit of the course content for attorneys who may or may not have experience in the specific areas of law to be discussed. This should be included on the brochure to draw interest to the seminar.

6) **Description of the Topics and Subtopics** - Some topics speak for themselves; others require some detail in the description. Give your potential attendees as much information as you can on the brochure.

**ETHICS / PROFESSIONALISM / BIAS ELIMINATION / SUBSTANCE ABUSE AND MENTAL ILLNESS AWARENESS**

Every Florida lawyer must obtain 5 special credit hours in the area of ethics, professionalism, substance abuse, or mental illness awareness (in any combination) during their CLER reporting period. Appropriate ethical or professionalism considerations in the form of practical examples should be included in the oral presentations and written materials of each seminar. Should you
need assistance with professionalism topics related to your seminar topics, The Henry Latimer Center for Professionalism at The Florida Bar is available to assist you at 800-342-8060, extension 5747, or email professionalism@flabar.org. One source for speakers in the area of substance abuse is Florida Lawyers Assistance at 800-282-8981. To locate potential speakers related to mental health awareness, email mail@fla-lap.org.

**Q & A SEGMENTS**

If your program is being audio or video recorded you need to decide, in advance, how and IF you will be taking questions from the audience during the program taping. Regardless of what you decide, it is important that each speaker conclude his or her presentation (receive applause) before taking questions from the audience. Should you decide that the Q&A should be a part of the recorded product, The Florida Bar will supply ample hand-held microphones for questions taken from the audience. Questions asked without the use of microphones cannot be included in the recorded program.

To ensure proper recording of the Q&A portion of your program, it is recommended that you 1) have hand-held microphones walked to the person asking questions; 2) have audience members go to a standing mic in the middle of the room; or 3) address only the questions that have been written down and handed to the speaker. Regardless of which method you choose, it is the Program Chair or Moderator’s responsibility to enforce that method.

A live audience enjoys the freedom to ask questions. This can be a valuable and substantive part of your program when guided by the Program Chair or a Moderator. With your help and by following the above steps, it can also be enjoyed by the audio tape audience. If live Q & A is not recorded, consider having speakers stay a few minutes after the presentation to address questions outside the classroom or take questions at the end of the seminar presentation.

**FIRST TIME SPEAKERS**

**Principles of Adult Learning**

**Characteristics of Adult Learners**

It is important to recognize the unique situations of adult learners and what types of experiences and expectations they bring into the classroom. Generally speaking, adult learners:

- **Learn by their own initiative** — they are selective and want to know how and why a subject is of importance to them. Especially in the case of CLE, we are dealing with professionals who experience heavy demands on their time and are seeing very specific information.

- **Bring a variety of experience** — adult learners possess a wealth of professional and personal experience that can impact the learning process. There will likely be a wide range of experience in any audience. It can be helpful to ask yourself who your learners are. Will the subject be too difficult for them, or too easy? The insights of your audience members are, potentially, a very valuable resource.
• **Differ in learning styles** — most classroom learning is cognitive. The mental process defines what the learner should know and includes objectives like recall, reproduction, and problem solving.

Some studies have shown that the majority of lawyers are introverts (57%). They are more comfortable thinking and writing and are ideally suited for the traditional presentation formats (lecture/panel) that permeate CLE. However, this leaves over 40% of participants that would be better served by alternate delivery methods like classroom discussion, collaboration and activities.

Much current education research has suggested the context and processes of learning thus:

We retain...

10% of what we **READ**
20% of what we **HEAR**
30% of what we **SEE**
50% of what we **SEE** and **HEAR**
70% of what we **SAY**
90% of what we **SAY** and **DO**

This concept is one of moving from information to application, and relies upon the observation that most people learn better as active participants. Although **say and do** are at the most effective end of the spectrum, the whole process must be involved to produce the desired results. Again, studies have demonstrated that people retain and integrate information best when all educational models are utilized (reading or hearing, thinking and doing). Therefore, it is best to employ a variety of teaching methods to most effectively stimulate the largest percentage of learners.

**Models of Delivery**
Essentially, there are two primary models we have to work with given our programming constraints.

• **Lecture**
  Benefits: facilitates transmittal of information to large groups in a short time; good for summarizing substantial amounts of information, or information from multiple resources; more effective for short term, rather than long term recall

• **Skills Workshop**
  Benefits: able to introduce new or polish old skills in a no-risk setting; actively engages learners.

The subject matter should lend itself well to demonstration for this option. A rudimentary outline for this type of presentation format would be:

1) **DEMONSTRATE** the skill to be acquired
2) Allow participants to **PERFORM** the activity.
3) Plan for **FEEDBACK** — either by the “coach” or the participants working in pairs or teams.
4) **SUMMARIZE** the learning experience

Within each of these broad models, numerous teaching methodologies may be employed.

**Methods, Ideas, and Tips**

- **Lesson Plan**
  It may be helpful to formulate a plan, determining your selection of teaching methods by asking questions like:
  Who are my learners?
  What is the goal of the lesson?
  What resources will I need?

  A Lesson Goal should be
  1) short enough to remember
  2) clear enough to be meaningful
  3) specific enough to be achieved, and
  4) written in terms of the learner.

  Participants will _____________ the _______________ by _______________.
  (learning verb) (learning concept) (learning response)

  Verbs for Lesson Goals: list, state, identify, know, become aware of, become familiar with, define, describe, recognize, discriminate between, differentiate between, compare, contrast, evaluate, examine, comprehend, reflect upon, discern, develop, appreciate, apply, produce, practice, use, become sensitive to.

- **Tips for Effective Lecture Delivery**
  ✓ Show interest in your topic
  ✓ Vary the speed and tone of your delivery; use body language.
  ✓ Pay attention to the audience.
  ✓ Repeat, clarify, illustrate and summarize based upon audience cues.
  ✓ Clarify whether participants are free to ask questions as the program unfolds, or if you prefer they be held until the end of the presentation.
  ✓ Provide an outline/written materials.
  ✓ Consider using various audio-visual options (PowerPoint, video, overhead).
  ✓ Pose questions and problems to the audience; use real life scenarios to engage them.
  ✓ Stop periodically to summarize or restate major points.
  ✓ Familiarize yourself with your audience.

  We can provide a list of attendees in advance. Consider calling or e-mailing a few before finalizing your presentation. What do they know about the topic? How is it important to their practice? Solicit questions or opinions on important issues. If you prefer, we can “sample” or “survey” a select number of registrants and supply the results. Or simply ask for questions at the beginning of the program and let that help guide the course of the presentation. It all depends on what you are comfortable with.
• Methods That Encourage Involvement
As stated above, most people learn best when they become involved in the learning experience. Some suggested methods include: storytelling; audience reaction teams; brainstorming sessions; using case studies (see case studies below); demonstrations; discussion groups; role playing; simulations; and assigning tasks to teams (see small groups below).

✓ STORYTELLING People love stories. Stories relate, entertain, instruct and illustrate. A well placed story will recapture the interest of a tired audience. Here are some tips for storytelling.

- Practice telling the story so that it comes out clear and naturally.
- Resist the urge to explain the story. Let the story speak for itself.
- Keep it vivid. Create colorful images and use action words.
- Make sure the story is appropriate. Consider the specific audience and current events.
- Avoid too many details.

✓ CASE STUDIES These encourage group interaction. They can be real or invented.

Here are some steps to helping your audience analyze case studies.

1) Read through thoroughly
2) Define the central issue.
3) Categorize the issue.
4) Seek applications of the issue under consideration.

✓ SMALL GROUPS These are a wonderful way to involve your audience and encourage discussion. It is an ideal format for many of the techniques that have already been described (case studies, role playing, etc). You can simply assign some tasks or distribute questions that participants can research and discuss. Break into small groups for a short period (10-20 minutes), then come back together as a large group to discuss the activity. Usually, a few people will offer a summary of the small group discussion on a given issue or question. This method encourages greater participation by all members of the audience. It affords an opportunity for much more thorough dialogue and can lead to more well-developed questions and points.
CLE DELIVERY METHODS – NEW TECHNOLOGY

The Florida Bar has phased out audio-cassette tapes and video-VHS tapes. These two formats have been replaced with audio-CDs and video-DVDs.

The more current delivery methods available to Section/Bar CLE programs are:

**On-Demand CLE (audio and video) / Podcasts** allow registrants to access high quality continuing education programs on timely topics on their schedule. Twenty-four hours a day, 365 days a year members can access the continuing education programming needed to meet the demands of the member’s practice. Members do not have to be available when a live program is scheduled – the program is available at the member's convenience online 24/7. This service marries quality programming and conveniently accessible technology to provide registrants a high value service that meets the demands of their schedule. All CLE committee co-sponsored programs which are audio recorded or video recorded are automatically delivered to InReach to make this option available to members.

**Teleseminars** have been phased out by The Florida Bar. This format has been replaced by **Audio Webcasts**.

**Live Webcasts** offer real-time video and audio streaming of a program taking place from a CLE venue (hotel or other meeting facility) via the internet. Registrants view and hear the speakers as well as any PowerPoint slides in a split-screen format. This medium enables online participants to see and hear what the live registrants see and hear, without leaving their home or office; thus eliminating the travel-related costs (air fare, rental car, hotel, mileage, meals, etc). Given this advantage, Bar Sections are capturing a new audience while live audience maintaining participation. Webcasts allow the Bar Section to maintain a competitive edge by providing technology in keeping with competitors. The CLE market is increasingly divided with specialty bars, law firms, universities and private providers.

**Webinars** are a specific type of web conference for continuing legal education. It can be very collaborative and include polling and question & answer sessions to allow full participation between the audience and the presenter. In some cases, the presenter may speak over a standard telephone line, pointing out information being presented on the participants computer screen. The audience can respond during an open session via the audio lines or via the internet instant messaging tool. These programs are marketed much the same way as a traditional seminar by way of a printed brochure, website and Bar News ads. The audience can vary in size from a few callers to hundreds of participants.

**Audio Webcasts** are a specific type of web conference for continuing legal education. It can be very collaborative and include polling and question & answer sessions to allow full participation between the audience and the presenter. Presenters speak via computer speakers, pointing out information being presented on the participant’s computer screen. The audience can respond during an open session via the internet instant messaging tool. These programs are typically marketed via the sections website and e-blasts. The audience can vary in size from a few participants to hundreds of participants.

**Course Materials** are emailed to seminar registrants 48 hours prior to the course. Registrants are instructed to download to their computer since Internet access is not typically available at course venues.
No matter which delivery method you chose, it is important to record all programs. Recorded programs provide an on-going revenue source through aftermarket sales. All recorded programs are also offered on-line as a matter of course.
QUICK TIPS - PROGRAM CHAIRS / STEERING COMMITTEE

1. Assign Program Chair ASAP, preferably 6 months before seminar date.

2. Confirm the dates of your live presentation(s) with your Program Administrator.

3. Form the Steering Committee and appoint Quality Coordinator. Make the opportunity to speak available and known to all qualified speakers with the goal of reflecting the diversity of the Bar.

4. Don’t miss the brochure information deadline. What we need from you:
   - Course Title
   - Course synopsis / description (why would someone attend)
   - Schedule of topics and speakers (include time frames)
   - List of speakers, addresses, phone numbers, e-mail
   - Indication of board certified speakers if applicable to seminar topic.
   *Missing this deadline significantly reduces seminar advertising exposure, and as a result, course cancellation may be recommended (CLE Policy 3.12).*

5. Include ethics, professionalism, substance abuse, mental illness awareness and/or diversity sensitivity topics when practical.

6. Determine course classification: intermediate or advanced.

7. Be creative. Consider panel discussions, mock trials and mock negotiations to enhance the presentation of topics.

8. Not enough material for full day? Consider a half-day program; surveys indicate preference for half-day programs (e.g. 8:30 a.m. -1:30).

9. Consider an audio webcast for 1-4 hours credit.

10. Communicate course material deadlines to speakers often, especially when inviting them to speak. Speakers should be equally committed to the preparation of both their presentation and the written material. Ghost writers are encouraged for speakers too busy for both.

11. Meet with your speakers to go over the course at least once before the live presentation, even if it is the night before.
# SEMINAR TIMELINE - DEADLINES

The responsibilities of the Program Chair are in **bold** type. Your Program Administrator (Bar staff member) will handle those items in *italics*.

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Event</th>
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<tbody>
<tr>
<td>6 months</td>
<td>Appointment of Program Chair/Steering Committee Chair by CLE Chair; appointment of quality coordinator</td>
</tr>
<tr>
<td>4 months</td>
<td><strong>Appointment of Steering Committee members</strong></td>
</tr>
<tr>
<td>16 weeks</td>
<td><strong>Initial meeting of steering committee; selection of topics and speakers; date selected (if not already done); letter sent to speakers advising requirements of and deadline for receipt of written materials; staff letter to Program Chair reminding of deadline for receipt of brochure information (two weeks)</strong></td>
</tr>
<tr>
<td>12 weeks</td>
<td><strong>Brochure information due to Bar staff</strong>&lt;br&gt;Confirmation letters sent to speakers&lt;br&gt;CLE credit application submitted&lt;br&gt;Overhead planning form&lt;br&gt;Brochure designed and sent to print&lt;br&gt;Pink ad sheet submitted&lt;br&gt;Save the date posted on section site and link eblasted</td>
</tr>
<tr>
<td>10 weeks</td>
<td>Cancel if brochure is not completed&lt;br&gt;Proofed ad for Bar News completed&lt;br&gt;Send letter with course material deadline reminder and brochure to speakers&lt;br&gt;&lt;strong&gt;Authors send course materials and Grant of License to Quality Coordinator/Program Chair**</td>
</tr>
<tr>
<td>8 weeks</td>
<td><strong>Course materials due to staff, in final form</strong>&lt;br&gt;Eblast</td>
</tr>
<tr>
<td>6-8 weeks</td>
<td><strong>First ad in Bar News</strong></td>
</tr>
<tr>
<td>5 weeks</td>
<td>Eblast</td>
</tr>
<tr>
<td>2-4 weeks</td>
<td><strong>Second ad in Bar News</strong></td>
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<tr>
<td>2 weeks</td>
<td>Eblast</td>
</tr>
<tr>
<td>OPEN</td>
<td><strong>Speakers workshop</strong></td>
</tr>
<tr>
<td>2 weeks after</td>
<td><strong>Quality coordinator report sent to staff</strong></td>
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</tbody>
</table>

**NOTE:** If continuing program, post-presentation critique meeting should be held as soon as possible after the program.
Speakers
QUICK TIPS - SPEAKERS

1. **Meet deadlines** - Submit written course materials on time. All course materials are compiled in a bound book for distribution to registrants who ordered a printed version. Course attendees will receive a complete electronic course book with the purchase of the course. Consult your Program Administrator when there are deadline difficulties. Speakers unable to meet the course material deadline should not bring their chapter to the course presentation as a hand out.

2. **Confine the use of visual aids** – Provide visual aids, per seminar timeline p. 4.9 for inclusion in the course book. Always alert your Program Administrator when you will require special equipment (i.e. LCD projector).

3. **Be prepared** - Your lecture reaches a big audience - not the same as a courtroom. Your audience is comprised of professionals like you. Practice your presentation as often as possible.

4. **Do not read your lecture** - Develop a lecture that is interesting and informative. Your colleagues expect an oration, not a recitation.

5. **Be professional** - Use gender neutral language and models. Apply good judgment when using humor in your presentation to avoid stereotypes and sexist, religious, or racial references.

6. **Get to the point** - Introduce your topic immediately. Use practical, "how to" examples, illustrating the principles by incorporating factual situations. Incorporate citations into your course materials; indicate the page number in the materials to help the audience follow along or take notes. Repeat citations not incorporated in materials for clarity.

7. **Don't apologize** - Apologies for your lack of expertise, or for the lack of time put into preparation, will solicit a negative response from your audience.

8. When program is being recorded – speak clearly into the microphone, do not leave the podium, ALWAYS conclude your presentation and receive applause BEFORE taking questions from the audience. Repeat all questions before responding. **Only questions taken from the audience with the use of a microphone will be included on the recorded program.**

9. **Stop on time** - Keep the program on schedule, use only your allotted time.

10. **Include ethical or professionalism** examples or comments when appropriate.

**COURSE MATERIAL**

Good course material contributes substantially to the effectiveness of a program. A comprehensive course book provides the course registrants pertinent information for reference well after the seminar presentation is forgotten. While the inclusion of Power Point slides in the printed material is important, slides should not be in lieu of written material. Properly researched and thoroughly prepared written material is your goal.

**Format** - For consistency and quality, please prepare your written material as follows:

1. Main topics, numbered with Roman numerals, should be in all caps and underlined.
2. The first word of all topics thereafter is capitalized and the remaining is in lower case.

3. Quotes over three lines should not be set out by quotation marks. Indent and center on the page.

Example:

I. MAIN TOPIC

A. First Point of Main Topic
   1. (Indent first line of each paragraph and return to left-hand margin for remaining lines in each paragraph.)
      a. (Indent first line of each paragraph and return to left-hand margin for remaining lines in each paragraph.)
      1. (Indent entire paragraph or paragraphs.)
         (a) (Indent entire paragraph or paragraphs.)

Biographical Sketch

Please provide a brief biographical sketch for inclusion in the course material. Include only that information pertinent to the subject matter of the course. Example:

JOHN SMITH is a shareholder at Smith, Jones & Brown, P.A., in Miami where he is the head of the corporate litigation division. Mr. Smith graduated with honors from the University of Florida, 1965; and received his LL.M. in Taxation from New York University, 1968. Mr. Smith is a member of The Florida Bar, the American and Dade County bar associations, and the Academy of Florida Trial Lawyers, and also has been admitted to practice in Virginia.

Additional information may be added if germane to the subject the author is writing about: For example, board certified in the field of law.
 HOW TO SUBMIT YOUR COURSE MATERIAL

COURSE MATERIAL SPECIFICATIONS CHECKLIST

1. Format your course material using the following guidelines:
   - Single space text
   - 1" margins - all the way around
   - Electronic file is required (send original unlocked format – Word, PowerPoint, Excel)
   - Minimal formatting and page setup (do not use automatic outline function)
   - Consistent font - Times Roman 12
   - Do not use letterhead or footers
   - Do not page number

2. Send via email (send original unlocked format – Word, PowerPoint, Excel).
   EMAIL to Program Administrator

3. Send a short 100-word biographical sketch via email as a separate document. Do not send CVs or resumés.

4. No photos

5. Include in email any slides or visual aids (PowerPoint presentations) you will use for inclusion in the course book.

6. Prepare course material in gender neutral language.

7. There is no need to prepare a cover page or table of contents; we will do that.

8. Please do not miss your course material deadline ____________________

   If you have any questions, please call 1-800-342-8060 extension 5618.

APPEARING ON VIDEO RECORDING OR WEBCAST

If you are a Program Chair / Moderator, it is your task to introduce speakers and keep the program on schedule. At the beginning of each recorded segment, the video technician will give you a cue to start. Please wait for the cue. If you begin beforehand, that portion of the presentation will not appear on video. Arrange all papers and biographical sketches prior to your cue. Three time cards will be provided to cue the speaker when there are five minutes remaining, one minute remaining, and when it is time to stop.

If you are a speaker, approach the podium and begin your lecture immediately upon being introduced. Do not wait for a cue from the technician; the camera is already rolling. Gestures should be contained within camera range. If you use a visual aid, please reference the course book page number when the visual aid is being recorded. When talking about your visual aid, be as descriptive as possible to accommodate those who only "listen" to your presentation without visuals (i.e., audio CD purchaser). If you open the floor to questions, only do so after you conclude your presentation and receive applause. Repeat each question before responding.
CLE EXPENSE REIMBURSEMENT POLICIES

Requests for reimbursement must be submitted within 2 WEEKS of your presentation.

We appreciate your agreeing to volunteer on behalf of The Florida Bar. We understand this requires a substantial expenditure of time on your part for which there is no payment. We can, however, reimburse you for your actual expenses directly related to the course presentations, one steering committee meeting and one speakers' workshop if held.

The following are CLE Committee policies governing the reimbursement of travel expenses. If you have any questions as to whether an expense is reimbursable, please contact your staff liaison, in advance, to avoid any misunderstandings.

Coach airfare, meals, lodging, and miscellaneous expenses directly related to the seminar are reimbursable for each day of presentation. Expenses that exceed the below restrictions may be reimbursed by the Section co-sponsoring the course, provided such expenses have been budgeted and pre-approved by the Section. Your Program Administrator should be consulted prior to committing to payment of such expenses. The following are the guidelines you should adhere to when seeking reimbursement for travel.

A. Transportation

Air Fare - We will reimburse up to the cost of a 21-day advance purchase. Please make your reservations early to obtain the lowest rate. Submit the original airline ticket (or copy of ticket) with your reimbursement request. First class air fare will not be reimbursed.

Mileage - Automobile mileage will be reimbursed at the maximum rate per mile allowed by the IRS.

Ground Transportation - The cost of ground transportation (taxicabs, airport shuttles) will be reimbursed. Please share transportation with other faculty members when possible.

Rental Cars - The one day cost of a rental car, if necessary or if more economical than cab fare, will be reimbursed. If special circumstances warrant a rental car, prior approval of the staff liaison is needed. In addition, parking fees, tolls, etc., will also be reimbursed. Include originals or copies of your invoices and receipts with reimbursement request.

B. Meals

Meals will be reimbursed on an actual expenditure basis for up to $50 per day (24-hours) per speaker. If more than one speaker is included on a meal charge, please list all the names and provide a receipt.

C. Lodging - Receipt Required (or copy)

Lodging will be reimbursed for no more than the lowest rate (single/regular) room plus applicable taxes at the host hotel, and will be paid for no more than one night. If special circumstances warrant additional nights, prior approval of the staff liaison is needed. Lodging expenses will not be reimbursed for lecturers speaking in the general vicinity of their home. Please include a copy of the hotel bill with your reimbursement request.

D. Family Members

We cannot reimburse expenses of your spouse, children or other family members should you choose to have them accompany you to the course.
E. **Long Distance Telephone Charges**

Long distance telephone charges directly attributable to the course are reimbursable.

F. **Printed Materials**

We endeavor to have a complete course book electronically delivered in advance of each seminar presentation. We discourage the practice of "handouts" at the seminar locations. If you cannot avoid this, you will be responsible for your printing expenses.

*Any speaker expenses exceeding the amounts set forth above may be reimbursed from the co-sponsoring section's/division's funds, upon approval of that section or division.*
### SPEAKER TRAVEL REIMBURSEMENT

SUBMIT WITHIN TWO WEEKS OF COURSE PRESENTATION

<table>
<thead>
<tr>
<th>Name</th>
<th>Florida Bar Number</th>
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<tr>
<th>Course Title</th>
<th>Course Number</th>
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<tr>
<th>Course City</th>
<th>Travel Dates</th>
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**TRANSPORTATION:**

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<tr>
<th>Air:</th>
<th>Airlines (coach, 21-day advance purchase) $</th>
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<tbody>
<tr>
<td>Personal Car:</td>
<td>maximum allowed by IRS $</td>
</tr>
<tr>
<td>Car Rental:</td>
<td>Company (# of days ) $</td>
</tr>
</tbody>
</table>

*Both the rental car agreement and the rental car receipt are required.*

**FOOD EXPENSES:** (Actual expenses, not to exceed $50 per travel day. Any AMOUNT over $25 requires a receipt)

<table>
<thead>
<tr>
<th>Day 1</th>
<th>Day 2</th>
<th>Day 3</th>
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<tbody>
<tr>
<td>Breakfast (example $14 /day)</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Lunch (example $16 /day)</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Dinner (example $30 /day)</td>
<td>$</td>
<td>$</td>
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**OTHER EXPENSES:** (Any AMOUNT over $25.00 requires a receipt.)

| Hotel (Room/tax only; at lowest rate available) Actual Hotel Bill, Not Charge Slip | $ |
| Taxi                                  | $ |
| Tolls                                 | $ |
| Parking                               | $ |
| Itemize:                              | for a total of $ | for a total of $ | for a total of $ |

**TOTAL AMOUNT DUE SPEAKER:**

$ 

Please make check payable to:

<table>
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<tr>
<th>Name</th>
<th>Address</th>
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</table>

City/State/Zip

Return to: Professional Development 
ATTN: The Florida Bar  
651 East Jefferson Street  
Tallahassee, FL  32399-2300

FOR OFFICE USE ONLY

<table>
<thead>
<tr>
<th>Course Number:</th>
<th>Approval:</th>
<th>Date:</th>
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MODERATOR’S OPENING REMARKS

1. I would like to welcome you this morning on behalf of the Continuing Legal Education Committee and the ________________________________ to our course titled __________________________.

2. The credit for this course is listed in your course materials. If you are a member of The Florida Bar your credit will automatically be posted to your record. Therefore, if you are unable to attend the full program, it is your responsibility to notify the registrar or the Board of Legal Specialization and Education so that proper credit will be awarded. If you are attending with someone else’s admission card, please let the registrar know of the name change.

3. An online course evaluation via Survey Monkey will be emailed to all attendees next Monday. The CLE Committee values your comments and suggestions. Please take a few minutes to complete the evaluation form online once you receive the link. (REPEAT THROUGHOUT PROGRAM)

4. As a courtesy to the speakers and registrants please silence your cell phones or turn them off.

5. Because the program is being recorded:

   ☐ We will only take questions after each speaker has concluded his or her presentation and received their applause. The question will be repeated for the benefit of those purchasing CDs in the after market.

   OR

   ☐ We will not be taking questions from the audience; however, each speaker will be available to you after their presentation.

6. At this time I would like to introduce our first speaker . . .

   Note: Highlight board certified speakers when applicable.
QUALITY STANDARDS

Although the standards which follow cannot be applied in every conceivable case, they are guidelines from which deviation should not occur in the vast majority of cases. Moreover, they are minimum standards which should not be construed to represent the best an individual Section or Division should strive to achieve. You are encouraged to exceed these minimum standards.

Steering Committee

The Steering Committee is led by the Program Chair of the seminar. In selecting Steering Committee members, authors, and lecturers, appointing authorities should strive to select practitioners with the highest reputations for knowledge and experience in their fields and practitioners who have performed well in prior programs. In making such selection decisions, consideration should be given to bringing in qualified practitioners who have not participated in CLE programs in the past and to avoid the repeated selection of practitioners whose involvement in multiple programs may overtax their available time and energies to the detriment of quality.

A member of the Steering Committee should be specifically appointed to serve as the Quality Coordinator. Other than possibly serving as chair, the Quality Coordinator should have no other responsibilities on the Steering Committee.

Quality Coordinator

The Quality Coordinator, together with the Program Chair (if a different individual), shall have overall quality responsibility for the program. The Quality Coordinator should ensure all quality standards are met in the areas of both content and presentation.

The Quality Coordinator, together with the Steering Committee chair (if a different individual), shall ensure that the program maintains the appropriate course preparation timetable, particularly as to the timely submission of brochure information and the speaker’s written course materials.

The Quality Coordinator should review authors’ materials prior to finalization and publication for overall content, including both substantive errors and omissions, and ensure that citations are accurate and that the cited cases constitute good authority for the propositions for which they are asserted. Authors continue to have primary responsibility for their work. Should the Quality Coordinator detect any problems in a particular manuscript, the Quality Coordinator should discuss the matter with the author. If the Quality Coordinator continues to perceive a problem after consulting with the author, the Quality Coordinator and Program Chair should consult with the Section / Division chair or the CLE Committee chair, as may be appropriate, for final resolution.

The Quality Coordinator should also attend the program presentation so as to be able to critique final presentation.

The Quality Coordinator will prepare a post-presentation critique, in writing, so that lessons learned may be passed on and used in the preparation and presentation of future programs. Particularly in the case of continuing programs, a special post-presentation critique meeting should be held, although this meeting may be held in conjunction with the organizational meetings of the subsequent program.
Written Material Standards

The written materials offered with each program are a valuable part of the course. The manuscript should be more than a “bare bones” listing of topical headings and should contain substantive material in support and amplification of the topical headings. The written material should include complete links to citations of authorities. The materials will be used as an office reference source and research aid both by attendees and by those who have not attended the program but purchase the written materials. Power Point slides cannot take the place of substantive written material.

The materials should adhere to the particular course classification given the program. In only the most unusual circumstances should a manuscript be an overall survey or an elementary course.

The materials should be geared to the practitioner. Therefore, it should be practical rather than theoretical.

The lecturer should present in the same manner as the written material is organized so that seminar attendees can easily follow along. Reference to page numbers is helpful if the speaker jumps around or gives comment to specific citations.

References to cites or statutes should be double checked for accuracy. If using copyrighted material of others, the speaker must obtain written permission from the copyright proprietor for reproduction and include the permission with their material when submitted to the Bar for printing.

Plagiarism is prohibited. Avoid excerpts quoted from copyrighted material if possible.

Program Workshops

Each program may have a speakers’ program workshop. The purpose of the workshop is twofold:

1. To provide an opportunity for the lecturers to meet and exchange views concerning the substantive content of their presentations and written material.

2. To provide an opportunity for lecturers to practice their program delivery and to be critiqued, particularly with respect to videotape performance.

Lecturer Standards

Specific examples are a highly desirable way of bringing home points in a course presentation. In offering examples, however, lecturers should refrain from including inappropriate “war stories” or other personal aggrandizement.

Professional ethics issues should be included in lectures whenever appropriate.

The use of charts and other visual aids, when appropriate, is encouraged.
ADVANCED COURSES

In addition to complying with all minimum quality standards in effect for Continuing Legal Education Courses, those labeled “advanced” must comply with the following.

1. Subject Matter
   a. Substantive and update courses

   The subject matter for courses dealing at the advanced level with substantive knowledge (as opposed to lawyering skills) shall be geared to the practitioner with several years of concentrated practice in the area of substantive law of the course. Generally, these courses should concentrate on a narrow and highly specialized area of law to give experienced practitioners a more sophisticated slant to their practice. Alternatively, these courses can provide updating in the more subtle methods of use of new developments.

   For example, an advanced torts course designed to build substantive knowledge could deal with representing plaintiffs in toxic tort litigation. On the other hand, a refined updating course for tort attorneys could consider the impact of recent United States Supreme Court cases on defamation litigation.

   b. Skills development courses

   As opposed to building substantive knowledge, the skills course concentrates on using advanced substantive knowledge in an intricate planning or litigation setting. These courses should take a narrow area and teach practitioners already proficient in the practice how to upgrade their existing skills. A substantial portion of each course shall be taught in small groups with live instructors and intense, “hands-on” experience in drafting and other skills. These courses are “task-oriented” as opposed to “substance-oriented.”

   For example, an advanced real estate planning course would consider preparation of federal environmental impact statements rather than simple zoning variances. A torts course would have the attorneys participate in examination of sophisticated expert witnesses, with subsequent critique by instructors.

2. Supporting Material

   Supporting material prepared by the instructors should go beyond basic statutory documentation. It should include cases from other jurisdictions as well as relevant regulations.

   Where copyright problems do not interfere, it should include excerpts from advanced secondary source material, sample forms and documents and a detailed bibliography of primary and secondary source materials.

3. Instructors

   Instructors in advanced courses must have substantial experience in the subject matter they are teaching in order for them to maintain high levels of credibility.
Instructors should have concentrated during their professional careers in the area of law covered by the course. The following types of instructors would satisfy this requirement:

a. Attorneys who have been certified in the field in which they are lecturing;

b. Attorneys who have practiced for five or more years primarily in the field in which they are lecturing;

c. Judges of a trial or appellate court;

d. Professors of law who have taught for five or more years in the field in which they are lecturing;

e. Persons who have a total of five or more years experience in the field in which they are lecturing, gained from a combination of any of the above; or

f. Persons who are not lawyers but who have a total of five years’ experience in the field in which they are lecturing.

These categories are examples only, and should not preclude those who are highly qualified but do not fit within them from serving as instructors in appropriate instances.
STANDING BOARD POLICIES
GOVERNING CONTINUING LEGAL EDUCATION COMMITTEE
The mission of the Continuing Legal Education Committee is to assist the members of The Florida Bar in their continuing legal education, to facilitate the production and delivery of quality CLE programs and publications for the benefit of Bar members in coordination with the Sections, Committees and staff of The Florida Bar and others who participate in the CLE process.
600 CONTINUING LEGAL EDUCATION

6.10 GENERAL POLICY

(a) Policy. The bar will provide its members with continuing legal education (CLE) opportunities, which include live, online, and recorded courses, course materials, workshops, seminars, publications, and electronic transmissions. The bar’s CLE committee will adopt and implement CLE policies consistent with the board’s policies.

(b) Funds. The board will control and budget all funds received and disbursed in connection with the CLE program.

(c) Executive Director Responsible for CLE Program. The executive director is responsible to the board for carrying out the bar’s CLE program.

6.11 MASTER PLAN

The CLE committee will develop and maintain a specific 2-year master plan. All CLE presentations that the bar or its entities participate in or sponsor must be on the master plan.

6.12 COOPERATION WITH LAW SCHOOLS

The bar may cooperate with the CLE program of each of the law schools in Florida and with other recognized institutions and organizations. The bar may not merge or identify its total program in any area with any institution or organization.

6.20 AUTHORITY FOR CLE COURSES

(a) Section and Division Authority. The bar’s sections’ and divisions’ primary authority in educational programs (“programs”) includes:

(1) selecting the leadership for directing the program;

(2) selecting the topics of the programs for the section’s or division’s area of practice or interest;

(3) selecting the speakers;

(4) proposing a date, location and format for the course (live or other media); and

(5) imposing quality controls above a minimum established by the CLE committee.

Reasonable exceptions to administrative standards (for example, questions and answer periods, lunches, pricing) will be permitted if the section or division requests them.

(b) CLE Committee Authority. The CLE committee’s primary authority includes:

(1) considering any recommendations of a sponsoring bar division, section or committee;
(2) determining the minimum fees for attendance;

(3) resolving any conflict from the selected dates, locations or format proposed;

(4) setting minimum quality standards;

(5) setting minimum administrative standards; and

(6) monitoring seminar activities of sections.

6.21 BAR DIVISION, SECTION AND COMMITTEE PROGRAMS

(a) Generally. Courses or similar programs conducted or sponsored by the bar’s divisions, sections, or committees must be submitted to and approved by the CLE committee for development and/or distribution. The CLE committee will usually approve the recommendations made from divisions, sections and/or committees regarding a course’s subject matter, speakers, participants and classification if the subject matter is clearly within the jurisdiction of the proposing division, section or committee. The CLE committee will resolve differences when the subject matter of a course is within the jurisdiction of more than 1 division, section or committee, or when there are other differences among divisions, sections or committees regarding courses. Any course or program in which the bar or a bar division, section, or committee is involved must be included in the budget as approved by the board.

(b) Cosponsored Programs. A bar division, section or committee may co-sponsor or cooperate with another professional group in presentation of an education program, provided that the other entity’s purposes do not conflict with the purposes of the bar. The program’s subject must be one in which the bar has a special interest or responsibility. Distribution of proceeds must be in accordance with standing board policy 6.31.

(c) Section Service Programs. A section may provide educational service programs independent of the CLE committee only if the program 1) limits attendance to section members; 2) is conducted in one continuous session; and 3) is not designed to, and will not, result in post market sales of written or recorded materials, including books, articles, on-demand programs, CDs or DVDs. The section must pay all expenses and will receive all revenue for the event. The bar will charge the section basic section support and general section management fees but no additional fees for section service programs. The bar will charge the section the same administrative charge as approved CLE programs for any program not meeting the above requirements.

d) Out-of-State Programs by Sections. A section may sponsor a CLE course outside the state of Florida. The CLE committee will not co-sponsor courses presented by sections outside the state of Florida. Sections are responsible for all direct expenses and the associated overhead charge as outlined in standing board policy 6.31.

6.30 FEES FOR CLE COURSES

The CLE committee establishes minimum fees for attendance at CLE committee jointly sponsored CLE courses. Fees for programs co-sponsored with an outside group will be jointly
fixed by the CLE committee and the co-sponsor. The minimum base course fee for one-day
courses will be determined as part of the annual budget process each year.

A minimum base course fee applies to a course of 5 or less continuing legal education
requirement (CLER) credit hours per day; at multiple locations (no more than 3 of which may be
live presentations); with no more than 5 in-state speakers; and at reasonably priced locations and
facilities.

The base course fee for multi-day courses will be calculated as a minimum of the base fee for
single day courses multiplied by the number of consecutive days. The total CLER credit hours
must not exceed 5 hours multiplied by the number of days.

The CLE committee may charge additional fees for credit hours over 5 per day, out-of-state
speakers, special materials, luncheons, honoraria, extra promotion, added committee meetings,
receptions, and other similar expenditures, as well as a non-member surcharge equal to dues of a
sponsoring bar section or division.

If sections request additional features or exceptions, fees will be adjusted accordingly. The CLE
committee may also market live, recorded, or electronic CLE courses at prices in the approved
budget.

6.31 DISTRIBUTION OF PROCEEDS

(a) Course Fees. Courses include, but are not limited to, audio, video, and electronic media.
Net proceeds for CLE courses are determined after all direct and indirect expenses for the
development and presentation of CLE programs are paid, including a CLE general administrative
fee paid to the bar. The CLE general administrative fee represents the expected level of support
needed from bar staff in order to execute the program as planned, including general course
coordination, registration services, art and graphic design, bookkeeping and general program
management. The CLE general administrative fee will be a per-program hour charge applied to
each course based on the course plan with 8 rates. The 8 per-program hour charge rates will be
published in the budget instructions provided prior to budget preparation. The time and cost
related to the taping, editing and reproduction of the course materials for after-market sales will
be handled as a direct expense even if paid to the bar. The following are the 8 rates:

1. live programs requiring full service resources with fewer than 5 speakers;
2. live programs requiring full service resources with 5 or more speakers;
3. live programs requiring mid-range service resources with fewer than 5 speakers;
4. live programs requiring mid-range service resources with more than 5 speakers;
5. live programs requiring low service resources with fewer than 5 speakers;
6. live programs requiring low service resources with more than 5 speakers;
7. recorded or webcast programs with fewer than 5 speakers; and

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(8) recorded or webcast programs with 5 or more speakers.

(b) Non-Member Surcharges. Bar sections and divisions will receive all non-member surcharges which are not considered revenue for revenue sharing purposes outlined in (c) below.

(c) Net Proceeds after surcharges.

(1) Bar sections and the bar’s Out-of-State Division will receive 80% of all net proceeds as defined in (a) above and incur 80% of all losses for all CLE courses and after-market material sales.

(2) The bar’s Young Lawyers Division will receive 50% of all net proceeds for Practicing with Professionalism programs and course materials, for which the bar will not charge the CLE general administrative fee.

(3) The bar’s Young Lawyers Division will receive 90% of all net proceeds and incur 90% of all losses of all other courses and materials.

(4) The bar will retain the balance of the proceeds/losses in its general fund to off-set any expenses not covered by the CLE general administrative fee.

(d) Further Distributions. A bar section or the bar’s Out-of-State Division may share its percentage of the course revenues with a co-sponsor not affiliated with the bar. A co-sponsor not affiliated with the bar is any entity outside of the bar which participates in any manner in the planning and execution of a CLE program with a bar entity.

(e) Unique Distribution Appeal. Variations in the distribution of proceeds may be approved by the board after consideration of the work involved and risk assumed by each of the co-sponsors and contained in the budget or a budget amendment previously approved by the board.

6.40 SPEAKER EXPENSES

(a) Authorized Honoraria. The bar will not pay honoraria to its members unless the member is a full-time college of law faculty. With advance approval of the CLE committee, the bar may pay honoraria to speakers who are full-time college of law faculty or who are not bar members.

(b) Authorized Expenses. Authorized expenses for reimbursement under this section include transportation expenses (including air fare, ground transportation, tolls and parking) and expenses incurred for meals and lodging. Expenses will be reimbursed for the participant only, and not for family members. Reimbursed expenses must be actual vouchered expenses as defined by bar policy.

Revenues from courses and publications may pay for authorized expenses of speakers and authors for steering committee meetings, speakers’ workshops, and course presentations.

(c) Exceptions. Any exception to this policy is subject to advance approval of the budget committee.
6.50 ELIGIBILITY TO ATTEND PROGRAMS OR RECEIVE PRINTED MATERIALS AND TO PURCHASE PUBLICATIONS

Any person may attend CLE programs or purchase CLE publications. There is no limit on the number of programs or publications a person may attend or purchase.
Policies Adopted By Continuing Legal Education Committee

(1.00 – 8.02)
POLICIES ADOPTED BY CONTINUING LEGAL EDUCATION COMMITTEE

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1.00 SCOPE AND FUNCTION OF CLE COMMITTEE

1.01 Size of CLE Committee
The CLE Committee shall consist of no more than twice the number of members appointed pursuant to Section 1.02 CLE Committee Policies and selected in accordance with the Rules Regulating The Florida Bar.

1.02 Representative Members
Each section of The Florida Bar, the Young Lawyers Division, the Out-Of-State Practitioners Division and all ABA-accredited Florida law schools shall be represented by a member on the CLE Committee. Each section and division of The Florida Bar shall recommend a representative member to be approved by the President-elect.

1.03 Voting Rights
Each member of the CLE Committee shall have a vote. Only those members present during a meeting may vote and there will be no proxy votes allowed.

1.04 Alternate Committee Members
The sections and divisions of The Florida Bar and each represented law school may recommend one alternate member. An alternate may vote if the regular member is not present. Each alternate shall be appointed in the same manner as representative members.

1.05 Transaction of Business
Those voting members of the committee present at a duly noticed meeting shall constitute a quorum for the transaction of business. All meetings shall be called at least two weeks in advance unless otherwise called by the President of The Florida Bar. Notice shall include agenda items to be discussed. Items not on the agenda shall not be considered except upon a 2/3 approval of those members present and voting.

1.06 Removal
Upon the failure of any member to attend two consecutive meetings, the member shall be removed. Upon the failure of any member to comply with the provisions of Policy 1.10, the member may be removed. It shall not be considered an absence for a member, who is allowed an alternate, if that alternate attends.

1.07 Responsibility
The CLE Committee is responsible for presenting programs, publishing printed materials, and other instructional type materials and mediums. (SBP 6.10)

1.08 Executive Committee Appointment
The CLE Committee may appoint an executive committee to undertake and perform tasks and responsibilities delegated to it by the committee as a whole or the chair. The chair may appoint subcommittees and subcommittee chairs for such areas as programs,
publications and others as shall be necessary to accomplish the objectives and purposes of the CLE Committee.

1.09 **CLE Co-sponsorship with Sections, Divisions and Committees of The Florida Bar, Law Schools, Other Bar Associations and Professional Groups**

The CLE Committee may co-sponsor courses with law schools, sections, divisions and committees of The Florida Bar, and other bar associations and professional groups. Any surplus income over expenses produced by the courses, if budgeted in accord with Standing Board Policies, may be shared with the co-sponsor. (SBP 6.12, 6.21)

1.10 **Program Evaluation Responsibility and Oversight**

Each member of the CLE Committee is responsible for evaluating at least two seminars during each year of tenure on the committee. Committee members who serve as section representatives should not evaluate seminars co-sponsored by their section. Committee members who fail to comply with this responsibility will be subject to removal from the committee.

1.11 **Licensing of CLE Products**

The CLE Committee may enter into licensing arrangements or co-sponsorship or joint distribution of its products with proprietary CLE sponsors.

1.12 **Certification Review Courses**

It is not a requirement of the CLE Committee to present a review course for applicants for certification by The Florida Bar.

2.00 **SECTION/DIVISION RESPONSIBILITY**

2.01 **Primary Responsibility**

The sections and divisions have primary responsibility for each program they co-sponsor to select leadership for presenting the course, select the topics to be covered, select the lecturers and impose quality controls. They may exceed existing administrative standards. The CLE Committee has set minimum quality standards for all co-sponsored programs. (SBP 6.20)

2.02 **Speaker Diversity**

The sections, divisions and committees shall recognize the diversity of the legal community and shall select qualified speakers who reflect that diversity.

2.03 **Financial Recapitulations**

The sections and divisions shall be provided financial recapitulations of courses they co-sponsor with the CLE Committee to assist with evaluating future course presentations. The recapitulation reports will be provided to the section.
2.04 **Revenue Sharing**

The financial arrangement between sections and divisions and CLE is set forth in Standing Board Policy 6.31. No payment to a section may exceed the total revenues for that program reduced by allowable expenses. Allowable expenses will consist, among other things, of the actual cost for printing and distribution of course materials and brochures, including labor.

### 3.00 CLE PROGRAMS

#### 3.01 Standard Course - Definition

A standard, or base, course is one presented in one day not at a resort. A base course contemplates an initial steering committee meeting and a speakers' workshop, in addition to the scheduled presentations.

Except as otherwise authorized by the Budget Committee, if a nonstandard course operates at a loss, the responsible section or division shall be charged with the loss.

#### 3.02 Method of Resolving Conflicts

After reviewing proposed course budgets for the next Bar year, staff shall refer any potential conflicts in titles or subject matter to the appropriate chairs and CLE representatives of the co-sponsoring sections/divisions or committees for reconsideration. If the co-sponsors cannot resolve the conflict, the matter will be referred to the Council of Sections. If the Council cannot resolve it, it will be forwarded to the CLE Committee for resolution pursuant to Section 3.04 and succeeding sections of these policies.

#### 3.03 Proposed Courses - Review - Conflicts

The CLE Committee shall review the courses proposed for the next Bar year by February first of the preceding year. Conflicts or duplication in subject matter still existing at that time shall be resolved by the CLE Committee or its designate.

#### 3.04 Standards for Resolution of Conflicts

The following factors will all be considered in deciding who will have primary responsibility for co-sponsoring a course.

a. The co-sponsor first initiating the program.

b. The co-sponsor most closely identified with the subject matter.

c. Any prior experience by a co-sponsor in presenting the subject matter and the success of the course.

d. Prior compliance with quality standards and deadlines.

Conflicts should be avoided in geographical areas between courses of similar topics. More than one single-location course should not be scheduled on the same day,
regardless of the subject matter, unless faculty scheduling requires such a possible conflict.

Courses on different subjects on the same day in different cities are not considered to be in conflict.

3.05 **Honoraria**

Honoraria are authorized only for speakers who are not members of The Florida Bar or full-time law college faculty who may be members of The Florida Bar. (SBP 6.40a)

3.06 **Disqualification of Steering Committee Members, Authors and Lecturers**

No person may serve as a steering committee member, author or lecturer who is disbarred or suspended from the practice of law.

3.07 **Considerations of Special Credit Hours**

Inclusion of ethics and professionalism in courses shall be governed by Standing Board Policy. Sections, divisions and committees are encouraged to include considerations of ethics, professionalism, substance abuse, technology, bias elimination and mental illness awareness when pertinent to course presentations.

3.08 **Smoking Policy**

Smoking is not permitted during CLE course presentations.

3.09 **Displays, Exhibits, Meals, Events, and Receptions at Courses**

Displays, exhibits, meals, events, or receptions at courses, including those sponsored and paid for by charitable or nonprofit organizations as well as commercial organizations, are permitted subject to the approval of the sponsoring section if applicable and either the CLE Committee or staff. Approval will be given if the committee or staff determines the display, exhibit, meal, event, or reception does not detract from the educational purpose or quality of the seminar.

3.10 **Sale of Electronic Media**

Upon order, the staff shall prepare audio CDs/video DVDs or other electronic media of selected CLE course presentations and make the media available to members of The Florida Bar and others permitted to attend CLE course presentations pursuant to the policies of the committee.

3.11 **Private Recording**

Private recording in any format of CLE Programs is prohibited at all seminars unless previous approval has been obtained from the CLE Committee or staff.

3.12 **Course Cancellations and Postponements**

The staff, upon conferring with the steering committee chair, shall determine whether it is necessary to cancel or postpone a course due to failure of the steering committee to meet
appropriate deadlines or other factors. In some cases it may be necessary to cancel a course after the advertising brochure has been delivered. If that occurs, the co-sponsoring section or division, if at fault for the cancellation, shall be liable for the costs of the seminar in excess of the revenues generated, from their reserves. If a section/division proceeds with a course despite the staff's recommendation to cancel, any losses from that point forward will be charged to the particular section/division budget rather than the CLE budget.

3.13 Copyrighting Course Outlines, Audio CDs/Video DVDs, and Other Electronic Media; Permissions

Course outlines, audio CDs/video DVDs, and other electronic media will comply with all requirements necessary to obtain a copyright, but the copyrights need not be perfected unless that protection is necessary and the cost involved is reasonable. All CLE manuals and any other material prepared in co-sponsorship with the CLE Committee shall carry the copyright legend and shall note “all rights reserved.”

CLE staff shall review all requests for permission to copy material from course outlines and shall determine whether to grant permission after consulting with the author of the material and the steering committee of the manual in which the material was published.

4.00 PREPARATION OF PUBLICATIONS

4.01 Selection of Steering Committees and Authors

The staff will coordinate the selection of the steering committee and authors for each publication. No person may serve as a steering committee member or author who is disbarred or suspended from the practice of law in any jurisdiction.

4.02 Author Compensation

Authors of all or any part of a CLE publication are not to receive financial compensation for the material submitted.

4.03 Practice Manuals as Separate Projects

Practice manuals generally shall be prepared and sold separate from CLE courses. A manual, however, may be produced simultaneously with a course and presented as a part of the course materials, if the CLE committee finds that it is expedient to do so.

4.04 Design and Style

All aspects of the design and style of CLE publications is left to the discretion of the staff.

4.05 Supplements or New Editions

Supplements to or new editions of CLE publications are to be prepared at regular intervals. Staff is authorized to determine the format of the update.
4.06 Use of Products of Other Publishers

CLE Publications staff may purchase books or electronic media of other publishers and sell them to Florida Bar members after the purchase has been approved by the CLE Committee. Effort should be made to obtain products on consignment instead of by purchase.

4.07 Copyrighting Publications; Permissions

CLE publications and electronic media will comply with all requirements necessary to obtain a copyright, but the copyrights need not be perfected unless that protection is necessary and the cost involved is reasonable. All CLE publications and electronic media shall carry the copyright legend and shall note “all rights reserved.”

CLE staff shall review all requests for permission to copy material from publications and shall determine whether to grant permission after consulting with the author of the material and the steering committee of the manual in which the material was published.

4.08 Purchase and Return of CLE Publications

CLE publications may be purchased by any person or organization. Purchasers may return publications within 30 days of purchase for a full refund. No returns, however, shall be accepted unless the publications are in resalable condition.

4.09 Complimentary Publications to Competition Winners

The CLE staff shall have the authority to provide complimentary publications to winners of Moot Court and similar competitions.

4.10 Pricing of Publications

The CLE staff has authority to set prices for publications and will select the publications that will be offered for sale at reduced rates. Publications related to the subject matter of a seminar may be offered at a discount to registrants of the seminar.

4.11 Price Lists for CLE Publications

Order forms and price lists for CLE publications will be posted on The Florida Bar’s website and advertised in The Florida Bar News on a quarterly basis.

4.12 Publications to be Advertised on Course Brochures

Current CLE publications that discuss substantially the same subject matter to be covered in a CLE course may be listed on the brochures advertising the course.

4.13 Electronic Production or Reproduction

The CLE Committee may electronically produce or reproduce and sell electronic media covering any area that it feels justifies the investment in the software. Proposals to produce or reproduce programs electronically that are not directly based on a CLE Publications manual are to be referred to the committee or section of The Florida Bar that should be concerned with quality control over the subject involved. The CLE staff is
responsible for obtaining bids on the cost of producing electronic media on various topics authorized for production of software programs and is responsible for evaluating the quality and availability of maintenance and service of those programs.

5.00 FEES, CHARGES AND COMPLIMENTARIES

5.01 Registration Fees

The base registration for a standard CLE program is $125. If the course is co-sponsored, the fees will be jointly fixed by the CLE Committee and the other co-sponsor. The base course fee may be increased by the CLE Committee or staff to include the costs of luncheons, honoraria, extra brochures or promotion, number of speakers or out-of-state speakers, added steering committee meetings, transcripts, special materials binders, or additional “add-on” costs. A surcharge of the amount of their dues may be charged by a sponsoring section/division to registrants who are not members of that section/division. If requested by the sponsoring section/division, the fees may be adjusted for additional features or variations. (SBP 6.30)

5.02 Refunds

Registrants for CLE course presentations where the number of registrants is limited or when there are additional charges such as lunches or other amenities may be charged a reasonable cancellation fee unless the cancellation is received by the Bar in writing two business days prior to the presentation of the course or such other time indicated in the course advertising. All other requests for refunds less a $25 cancellation fee will be honored if postmarked within two business days after the last course presentation.

5.03 Late Registration Charge

To encourage early registration, a $25 surcharge will be added to the course fee for any person registering the day a course is offered.

5.04 Half-price Registration Fees for CLE Courses

The following groups are eligible to attend CLE seminars at one-half the registration fee:

(a) full-time law faculty and law students working toward a Juris Doctor degree
(b) full-time clinical instructors at accredited or provisionally accredited law schools
(c) full-time law school librarians

5.05 Half-price Fees for CLE Publications

The following groups are eligible to purchase CLE publications at one-half the full price:

(a) full-time students working toward the Juris Doctor degree, but additional copies must be purchased at the full price. If the unit cost of the manual or publication is so large that the sale at half the standard price would result in a loss, then staff may add a reasonable charge to the price of the publication. A law student's right to purchase CLE publications at this reduced price terminates the day before
graduation from law school. These sales may be made through the law school bookstore.

(b) libraries open to the public (limit two copies);
(c) contributing authors of a manual (limit three copies of that manual);
(d) university students purchasing a publication required for class (limit one copy);
(e) professors from accredited Florida colleges (limit one copy);
(f) in-state law libraries of nonprofit organizations providing free civil legal services to low income clients (limit two copies).

5.06 Complimentary CLE Publications

Complimentary copies of CLE publications* are available to:

(a) Each contributing author of a practice manual (CD-ROM and printed copy).
(b) Each steering committee member of a practice manual (CD-ROM and printed copy).
(c) CLE Committee members (CD-ROM only; printed copy upon request to the CLE Publications Director).

*This policy applies only to practice manuals produced by CLE Publications staff; complimentary copies of practice manuals that are in The Florida Bar's product line but that are produced entirely by LexisNexis will not be provided

5.07 Complimentary Course Admissions

Amended Policy 5.07:

Members of the CLE Committee are eligible, upon request, for complimentary admission to any CLE sponsored live course presentation.

The following groups are eligible, upon request and for personal use only, for complimentary admission to any CLE sponsored course presentations; or complimentary order of audio CD, including the standard electronic course materials. They are not, however, eligible to receive complimentary video DVD, teleseminars, webinars, webcasts, online or downloadable CLE delivery formats. These groups may attend programs with add-on costs such as luncheons by paying the additional cost of the add-on fee:

(a) Supreme Court, DCA, Circuit, and County Judges, and Federal Judges who are members of The Florida Bar;
(b) full-time legal aid attorneys for programs directly related to their client practice;
(c) magistrates, judges of compensation claims, full-time administrative law judges and court-appointed hearing officers;
6.00 REIMBURSEMENT OF EXPENSES

6.01 Reimbursement of Travel Expenses

The reasonable travel expenses incurred by steering committee members, workshop lecturers and speakers and authors incurred in attending one steering committee meeting, one workshop for each publication project or course, and each live course presentation may be reimbursed by The Florida Bar. (SBP 6.40b)

6.02 Reimbursement Restrictions

All speakers at CLE programs are allowed reimbursement for meals up to $50 per day, including tips, hotel accommodations at the base rate secured by The Florida Bar, and airfare up to the 21-day advance rate. Hotel accommodations should be where the course is offered, or in a hotel suggested by the staff. Advanced booking of airline reservations in order to obtain the lowest fares available, as well as prudent use of rental cars and other means of transportation, is necessary.

Any speaker expenses exceeding the amounts set forth above may be reimbursed from the co-sponsoring section's/division's funds, upon approval of that section/division.

7.00 ADVERTISING CLE COURSES

7.01 Florida Bar Logo Use

The Florida Bar logo shall be used on all brochures advertising CLE courses and course materials.

7.02 Monthly CLE Course Calendar

When possible, the calendar of the forthcoming month's CLE course presentations will be published in The Florida Bar Website

8.00 COURSE QUALITY STANDARDS AND REPORTING

8.01 Quality Control – CLE Committee

The CLE Committee is responsible for maintaining quality control to ensure that minimum standards are maintained in the presentation of all CLE sponsored or co-sponsored courses.

8.02 Minimum Quality Standards for Florida Bar Continuing Legal Education Programs

1. Purpose and Authority

Standing Board Policy charges the Continuing Legal Education Committee with the preparation and promulgation of minimum quality standards, allowing reasonable
variations, for continuing legal education programs produced by The Florida Bar. SBP 6.20(b)

The Continuing Legal Education Committee is in the best position to monitor overall quality. On the other hand, neither the CLE Committee nor the staff has the substantive knowledge to supervise sections, divisions and committees for content. The CLE Committee, however, has recognized common errors in the organization, preparation, and presentation of programs which have been repeated over time. As to such matters, the CLE Committee can and should make its expertise available to sections, divisions and committees in promulgating minimally acceptable quality standards.

Although the standards which follow cannot be applied in every conceivable case, they are guides from which deviation should not occur in the vast majority of cases. Moreover, they are minimum standards which should not be construed to represent the best an individual section, division or committee should strive to achieve. Sections, divisions and committees are encouraged to exceed these minimum standards.

2. **Steering Committee Appointment, Composition and Procedure**

Steering committees for programs co-sponsored by sections, divisions or committees will be appointed by the section, division or committee chair or by section, division or committee CLE chair, as is appropriate. The CLE Committee, acting through its staff, shall appoint program steering committees for programs offered exclusively by it.

In selecting steering committee members, authors, and lecturers, appointing authorities should strive to select practitioners with the highest reputations for knowledge and experience in their fields and practitioners who have performed well in prior programs and in accordance with CLE policy on diversity 2.02. In making such selection decisions, consideration should be given to bringing in qualified practitioners who have not participated in CLE programs in the past and to avoid the repeated selection of practitioners whose involvement in multiple programs may overtax their available time and energies to the detriment of overall quality. The staff shall provide the steering committee chair with a printout of potential speakers and their grades from recent evaluation report summaries.

A member of the steering committee should be specifically appointed to serve as the Quality Coordinator. Other than possibly serving as chair the Quality Coordinator should have no other responsibilities on the steering committee. The Quality Coordinator should not be an author or lecturer for the program.

The staff should arrange a meeting or conference call of the speakers at least 10-12 weeks prior to the seminar and be available for all meetings of the steering committee. The organizational meeting of the steering committee should be conducted with all committee members present.

3. **Duties of the Quality Coordinator**

The Quality Coordinator, together with the steering committee chair (if a different individual), shall have overall quality responsibility for the program. The Quality Coordinator should ensure all quality standards are met in the areas of both content and presentation.
The Quality Coordinator, together with the steering committee chair (if a different individual), shall ensure that the program maintains the appropriate course preparation timetable, particularly as to the timely submission of brochure materials and outlines.

The Quality Coordinator should review authors' outlines prior to finalization and publication for overall content, including both substantive errors and omissions, ensure that citations are accurate and that the cited cases constitute good authority for the propositions for which they are asserted.

Authors continue to have primary responsibility for their work. Should the Quality Coordinator detect any problems in a particular outline, the Quality Coordinator should discuss the matter with the author. The Quality Coordinator should not overrule a substantive decision of the author.

If the Quality Coordinator continues to perceive a problem after consulting with the author, the Quality Coordinator and steering committee chair should consult with the section, division or committee chair or the CLE Committee chair, as may be appropriate, for final resolution.

The Quality Coordinator should attend any workshop held for the program and participate in critiques of both substance and presentation. The Quality Coordinator should also attend at least one program presentation so as to be able to critique final performance.

The Quality Coordinator will prepare a post-presentation critique, in writing, so that lessons learned may be passed on and used in the preparation and presentation of future programs. Particularly in the case of continuing programs, a special post-presentation critique meeting should be held, although this meeting may be held in conjunction with the organizational meetings of the subsequent program.

4. Course Preparation Timetable

The following course preparation timetable should be applicable to almost every course. [Times indicated are those before the first presentation.]

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 months</td>
<td>Appointment of program chair/steering committee chair by CLE chair; appointment of quality coordinator</td>
</tr>
<tr>
<td>4 months</td>
<td>Appointment of steering committee members</td>
</tr>
<tr>
<td>16 weeks</td>
<td>Initial meeting of steering committee; selection of topics; selection of speakers; date selected (if not already done); letter sent to speakers advising requirements of and deadline for receipt of written materials; staff letter to program chair reminding of deadline for receipt of brochure information (two weeks)</td>
</tr>
<tr>
<td>12 weeks</td>
<td>Brochure information due to staff Confirmation letters sent to speakers CLE credit application submitted Overhead Planning Form</td>
</tr>
</tbody>
</table>
Brochure designed and sent to print
Pink ad sheet submitted
Save the date posted on section site and link eblasted

10 weeks
Cancel is brochure is not completed
Proofed ad for Bar News completed
Send letter with course material deadline reminder and brochure to speakers
Authors send course materials to Quality Coordinator/Program Chair

8 weeks
Course materials due to staff, in final form
Eblast

6-8 weeks
First ad in Bar News

5 weeks
Eblast

2-4 weeks
Second ad in Bar News

2 weeks
Eblast

OPEN
Speakers workshop

2 weeks after
Quality coordinator report sent to staff

__________
If continuing program, post-presentation critique meeting should be held as soon as possible after the program

To assist in keeping programs on schedule, the staff will give written notice at each stage in the above timetable to the section CLE chair, each member of the program steering committee, lecturers, and authors.

5. Program Brochure Requirements

Brochures should describe in significant detail the topics to be included in the program. A mere title for each lecture is normally insufficient for potential registrants to have a clear expectation of program subject matter.

The brochure should contain a statement as to the classification of the course so that potential registrants may better determine if the course is suited to their needs. The classifications — basic, intermediate, and advanced — will be used. The definitions of such classifications are as follows:

a. Basic. This course is designed for the practitioner with no or fairly limited experience in the subject area related to the course. A current law survey course will be considered basic unless there are recent, significant changes in the law. Note: Presentation of basic-level programs is reserved for programs sponsored by the Young Lawyers Division.
b. Intermediate. Course designed for the practitioner somewhat experienced in the area but not necessarily an expert. A survey course related to an area of the law in which there has been recent, substantial changes may be determined to be intermediate. In an intermediate course, some segment may be low intermediate or basic, and others high intermediate or advanced. In such instances, however, the course taken as a whole will be considered intermediate.

c. Advanced. Designed for the practitioner with extensive experience in the subject matter of the course.

6. Minimum Outline Standards

The written materials offered with each program are a most valuable part of the course. The following minimum standards should be helpful to authors and others:

The outline should be more than a “bare bones” listing of topical headings. The outline should contain substantive material in support and amplification of the topical headings. For example, if discussing applicable dates, the topical heading “dates” would be insufficient. Instead, the actual dates of applicability should be set out under the heading with necessary discussion and citation of authority.

The outlines should include complete citations of authorities. The outline will be used as an office reference source and research aid both by attendees and by those who have not attended the program but receive the written materials.

The outline should adhere to the particular course classification given the program. In only the most unusual circumstances should an outline be an overall survey or an elementary course.

The outline should be geared to the practitioner. Therefore, it should be practical rather than theoretical.

The lecturer will be speaking from the outline. Accordingly, it should be organized in the same manner in which the lecture will be given. Program attendees frequently complain of lecturers not following the outline format.

Considerations of ethics and professionalism should be included in each outline and covered by practical examples.

7. Program Workshops

Each program may have a speakers' program workshop. The purpose of the workshop is twofold:

a. To provide an opportunity for authors and lecturers to meet and exchange views concerning the substantive content of their outlines and other course materials.

b. To provide an opportunity for lecturers to practice their program delivery and to be critiqued, particularly with respect to videotape performance.
8. Minimum Lecturer Standards

The advertised level of course content must be followed.

In presenting their lectures, lecturers should follow the outline format but not read the outline.

Specific examples are a highly desirable way of bringing home points in course presentation. In offering examples, however, lecturers should refrain from including inappropriate “war stories” or other personal aggrandizement.

Professional ethics and professionalism issues should be included in lectures.

The use of charts and other visual aids when appropriate, is encouraged.

Speakers may attend a speaker training session or view the speaker training DVD (one is available from ACLEA through The Florida Bar).

9. Standards for Advanced Continuing Legal Education Courses

In addition to complying with all minimum quality standards in effect for Continuing Legal Education Courses, those labeled “advanced” must comply with the following.

a. Subject Matter

1. Substantive and update courses

The subject matter for courses dealing at the advanced level with substantive knowledge (as opposed to lawyering skills) shall be geared to the practitioner with several years of concentrated practice in the area of substantive law of the course. Generally, these courses should concentrate on a narrow and highly specialized area of law to give experienced practitioners a more sophisticated slant to their practice. Alternatively, these courses can provide updating in the more subtle methods of use of new developments.

For example, an advanced torts course designed to build substantive knowledge could deal with representing plaintiffs in toxic tort litigation. On the other hand, a refined updating course for tort attorneys could consider the impact of recent United States Supreme Court cases on defamation litigation.

2. Skills development courses

As opposed to building substantive knowledge, the skills course concentrates on using advanced substantive knowledge in an intricate planning or litigation setting. These courses should take a narrow area and teach practitioners already proficient in the practice how to upgrade their existing skills. A substantial portion of each course shall be taught in small groups with live instructors and intense, “hands-on” experience in drafting and other skills. These courses are “task-oriented” as opposed to “substance-oriented.”
For example, an advanced real estate planning course would consider preparation of federal environmental impact statements rather than simple zoning variances. A torts course would have the attorneys participate in examination of sophisticated expert witnesses, with subsequent critique by instructors.

b. Supporting Material

Supporting material prepared by the instructors should go beyond basic statutory documentation. It should include cases from other jurisdictions as well as relevant regulations.

Where copyright problems do not interfere, it should include excerpts from advanced secondary source material, sample forms and documents and a detailed bibliography of primary and secondary source materials.

c. Instructors

Instructors in advanced courses must have substantial experience in the subject matter they are teaching in order for them to maintain high levels of credibility with those attending. Instructors should have concentrated during their professional careers in the area of law covered by the course. The following types of instructors would satisfy this requirement:

1. Attorneys who have been certified in the field in which they are lecturing;
2. Attorneys who have practiced for five or more years primarily in the field in which they are lecturing;
3. Judges of a trial or appellate court;
4. Professors of law who have taught for five or more years in the field in which they are lecturing;
5. Persons who have a total of five or more years' experience in the field in which they are lecturing, gained from a combination of any of the above; or
6. Persons who are not lawyers but have a total of five years' experience in the field in which they are lecturing.

These categories are examples only, and should not preclude those who are highly qualified but do not fit within them from serving as instructors in appropriate instances.

10. Enforcement of Minimum Standards

The CLE Committee contemplates exercising, in unusual cases, the methods set forth below as a means of enforcing these minimum quality standards. Of course, the CLE
Committee recognizes that reasonable variations from these minimum standards must be made on a case-by-case basis.

a. Withdrawing CLE Committee approval for the program, particularly in cases where the program has fallen behind the Course Preparation Timetable.

b. Requesting that appointing authorities not invite future participation by an errant steering committee member, author, or lecturer.

c. Recommending to The Florida Bar BLSE that a program be denied CLER, certification and designation credit.

d. Recommending to The Florida Bar BLSE that an individual program participant be denied education credit for participation.

e. Requiring section co-sponsors to bear costs of printing materials submitted by speakers/authors after the deadline has passed. The section/division co-sponsor shall pay any costs in overtime or use of outside printers resulting from faculty members not meeting deadlines, from either the seminar profits or the section's/division's reserve account.
DEPARTMENT OF PUBLIC INFORMATION
AND BAR SERVICES
Section leaders are excellent resources for reporters working on legal stories and The Florida Bar’s public information staff will frequently refer them to the chair and/or vice chair of a relevant section based on their query to us. We hope you’ll welcome this opportunity to promote the expertise of your section and to refer reporters to other section members who are experts in subspecialties. If we can assist you in any way with media interviews, please call us. Thank you.

Francine Andia Walker, APR, CPRC, Director 850-561-5762, fwalker@flabar.org
Susannah “Zannah” Lyle, Assistant Director 850-561-5669, slyle@flabar.org
850-561-5666 (Media Line – 8-5:30 M-F no voice mail)
850-321-7846 (director’s cell)
MEDIA INTERVIEW TIPS

When a reporter calls:

- Who is the reporter and what type of publication does he/she work for?
- When and where will the story appear?
- What’s the angle? Who else is being interviewed?
- What is the reporter’s deadline? Call back number?

Who are you speaking for?

During the interview:

- Be honest; be your most likable, expressive, calm, cool and confident self.
- Be PREPARED and unrushed. Use notes or talking points.
- Use the organization’s name repeatedly, i.e., avoid saying “we” to represent your organization.
- Speak in headlines: State the CONCLUSION first – briefly and directly – followed by FACTS to back it up.
- If something’s gone wrong, acknowledge the truth and express your regrets. Avoid anger and defensiveness BUT don’t let false charges, facts or figures stand uncorrected. (see Follow Up below)
- Don’t repeat negative language. Frame your replies as positive statements.
- Use plain language, if possible. Explain legal terms. Give examples.
- If you can’t answer a question, explain why. Never say “no comment.”
- Always stay “on the record.” If you don’t want information reported, don’t tell a reporter.
- If you don’t know the direct answer to a question, don’t guess or speculate. Ask the reporter when/if you can follow-up with an informed response or refer the reporter to someone else who will have the information.
- When you finish answering a reporter’s question, STOP. To be certain that you were heard correctly; feel free to ask the reporter to read back your quotes.

On-Camera Tips:

- The interview starts from the moment you introduce yourself to the reporter and ends after you or the reporter walk away.
- Talk to the interviewer, not the camera.
- Speak and gesture naturally. Keep a pleasant expression; smile when appropriate.
- Offer a business card for correct name spelling, contact information.
- Attire: Suits/dresses should be medium tones – grey, brown, dark blue; rich beige is OK for summer months. Avoid stripes, pronounced checks and
sharply contrasting patterns. Shirts/blouses should be solid off-white or pastel. Ties should be solid-colored or with very simple patterns. Jewelry should be small and simple. If you regularly wear glasses, keep them on.

Follow-up:

- If the facts of the article, as you presented them, are correct or if you consider the article to be “good” let the reporter know. Leave a voice mail or send an e-mail.
- If the facts of the article are incorrect, contact the reporter and ask for a correction or clarification.
- If you feel the article is one-sided or leaves out important information, write a letter to the editor or an op/ed. Follow requirements exactly and submit electronically.
1300 COMMUNICATIONS POLICY AND PROCEDURES

13.10 COMMUNICATIONS POLICY

(a) Responsibility of Staff and Committees. The bar’s communications staff and related committees conduct the bar’s external and internal communications activities in accordance with communications policies and priorities established by the board through its communications committee.

(b) Responsibility of Executive Director. The executive director has ultimate management responsibility and is responsible to the board for the activities and programs of the communications staff.

(c) Authorized Staff Activities. Bar staff will:

   (1) publish the bar Journal;

   (2) publish the bar News;

   (3) maintain an Internet website to communicate timely information to members, the news media, the general public, and other interested parties and to provide two-way communication with members in addition to or in lieu of other modes of communication;

   (4) assist in gathering and interpretation of public opinion from internal and external sources as input for bar policymakers;

   (5) counsel leaders of the bar on ways to maintain good communications and devise and carry out programs designed to enhance understanding of the bar’s policies and programs;

   (6) coordinate activities of the bar’s Citizens Advisory Committee, a voluntary advisory group established by the board representing major citizen constituencies, the operation and responsibilities of which are defined in the Citizens Advisory Committee charter;

   (7) establish and maintain communication with the general public, local/voluntary bar associations, bar members, judiciary, news media, and the bar’s sections, committees, and divisions;

   (8) make recommendations to the communications committee as to the need, cost effectiveness and priority of any advertising campaign proposed by any of the bar’s sections, committees, divisions or programs;

   (9) provide all communications services, including selection, coordination and supervision of outside consultants, for all communications activities of the bar’s programs, sections, divisions or committees; and
(10) engage in continuous fact and opinion research affecting the bar; develop and distribute public education/information pamphlets, news releases and announcements for TV and radio; operate a bar speakers bureau; and continuously evaluate public reception to the bar’s operations and policies.

(e) Crisis Management/Disaster Response Plan. The bar’s crisis management/disaster response plan, approved by the communications committee, establishes guidelines for responding to crisis or disaster situations significantly impacting the bar, its members and the state of Florida. Under the plan:

(1) The bar president and/or executive director will:

(A) determine that a crisis exists;

(B) declare the Crisis Management/Disaster Response Plan in force; and

(C) expeditiously convene the crisis management task force (executive committee and designated key staff members) to oversee implementation of the plan.

(2) After determining the extent of the crisis and pooling all available information, the crisis management task force will develop an initial statement, designate primary and secondary spokespersons, and determine if a crisis response team should be dispatched to the impacted area.

(3) Board members and other key bar leaders will be expeditiously notified of actions being taken, and appropriate information will be disseminated to bar members and the general public.

(4) When the crisis has passed, the communications director will prepare a full report to the board on the crisis situation, its impact and associated actions taken.

(5) Operational details of the plan will be updated annually. A copy of the updated plan will be furnished to each board member, and copies of the plan will be on file in the offices of the bar president, the executive director and the communications director.

(f) Bar Journal and News Editorial Policy.

(1) Subject Matter of Published Material. The editorial policy of the bar Journal and News is to publish articles, news and other information that may help advance the education, competence, ethical practice and public responsibility of Florida lawyers and increase their awareness of the official and informal activities of their profession. Articles of publishable quality and scholarship that meet these criteria may be published even though they may involve controversial subjects or unpopular points of view.

(2) Publication of Comments from Membership. The bar Journal and News policy is to publish member comments on matters of concern to the legal profession, provided the comments:
(A) are directed specifically to the Journal or News for publication;

(B) are neither patently false nor defamatory; and

(C) focus criticism on issues, rather than individuals acting in their individual capacities.

Staff may clarify or edit comments based on space considerations, or the number and nature of comments received on any single topic.

(3) Notice to Chair of Editorial Board. The executive director will give notice to the chair of the bar Journal and News editorial board of any topic for publication or of any matter affecting editorial policy or content of the bar Journal or News considered by the board.

(g) Advertising Policy of the Bar Journal, News and Website.

(1) Illegal or Inappropriate Advertising. The bar Journal, News and website will accept all advertising except advertising:

(A) for products or services that are illegal or whose movement in interstate commerce is illegal;

(B) relating to contests, lotteries, or the offering of prizes based on chance, unless clearance is obtained from the United States Postal Service;

(C) that is not in keeping with the publications’ standards of ethics and propriety; or

(D) that is derogatory or demeaning.

(2) Advertising Contrary to Bar Rules or Code of Judicial Conduct. Advertising by which the advertiser violates or enables another to violate the Rules of Professional Conduct or the Florida Code of Judicial Conduct will not be accepted. The opinions and interpretations of staff counsel and appropriate bar committees charged with authority to interpret the rules or codes will be controlling.

(3) Restricted Products or Services. If the advertising of a product or service is prohibited or regulated in a state or states, but not in all states or by federal law, the publisher or web coordinator reserves the right to reject the advertising unless proper disclaimers are included in the copy regarding the validity of the advertising in the restricting states.

(4) Advertising Affecting Bar’s Mailing Status. Advertising must not contain material or be designed in a manner that would jeopardize the mailing status of the publication. The publisher may require clearance from the United States Postal Service prior to acceptance of an advertisement.
(5) **Prior Examination of Mail Order Products.** The publisher or web coordinator may require examination of a product before accepting an advertisement for mail order products.

(6) **Priority of Advertising.** Advertising space for the bar and its affiliated programs will be provided at cost and as space permits, with priority space given to commercial advertising. Space for public service advertising will be provided free of charge when available.

(7) **Advance Payment.** The publisher or web coordinator may require partial or full payment before publishing advertising.

(8) **Political or Ideological Advertising.** The bar Journal, News and website will segregate and identify all classified advertisements of a political or ideological nature under the “miscellaneous” heading, and distinctly mark each display advertisement as a “paid advertisement.”

(9) **Disclaimer.** The bar Journal, News and website will publish an appropriate disclaimer stating that publication of an advertisement reflects no endorsement of the advertiser’s goods, services or opinions.

### 13.20 COMMITTEE ORGANIZATION

(a) **Communications Committee.**

(1) **Membership.** The communications committee is composed of at least 10 members including:

(A) a member of the budget committee;

(B) a member of the program evaluation committee;

(C) board liaisons to the Journal and News editorial board, voluntary bar liaison committee, and media and communications law committee; and

(D) a chair-elect appointed by the bar president-elect who will become chair when the bar president-elect becomes president.

The bar president-elect should consider reappointments to help achieve continuity of bar communications policy and programs.

(2) **Responsibilities.** The primary role of the communications committee is to ensure continuity and focus of internal/external communications to support the bar’s organizational and strategic objectives. The committee will make recommendations to the board on the bar’s communications policies, the communications impacts of strategic plans and objectives, and the coordination of issues and crisis communications. The committee ensures that the bar uses the most effective means for communicating with bar members, the news media and the general public. An element of the bar’s communications program is
The Florida Bar Speakers Bureau which promotes and coordinates the delivery of the bar’s key messages directly to the general public by lawyers.

(b) The Bar Journal and News Editorial Board. The bar Journal and News editorial board advises and assists the editorial staff to develop articles of current interest and concern to the profession and, as a reviewing board, in selecting worthy manuscripts for publication.

(c) Media and Communications Law Committee. The media and communications law committee coordinates the bar’s media-law activities such as the media-law conference, law-related educational programs for journalists, the Reporter’s Handbook and the media awards program.

(d) Voluntary Bar Liaison Committee. The voluntary bar liaison committee recommends improvements in relationships with local/voluntary bars to the communications committee. The voluntary bar liaison committee promulgates and sponsors publications and conferences to improve relations with and effectiveness of local bar leadership. The committee also promulgates and promotes Florida bar and voluntary bar information and programs to promote public understanding of the legal system, the judiciary, the role of lawyers, patriotism, and the responsibilities of citizenship, with special emphasis on development of themes and programs for law week.
SURVEYS
SURVEYS

Section Surveys of Their Own Membership

The Florida Bar has a Department of Research, Planning & Evaluation available to assist Sections in surveying their membership on a time available basis. In accordance with Standing Board Policy 10.30 (Program Evaluation Policy), all surveys of Bar members must either go through RP&E or the Board of Governors Program Evaluation Committee.

Bar Surveys as a Resource

The Florida Bar surveys (Economics & Law Office Management and Membership Opinion) are on the Bar's website (under About the Bar – Organization – Strategic Plan/Research). These are great resources for new leaders who want to know how Bar members feel about some of the key issues in the legal profession.

For additional information on surveys, please contact:

Mike J. Garcia
Director of Research, Planning & Evaluation
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399-2300
Phone (850) 561-5649
E-Mail mgarcia@flabar.org
10.30 PROGRAM EVALUATION POLICY

(a) **Programs Proposed by Membership; Staff Assignments.** A program proposal may be developed and proposed by a minimum of 10 bar members in good standing. The executive director may appoint a staff person to assist in the development of the proposal.

The program proposal must be received by the planning and evaluation department at least 30 days prior to the program evaluation committee meeting at which it is to be considered. A 3-year fiscal impact statement must be included with the proposal. After the program evaluation committee reviews the proposal and makes any recommended changes, the proponent will send a detailed budget to the finance and accounting department for review. After the finance and accounting department approves the budget, it will send the proposal to the budget committee for review and approval.

(b) **Surveys.** All surveys conducted by the bar, except those supporting the strategic planning committee, must be reviewed by the executive director, who may refer surveys to the program evaluation committee for review.

The survey request, supporting information, and the budget request must be submitted, in writing, to the program evaluation committee no later than 2 weeks prior to its next regularly scheduled meeting. The party requesting authority to conduct the survey will be responsible for funding the costs of the survey.

10.40 PROGRAM EVALUATION PROCEDURE

(a) **Program Evaluation Committee.** The program evaluation committee establishes the review and evaluation guidelines and standards for bar programs. The committee may require bar staff or any bar member to provide information to evaluate a bar program. The committee uses program description forms as a guide in its evaluation and review of bar programs.

(b) **Budget Committee.** The budget committee has the following responsibilities:

1. The budget committee establishes the budget schedule for the ensuing fiscal year in consultation with the bar president-elect and executive director. Budget worksheets and related instructions are distributed to the individuals responsible for the preparation of the various bar section, committee and department budgets in sufficient time to allow for compliance with the schedule. The budget schedule will be in accordance with applicable provisions of the Rules Regulating The Florida Bar.

2. The budget committee reviews all proposed budgets and provides the program evaluation committee with its recommendation for programs to be evaluated.

3. At the penultimate board meeting during the bar’s administrative year, the budget committee will present to the board its recommended budget for the bar for the ensuing fiscal year.
(4) The budget committee evaluates all proposed changes to the published budget of any bar section, committee or department, whether the change is in the budget for the current fiscal year or for the ensuing fiscal year and makes recommendations to the board at the next board meeting.
**SECTION LEADERSHIP CONFERENCE**  
_-EVALUATION FORM-_  

DATE: ________________

I FOUND THE INFORMATION/PRESENTATION TO BE (CIRCLE ONE):  WASTE OF TIME  OKAY  GOOD  SUPER!

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<th>BAR LEADERS (WILLIAM SCHIFINO)</th>
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**PLEASE COMPLETE BOTH SIDES. THANK YOU.**
SECTION LEADERSHIP CONFERENCE  
-EVALUATION FORM-

BAR TOUR

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<th>GOOD</th>
<th>SUPER</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

GENERAL COMMENTS: ____________________________________________________________
______________________________
______________________________

WHAT DID YOU LIKE THE MOST? __________________________________________________
______________________________
______________________________

WHAT WOULD YOU CHANGE/ADD TO THE PROGRAM FORMAT (IF ANYTHING)? ____________________
______________________________
______________________________

SUGGESTED TOPICS FOR NEXT YEAR? ________________________________________________
______________________________

DID YOU LIKE THE RECEPTION & THE EDISON RESTAURANT FOR DINNER ON THURSDAY EVENING?
_____________________________________________________________________________