

# **RULES REGULATING THE FLORIDA BAR**

## **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.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

### **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.

### **1-3. MEMBERSHIP RULE 1-3.1 COMPOSITION**

The membership of The Florida Bar shall be composed of all persons who are admitted by the Supreme Court of Florida to the practice of law in this state and who maintain their membership pursuant to these rules.

Amended March 30, 1989, effective March 31, 1989 (541 So.2d 110); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

### **RULE 1-3.2 MEMBERSHIP CLASSIFICATIONS**

#### **(a) Members in Good Standing.**

(1) Members of The Florida Bar in good standing means only those persons licensed to practice law in Florida who have paid annual membership fees for the current year and who are not retired, resigned, delinquent, on the inactive list for incapacity, or suspended.

(2) Members of The Florida Bar who have elected inactive status, who have paid annual membership fees for the current year, and who are not retired, resigned, delinquent, suspended, or on the inactive list for incapacity, are considered to be in good standing only for purposes of obtaining a certificate of good standing and for no other purpose. A certificate of good standing issued to an inactive member will reflect the member's inactive status.

**(b) Conditionally Admitted Members.** The Supreme Court of Florida may admit a person with a prior history of drug, alcohol, or psychological problems to membership in The Florida Bar and impose conditions of probation as the court deems appropriate on that member.

The period of probation will be no longer than 5 years, or for an indefinite period of time as the court deems appropriate by conditions in its order. The conditions may include, but not be limited to, participation in a rehabilitation program, periodic blood and urine analysis, periodic psychological examinations, or supervision by another member of The Florida Bar. The probation will be monitored by The Florida Bar and the costs paid by the member on probation. A failure to observe the conditions of probation or a finding of probable cause as to conduct of the member committed during the period of probation may terminate the probation and subject the member to all available disciplinary sanctions. Proceedings to determine compliance with conditions of admission will be processed in the same manner as matters of contempt provided elsewhere in these Rules Regulating The Florida Bar. If necessary, the court may assign a judicial referee to take testimony, receive evidence, and make findings of fact in the manner prescribed in the rule concerning procedures before a referee. The findings of the referee may be appealed as provided in the rule for procedures before the supreme court.

**(c) Inactive Members.** Inactive members of The Florida Bar means only those members who have properly elected to be classified as inactive in the manner elsewhere provided.

Inactive members will:

- (1) pay annual membership fees as set forth in rule 1-7.3;
- (2) be exempt from continuing legal education requirements;
- (3) affirmatively represent their membership status as inactive members of The Florida Bar when any statement of Florida Bar membership is made;
- (4) not hold themselves out as being able to practice law in Florida or render advice on matters of Florida law unless certified as an emeritus lawyer under chapter 12 of these rules;
- (5) not hold any position that requires the person to be a licensed Florida lawyer;
- (6) not be eligible for certification under the Florida certification plan;
- (7) not vote in Florida Bar elections or be counted for purposes of apportionment of the board of governors;
- (8) certify on election of inactive status that they will comply with all applicable restrictions and limitations imposed on inactive members of The Florida Bar, unless certified as an emeritus lawyer under chapter 12 of these rules.

Failure of an inactive member to comply with all these requirements is cause for disciplinary action.

An inactive member may, at any time, apply for reinstatement to active membership in good standing to become eligible to practice law in Florida in the manner provided in rule 1-3.7.

Amended Dec. 4, 1986 (498 So.2d 914); March 30, 1989, effective March 31, 1989 (541 So.2d 110); Nov. 29, 1990, effective Jan. 1, 1991 (570 So.2d 940); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); July 17,

1997 (697 So.2d 115); Sept. 24, 1998, effective Oct. 1, 1998 (718 So.2d 1179); Feb. 8, 2001 (795 So.2d 1); April 25, 2002 (820 So.2d 210), amended November 9, 2017, effective February 1, 2018 (SC16-1961).

### **RULE 1-3.3 OFFICIAL BAR NAME AND CONTACT INFORMATION**

**(a) Designation.** Each member of The Florida Bar must designate an official bar name, mailing address, business telephone number, and business e-mail address. If the physical location or street address is not the principal place of employment, the member must also provide an address for the principal place of employment. The Florida Bar may excuse a bar member from the requirement of providing an e-mail address if the bar member has been excused by the court from e-service or the bar member demonstrates that the bar member has no e-mail account and lacks Internet service at the bar member's office.

**(b) Changes.** Each member must promptly notify the executive director of any changes in any information required by this rule. The official bar name of each member of The Florida Bar must be used in the course of the member's practice of law. Members may change their official bar name by sending a request to the Supreme Court of Florida. The court must approve all official bar name changes.

Amended Oct. 20, 1994 (644 So.2d 282). Amended April 12, 2012, effective July 1, 2012 (SC10-1967). Amended June 11, 2015, effective October 1, 2015.

### **RULE 1-3.4 CLER DELINQUENT MEMBERS AND CLER EXEMPT MEMBERS**

**(a) CLER Delinquent Members.** Any member who is suspended by reason of failure to complete continuing legal education requirements shall be deemed a delinquent member. A delinquent member shall not engage in the practice of law in this state and shall not be entitled to any privileges and benefits accorded to members of The Florida Bar in good standing. Any member suspended for failure to complete continuing legal education requirements may be reinstated as elsewhere provided in these rules.

**(b) CLER Exempt Members.** Any member who is exempt from continuing legal education requirements (see rule 6-10.3(c)) shall not engage in the practice of law in this state; provided, however, that a member exempt from continuing legal education requirements by reason of active military service may practice law in Florida if required to do so as a part of assigned military duties.

Amended Oct. 10, 1991, effective Jan. 1, 1992 (587 So.2d 1121); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

### **RULE 1-3.5 RETIREMENT**

Any member of The Florida Bar may retire from The Florida Bar upon petition or other written request to, and approval of, the executive director. A retired member shall not practice law in this state except upon petition for reinstatement to, and approval of, the executive director; the payment of all membership fees, costs, or other amounts owed to The Florida Bar; and the

completion of all outstanding continuing legal education or basic skills course requirements. A member who seeks and is approved to permanently retire shall not be eligible for reinstatement or readmission. A retired member shall be entitled to receive such other privileges as the board of governors may authorize.

A retired member shall remain subject to disciplinary action for acts committed before the effective date of retirement. Acts committed after retirement may be considered in evaluating the member's fitness to resume the practice of law in Florida as elsewhere stated in these Rules Regulating The Florida Bar.

If the executive director is in doubt as to disposition of a petition, the executive director may refer the petition to the board of governors for its action. Action of the executive director or board of governors denying a petition for retirement or reinstatement from retirement may be reviewed upon petition to the Supreme Court of Florida.

Amended Oct. 10, 1991, effective Jan. 1, 1992 (587 So.2d 1121); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); June 27, 1996, effective July 1, 1996 (677 So.2d 272); Sept. 24, 1998, effective Oct. 1, 1998 (718 So.2d 1179); Feb. 8, 2001 (795 So.2d 1); Oct. 6, 2005, effective Jan. 1, 2006 (916 So.2d 655). Amended April 12, 2012, effective July 1, 2012 (SC10-1967)

### **RULE 1-3.6 DELINQUENT MEMBERS**

Any person now or hereafter licensed to practice law in Florida shall be deemed a delinquent member if the member:

- (a) fails to pay membership fees;
- (b) fails to comply with continuing legal education or basic skills course requirements;
- (c) fails to pay the costs assessed in diversion or disciplinary cases within 30 days after the disciplinary decision or diversion recommendation becomes final, unless such time is extended by the board of governors for good cause shown;
- (d) fails to make restitution imposed in diversion cases or disciplinary proceedings within the time specified in the order in such cases or proceedings;
- (e) fails to pay fees imposed as part of diversion for more than 30 days after the diversion recommendation became final, unless such time is extended by the board of governors for good cause shown; or
- (f) fails to pay an award entered in fee arbitration proceedings conducted under the authority stated elsewhere in these rules and 30 days or more have elapsed since the date on which the award became final.

Delinquent members shall not engage in the practice of law in Florida nor be entitled to any privileges and benefits accorded to members of The Florida Bar in good standing.

Amended Oct. 10, 1991, effective Jan. 1, 1992 (587 So.2d 1121); Sept. 24, 1998, effective Oct. 1, 1998 (718 So.2d 1179); May 20, 2004 (875 So.2d 448); Oct. 6, 2005, effective Jan. 1, 2006 (916 So.2d 655); amended Nov. 19, 2009 (SC08-1890) (34 Fla.L.Weekly S628a), effective February 1, 2010. Amended April 12, 2012, effective July 1, 2012 (SC10-1967)

### **RULE 1-3.7 REINSTATEMENT TO MEMBERSHIP**

**(a) Eligibility for Reinstatement.** Members who have retired or been delinquent for a period of time not in excess of 5 years are eligible for reinstatement under this rule. Time will be calculated from the day of the retirement or delinquency.

Inactive members may also seek reinstatement under this rule.

**(b) Petitions Required.** A member seeking reinstatement must file a petition with the executive director setting forth the reason for inactive status, retirement, or delinquency and showing good cause why the petition for reinstatement should be granted. The petitioner must include all required information on a form approved by the board of governors. The petition must be accompanied by a nonrefundable reinstatement fee of \$150 and payment of all arrearages unless adjusted by the executive director with concurrence of the executive committee for good cause shown. Inactive members are not required to pay the reinstatement fee. No member will be reinstated if, from the petition or from investigation conducted, the petitioner is not of good moral character and morally fit to practice law or if the member is delinquent with the continuing legal education or basic skills course requirements.

If the executive director is in doubt as to approval of a petition the executive director may refer the petition to the board of governors for its action. Action of the executive director or board of governors denying a petition for reinstatement may be reviewed on petition to the Supreme Court of Florida.

**(c) Members Who Have Retired or Been Delinquent for Less Than 5 Years, But More Than 3 Years.** Members who have retired or been delinquent for less than 5 years, but more than 3 years, must complete 10 hours of continuing legal education courses for each year or portion of a year that the member had retired or was deemed delinquent.

**(d) Members Who Have Retired or Been Delinquent for 5 Years or More.** Members who have retired or have been deemed delinquent for a period of 5 years or longer will not be reinstated under this rule and must be readmitted upon application to the Florida Board of Bar Examiners and approval by the Supreme Court of Florida.

**(e) Members Who Have Permanently Retired.** Members who have permanently retired will not be reinstated under this rule.

**(f) Members Delinquent 60 Days or Less.** Reinstatement from delinquency for payment of membership fees or completion of continuing legal education or basic skills course requirements approved within 60 days from the date of delinquency is effective on the last business day before the delinquency. Any member reinstated within the 60-day period is not subject to disciplinary sanction for practicing law in Florida during that time.

**(g) Inactive Members.** Inactive members may be reinstated to active membership in good standing to become eligible to practice law in Florida by petition filed with the executive director, in the form and as provided in (b) above, except:

(1) If the member has been inactive for greater than 5 years, has been authorized to practice law in another jurisdiction, and either actively practiced law in that jurisdiction or held a position that requires a license as a lawyer for the entire period of time, the member will be required to complete the Florida Law Update continuing legal education course as part of continuing legal education requirements.

(2) If the member has been inactive for greater than 5 years and does not meet the requirements of subdivision (1), the member will be required to complete the basic skills course requirement and the 30-hour continuing legal education requirement.

(3) An inactive member is not eligible for reinstatement until all applicable continuing legal education requirements have been completed and the remaining portion of membership fees for members in good standing for the current fiscal year have been paid.

Amended March 30, 1989, effective March 31, 1989 (541 So.2d 110); Oct. 10, 1991, effective Jan. 1, 1992 (587 So.2d 1121); Nov. 14, 1991, effective Jan. 1, 1992 (593 So.2d 1035); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); Sept. 24, 1998, effective Oct. 1, 1998 (718 So.2d 1179); Feb. 8, 2001 (795 So.2d 1); amended Nov. 19, 2009 (SC08-1890) (34 Fla.L.Weekly S628a), effective February 1, 2010; amended April 12, 2012, effective July 1, 2012 (SC10-1967); amended May 29, 2014, effective June 1, 2014 (SC12-2234); amended June 11, 2015, effective October 1, 2015 (SC14-2088), amended November 9, 2017, effective February 1, 2018 (SC16-1962).

### **RULE 1-3.8 RIGHT TO INVENTORY**

**(a) Appointment; Grounds; Authority.** Whenever an attorney is suspended, disbarred, becomes a delinquent member, abandons a practice, disappears, dies, or suffers an involuntary leave of absence due to military service, catastrophic illness, or injury, and no partner, personal representative, or other responsible party capable of conducting the attorney's affairs is known to exist, the appropriate circuit court, upon proper proof of the fact, may appoint an attorney or attorneys to inventory the files of the subject attorney (hereinafter referred to as "the subject attorney") and to take such action as seems indicated to protect the interests of clients of the subject attorney.

**(b) Maintenance of Attorney-Client Confidences.** Any attorney so appointed shall not disclose any information contained in files so inventoried without the consent of the client to whom such file relates except as necessary to carry out the order of the court that appointed the attorney to make the inventory.

**(c) Status and Purpose of Inventory Attorney.** Nothing herein creates an attorney and client, fiduciary, or other relationship between the inventory attorney and the subject attorney. The purpose of appointing an inventory attorney is to avoid prejudice to clients of the subject attorney and, as a secondary result, prevent or reduce claims against the subject attorney for such prejudice as may otherwise occur.

**(d) Rules of Procedure.** The Florida Rules of Civil Procedure are applicable to proceedings under this rule.

**(e) Designation of Inventory Attorney.** Each member of the bar who practices law in Florida shall designate another member of The Florida Bar who has agreed to serve as inventory attorney under this rule; provided, however, that no designation is required with respect to any portion of the member's practice as an employee of a governmental entity. When the services of an inventory attorney become necessary, an authorized representative of The Florida Bar shall contact the designated member and determine the member's current willingness to serve. The designated member shall not be under any obligation to serve as inventory attorney.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); July 17, 1997 (697 So.2d 115); Sept. 24, 1998, effective Oct. 1, 1998 (718 So.2d 1179); May 20, 2004 (875 So.2d 448); Oct. 6, 2005, effective Jan. 1, 2006 (916 So.2d 655); amended Nov. 19, 2009 (SC08-1890) (34 Fla.L.Weekly S628a), effective February 1, 2010.

### **RULE 1-3.9 LAW FACULTY AFFILIATES**

Full-time faculty members in the employment of law schools in Florida approved by the American Bar Association who are admitted to practice and who are in good standing before a court of any state may become "law faculty affiliates" of The Florida Bar. Law faculty affiliates may participate in such activities of The Florida Bar as may be authorized by the board of governors, but shall not be entitled to engage in the practice of law, appear as attorneys before the courts of the state, or hold themselves out as possessing such entitlements.

No history provided as of 2009.

### **RULE 1-3.10 APPEARANCE BY NON-FLORIDA LAWYER IN A FLORIDA COURT**

**(a) Non-Florida Lawyer Appearing in a Florida Court.** A practicing lawyer of another state, in good standing and currently eligible to practice, may, upon association of a member of The Florida Bar and verified motion, be permitted to practice upon such conditions as the court deems appropriate under the circumstances of the case. Such lawyer shall comply with the applicable portions of this rule and the Florida Rules of Judicial Administration.

(1) *Application of Rules Regulating The Florida Bar.* Lawyers permitted to appear by this rule shall be subject to these Rules Regulating The Florida Bar while engaged in the permitted representation.

(2) *General Practice Prohibited.* Non-Florida lawyers shall not be permitted to engage in a general practice before Florida courts. For purposes of this rule more than 3 appearances within a 365-day period in separate representations shall be presumed to be a "general practice."

(3) *Effect of Professional Discipline or Contempt.* Non-Florida lawyers who have been disciplined or held in contempt by reason of misconduct committed while engaged in representation that is permitted by this rule shall thereafter be denied admission under this rule and the applicable provisions of the Florida Rules of Judicial Administration.

**(b) Lawyer Prohibited From Appearing.** No lawyer is authorized to appear pursuant to this rule or the applicable portions of the Florida Rules of Judicial Administration if the lawyer:

- (1) is disbarred or suspended from practice in any jurisdiction;
- (2) is a Florida resident, unless the attorney has an application pending for admission to The Florida Bar and has not previously been denied admission to The Florida Bar;
- (3) is a member of The Florida Bar but ineligible to practice law;
- (4) has previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation permitted pursuant to this rule;
- (5) has failed to provide notice to The Florida Bar or pay the filing fee as required by this rule; or
- (6) is engaged in a "general practice" as defined elsewhere in this rule.

**(c) Content of Verified Motion for Leave to Appear.** Any verified motion filed under this rule or the applicable provisions of the Florida Rules of Judicial Administration shall include:

- (1) a statement identifying all jurisdictions in which the lawyer is currently eligible to practice law;
- (2) a statement identifying by date, case name, and case number all other matters in Florida state courts in which pro hac vice admission has been sought in the preceding 5 years, and whether such admission was granted or denied;
- (3) a statement identifying all jurisdictions in which the lawyer has been disciplined in any manner in the preceding 5 years and the sanction imposed, or all jurisdictions in which the lawyer has pending any disciplinary proceeding, including the date of the disciplinary action and the nature of the violation, as appropriate;
- (4) a statement identifying the date on which the legal representation at issue commenced and the party or parties represented;
- (5) a statement that all applicable provisions of this rule and the applicable provisions of the Florida Rules of Judicial Administration have been read and that the verified motion complies with those rules;
- (6) the name, record bar address, and membership status of the Florida Bar member or members associated for purposes of the representation;
- (7) a certificate indicating service of the verified motion upon all counsel of record in the matter in which leave to appear pro hac vice is sought and upon The Florida Bar at its Tallahassee office accompanied by a nonrefundable \$250 filing fee made payable to The Florida Bar or notice of the waiver of the fee; and



(8) a verification by the lawyer seeking to appear pursuant to this rule or the applicable provisions of the Florida Rules of Judicial Administration and the signature of the Florida Bar member or members associated for purposes of the representation.

### **Comment**

Subdivision (a)(2) defines and prohibits the general practice before Florida courts by non-Florida lawyers. For purposes of this rule, an “appearance” means the initial or first appearance by that non-Florida lawyer in a case pending in a Florida court, and includes appearing in person or by telephone in court or filing a pleading, motion or other document with the court. A non-Florida lawyer making an appearance in a Florida court is required to comply with rule 2.510 of the Florida Rules of Judicial Administration.

This rule does not prohibit a non-Florida lawyer from participating in more than 3 cases during any 365-day period; instead, it prohibits a non-Florida lawyer from making an initial or first appearance in more than 3 cases during any 365-day period.

*Example:* The following example illustrates the application of this rule to a non-Florida lawyer’s appearances. Assume for this example that a lawyer licensed to practice in Georgia only has been admitted pro hac vice pursuant to Fla. R. Jud. Admin. 2.510 in 3 separate Florida cases on the following dates: January 10, 2008; February 3, 2008; and February 20, 2008.

(1) In this example, the lawyer would be prohibited from seeking to appear pro hac vice under Fla. R. Jud. Admin. 2.510 in another separate representation until the expiration of the 365-day period from his or her oldest of the 3 appearances (i.e., until January 10, 2009).

(2) In this example, the lawyer would be permitted under this rule to seek to appear pro hac vice in a new case on January 10, 2009 even if the 3 cases in which he or she made an appearance are still active.

(3) In this example, the lawyer could seek to appear pro hac vice in yet another new case on February 3, 2009. The fact that the lawyer’s cases in which he or she appeared on January 10, 2008, February 3, 2008, February 20, 2008, and January 1, 2009 are still active would not prohibit that lawyer from seeking to appear in the new case on February 3, 2009, because, as of that date, the lawyer would have only made an initial appearance in 2 prior cases within that preceding 365-day period (i.e., on February 20, 2008 and January 1, 2009). Thus, under this rule, a non-Florida lawyer could have pending more than 3 cases for which he or she has appeared at any given time, as the restriction on general practice relates to the making of an initial appearance within a 365-day period and not to whether any such case is still active following the expiration of 365 days.

(4) Similarly, in the above example, if the non-Florida lawyer’s 3 cases are all resolved by April 1, 2008, that lawyer would still be prohibited from seeking to make a new appearance until the expiration of the oldest of the 3 prior appearances (i.e., until January 10, 2009).

The purpose of this comment is to explain what constitutes an “appearance” under this rule and how to calculate the number of appearances in any 365-day period. This comment and the rule itself do not require a Florida court to grant any specific request to appear under Fla. R. Jud. Admin. 2.510 if the non-Florida lawyer meets the requirements of subdivision (a)(2). In all such cases, the decision of whether a non-Florida lawyer may appear in a case under Fla. R. Jud. Admin. 2.510 is within the discretion of the court.

This rule is not applicable to appearances in federal courts sitting in Florida, as appearances before each of those courts are regulated by the rules applicable to those courts. Further, an appearance in a federal court sitting in Florida does not constitute an “appearance” as contemplated by subdivision (a)(2), because subdivision (a)(2) applies only to appearances before Florida state courts.

Amended Feb. 8, 2001 (795 So.2d 1); May 12, 2005, effective Jan. 1, 2006 (907 So.2d 1138) (SC04-135) ; amended Nov. 19, 2009 (SC08-1890) (34 Fla.L.Weekly S628a), effective February 1, 2010. Amended April 12, 2012, effective July 1, 2012 (SC10-1967)

### **RULE 1-3.11 APPEARANCE BY NON-FLORIDA LAWYER IN AN ARBITRATION PROCEEDING IN FLORIDA**

**(a) Non-Florida Lawyer Appearing in an Arbitration Proceeding in Florida.** A lawyer currently eligible to practice law in another United States jurisdiction or a non-United States jurisdiction may appear in an arbitration proceeding in this jurisdiction if the appearance is:

- (1) for a client who resides in or has an office in the lawyer's home state; or
- (2) where the appearance arises out of or is reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice; and
- (3) the appearance is not one that requires pro hac vice admission.

Such lawyer shall comply with the applicable portions of this rule and of rule 4-5.5.

**(b) Lawyer Prohibited from Appearing.** No lawyer is authorized to appear pursuant to this rule if the lawyer:

- (1) is disbarred or suspended from practice in any jurisdiction;
- (2) is a Florida resident;
- (3) is a member of The Florida Bar but ineligible to practice law;
- (4) has previously been disciplined or held in contempt by reason of misconduct committed while engaged in representation permitted pursuant to this rule;
- (5) has failed to provide notice to The Florida Bar or pay the filing fee as required by this rule, except that neither notice to The Florida Bar nor a fee shall be required for lawyers appearing in international arbitrations; or

(6) is engaged in a "general practice" as defined elsewhere in these rules.

**(c) Application of Rules Regulating the Florida Bar.** Lawyers permitted to appear by this rule shall be subject to these Rules Regulating the Florida Bar while engaged in the permitted representation, including, without limitation, rule 4-5.5.

**(d) General Practice Prohibited.** Non-Florida lawyers shall not be permitted to engage in a general practice pursuant to this rule. In all arbitration matters except international arbitration, a lawyer who is not admitted to practice law in this jurisdiction who files more than 3 demands for arbitration or responses to arbitration in separate arbitration proceedings in a 365-day period shall be presumed to be engaged in a "general practice."

**(e) Content of Verified Statement for Leave to Appear.** In all arbitration proceedings except international arbitrations, prior to practicing pursuant to this rule, the non-Florida lawyer shall file a verified statement with The Florida Bar and serve a copy of the verified statement on opposing counsel, if known. If opposing counsel is not known at the time the verified statement is filed with The Florida Bar, the non-Florida lawyer shall serve a copy of the verified statement on opposing counsel within 10 days of learning the identity of opposing counsel. The verified statement shall include:

(1) a statement identifying all jurisdictions in which the lawyer is currently eligible to practice law including the attorney's bar number(s) or attorney number(s);

(2) a statement identifying by date, case name, and case number all other arbitration proceedings in which the non-Florida lawyer has appeared in Florida in the preceding 5 years; however, if the case name and case number are confidential pursuant to an order, rule, or agreement of the parties, this information does not need to be provided and only the dates of prior proceedings must be disclosed;

(3) a statement identifying all jurisdictions in which the lawyer has been disciplined in any manner in the preceding 5 years and the sanction imposed, or in which the lawyer has pending any disciplinary proceeding, including the date of the disciplinary action and the nature of the violation, as appropriate;

(4) a statement identifying the date on which the legal representation at issue commenced and the party or parties represented; however, if the name of the party or parties is confidential pursuant to an order, rule, or agreement of the parties, this information does not need to be provided and only the date on which the representation commenced must be disclosed;

(5) a statement that all applicable provisions of this rule have been read and that the verified statement complies with this rule;

(6) a certificate indicating service of the verified statement upon all counsel of record in the matter and upon The Florida Bar at its Tallahassee office accompanied by a nonrefundable \$250.00 filing fee made payable to The Florida Bar; however, such fee may be waived in cases involving indigent clients; and

(7) a verification by the lawyer seeking to appear pursuant to this rule.

### **Comment**

This rule applies to arbitration proceedings held in Florida where 1 or both parties are being represented by a lawyer admitted in another United States jurisdiction or a non-United States jurisdiction. For the most part, the rule applies to any type of arbitration proceeding and any matter being arbitrated. However, entire portions of subdivision (d) and subdivision (e) do not apply to international arbitrations. For the purposes of this rule, an international arbitration is defined as the arbitration of disputes between 2 or more persons at least 1 of whom is a nonresident of the United States or between 2 or more persons all of whom are residents of the United States if the dispute (1) involves property located outside the United States, (2) relates to a contract or other agreement which envisages performance or enforcement in whole or in part outside the United States, (3) involves an investment outside the United States or the ownership, management, or operation of a business entity through which such an investment is effected or any agreement pertaining to any interest in such an entity, (4) bears some other relation to 1 or more foreign countries, or (5) involves 2 or more persons at least 1 of whom is a foreign state as defined in 28 U.S.C. §1603. International arbitration does not include the arbitration of any dispute pertaining to the ownership, use, development, or possession of, or a lien of record upon, real property located in Florida or any dispute involving domestic relations.

The exceptions provided in this rule for international arbitrations in no way exempt lawyers not admitted to The Florida Bar and appearing in Florida courts from compliance with the provisions of rule 1-3.10 and any applicable rules of judicial administration, regardless of whether the court proceeding arises out of or is related to the subject of a dispute in an international arbitration. For example, a lawyer not a member of The Florida Bar could not appear in a Florida court or confirm or vacate an award resulting from an international arbitration without being authorized to appear pro hac vice and without complying with all requirements contained in rule 1-3.10 and the applicable rules of judicial administration.

Added May 12, 2005, effective Jan. 1, 2006 (907 So.2d 1138); Amended Sept. 11, 2008, effective Jan. 1, 2009 (991 So.2d 842) (SC04-135).

## **1-4. BOARD OF GOVERNORS**

### **RULE 1-4.1 COMPOSITION OF BOARD OF GOVERNORS**

The board of governors shall be the governing body of The Florida Bar. It shall have 52 members, 51 of whom shall be voting members, and shall consist of the president and the president-elect of The Florida Bar, president and president-elect (who shall vote only in the absence of the president) of the young lawyers division, representatives elected by and from the members of The Florida Bar in good standing, and 2 residents of the state of Florida who are not members of The Florida Bar. There shall be at least 1 representative from each judicial circuit and at least 1 representative from among the members in good standing residing outside of the state of Florida, all of whom shall be apportioned among and elected from the judicial circuits and the nonresident membership, on the basis of the number of members in good standing residing in each circuit and outside of the state. The formula for determining the number of representatives apportioned to and elected from each judicial circuit and the nonresident

membership, and all other matters concerning election and term of office for members of the board of governors, shall be prescribed in chapter 2.

Amended Dec. 10, 1987, effective Jan. 1, 1988 (518 So.2d 251); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); July 17, 1997 (697 So.2d 115); Sept. 24, 1998, effective Oct. 1, 1998 (718 So.2d 1179).

### **RULE 1-4.2 AUTHORITY; SUPERVISION**

**(a) Authority and Responsibility.** The board of governors shall have the authority and responsibility to govern and administer The Florida Bar and to take such action as it may consider necessary to accomplish the purposes of The Florida Bar, subject always to the direction and supervision of the Supreme Court of Florida.

**(b) Duty to Furnish Information to Court.** The board of governors shall furnish to each member of the Supreme Court of Florida the following:

(1) The minutes of each meeting of the board of governors of The Florida Bar and each meeting of its executive committee except when acting in a prosecutorial role in a disciplinary or unlicensed practice of law matter.

(2) Any written report of any section, committee, or division of The Florida Bar submitted to the board of governors that is either accepted or adopted by the board.

(3) All rules, policies, or procedures adopted by the board of governors under the authority granted to the board by the court.

(4) Such additional information and material as may be requested by any member of the court.

**(c) Powers of Court.** The Supreme Court of Florida may at any time ratify or amend action taken by the board of governors under these rules, order that actions previously taken be rescinded, or otherwise direct the actions and activities of The Florida Bar and its board of governors.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

### **RULE 1-4.3 COMMITTEES**

The board of governors will create an executive committee composed of the president, president-elect, chairs of the budget, communications, disciplinary review, program evaluation and legislation committees, president of the young lawyers division, 2 members of the board appointed by the president, and 3 members of the board elected by the board to act on matters that arise and require disposition between meetings of the board; a budget committee composed of 9 members with 3-year staggered terms; grievance committees as provided for in chapter 3; unlicensed practice of law committees as provided for in chapter 10; and a professional ethics committee.

Amended May 12, 1988 (525 So.2d 868); amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); June 27, 1996, effective July 1, 1996 (677 So.2d 272); amended November 19, 2009 SC08-1890, (34 Fla.L.Weekly S628a), effective February 1, 2010; amended May 21, 2015, corrected June 25, 2015, effective October 1, 2015 (SC14-2107).

## **RULE 1-4.4 BOARD COMMITTEES**

The board may create and abolish additional committees as it may consider necessary to accomplish the purposes of The Florida Bar.

## **RULE 1-4.5 SECTIONS**

The board of governors may create and abolish sections as it may consider necessary or desirable to accomplish the purposes and serve the interests of The Florida Bar and of the sections and shall prescribe the powers and duties of such sections. The bylaws of any section shall be subject to approval of the board of governors.

### **1-5. OFFICERS**

#### **RULE 1-5.1 OFFICERS**

The officers of The Florida Bar shall be a president, a president-elect, and an executive director.

#### **RULE 1-5.2 DUTIES**

Chapter 2 shall prescribe the duties, terms of office, qualifications, and manner of election or selection of officers of The Florida Bar.

### **1-6. MEETINGS OF THE FLORIDA BAR**

#### **RULE 1-6.1 ANNUAL MEETING**

An annual meeting of The Florida Bar shall be held each fiscal year at such time as may be designated by the board of governors.

#### **RULE 1-6.2 SPECIAL MEETINGS**

Special meetings of The Florida Bar may be held at such times and places as may be determined by the board of governors or upon petition of 5 percent of the membership of The Florida Bar.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252)

#### **RULE 1-6.3 NOTICE; RULES OF PROCEDURE**

The manner of notice and rules of procedure for all meetings of The Florida Bar shall be prescribed in chapter 2.

**1-7. MEMBERSHIP FEES AND FISCAL CONTROL**  
**RULE 1-7.1 BUDGET**

The board of governors shall adopt a proposed budget for The Florida Bar in advance of each fiscal year, publish such proposed budget in a publication of The Florida Bar generally circulated to members, and thereafter adopt a budget for the succeeding fiscal year. The budget adopted by the board of governors shall be filed with the Supreme Court of Florida 30 days prior to the beginning of each fiscal year and shall be deemed approved and become the budget of The Florida Bar unless rejected by the Supreme Court of Florida within said 30-day period or until amended by the board of governors in accordance with rule 2-6.12.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252)

**RULE 1-7.2 OFFICERS' SALARY**

No member of the board of governors and no officer of The Florida Bar other than the executive director shall receive a fee or salary from The Florida Bar.

**RULE 1-7.3 MEMBERSHIP FEES**

**(a) Membership Fees Requirement.** On or before July 1 of each year, every member of The Florida Bar, except those members who have retired, resigned, been disbarred, or been classified as inactive members pursuant to rule 3-7.13, must pay annual membership fees to The Florida Bar in the amount of \$265 per annum. Every member of The Florida Bar must pay the membership fee and concurrently file a fee statement with any information the board of governors requires.

**(b) Prorated Membership Fees.** Membership fees will be prorated for anyone admitted to The Florida Bar after July 1 of any fiscal year. The prorated amount will be based on the number of full calendar months remaining in the fiscal year at the time of their admission.

Unpaid prorated membership fees will be added to the next annual membership fees bill with no penalty to the member. The Florida Bar must receive the combined prorated and annual membership fees payment on or before August 15 of the first full year fees are due unless the member elects to pay by installment.

**(c) Installment Payment of Membership Fees.** Members of The Florida Bar may elect to pay annual membership fees in 3 equal installments as follows:

(1) in the second and third year of their admission to The Florida Bar;

(2) if the member is employed by a federal, state, or local government in a non-elected position that requires the individual to maintain membership in good standing within The Florida Bar; or

(3) if the member is experiencing an undue hardship.

A member must notify The Florida Bar of the intention to pay membership fees in installments. The first installment payment must be postmarked no later than August 15. The second and third installment payments must be postmarked no later than November 1 and February 1, respectively.

Second and/or third installment payments postmarked after their respective due date(s) are subject to a one-time late charge of \$50. The late charge must accompany the final payment. The executive director with concurrence of the executive committee may adjust the late charge.

The executive director will send written notice to the last official bar address of each member who has not paid membership fees and late fees by February 1. Written notice may be by registered or certified mail, or by return receipt electronic mail. The member will be a delinquent member if membership fees and late charges are not paid by March 15. The executive director with concurrence of the executive committee may adjust these fees or due date for good cause.

Each member who elects to pay annual membership fees in installments may be charged an additional administrative fee set by the board of governors to defray the costs of this activity.

**(d) Election of Inactive Membership.** A member in good standing may elect to be classified as an inactive member. This election must be indicated on the annual membership fees statement and received by The Florida Bar by August 15. If the annual membership fees statement is received after August 15, the member's right to inactive status is waived until the next fiscal year. Inactive classification will continue from fiscal year to fiscal year until the member is reinstated as a member in good standing who is eligible to practice law in Florida. The election of inactive status is subject to the restrictions and limitations provided elsewhere in these rules.

Membership fees for inactive members are \$175 per annum.

**(e) Late Payment of Membership Fees.** Payment of annual membership fees must be postmarked no later than August 15. Membership fees payments postmarked after August 15 must be accompanied by a late charge of \$50. The executive director will send written notice to the last official bar address of each member whose membership fees have not been paid by August 15. Written notice may be by registered or certified mail, or by return receipt electronic mail. The member is considered a delinquent member upon failure to pay membership fees and any late charges by September 30, unless adjusted by the executive director with concurrence of the executive committee.

**(f) Membership Fees Exemption for Activated Reserve Members of the Armed Services.** Members of The Florida Bar engaged in reserve military service in the Armed Forces of the United States who are called to active duty for 30 days or more during the bar's fiscal year are exempt from the payment of membership fees. The Armed Forces of the United States includes the United States Army, Air Force, Navy, Marine Corps, Coast Guard, as well as the Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve. Requests for an exemption must be made within 15 days before the date that membership fees are due each



year or within 15 days of activation to duty of a reserve member. To the extent membership fees were paid despite qualifying for this exemption, such membership fee will be reimbursed by The Florida Bar within 30 days of receipt of a member's request for exemption. Within 30 days of leaving active duty status, the member must report to The Florida Bar that he or she is no longer on active duty status in the United States Armed Forces.

Amended March 30, 1989, effective March 31, 1989 (541 So.2d 110); June 8, 1989 (544 So.2d 193); June 14, 1990 (562 So.2d 343); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); Feb. 17, 1994 (632 So.2d 597); June 27, 1996, effective July 1, 1996 (677 So.2d 272); July 17, 1997 (697 So.2d 115); Sept. 24, 1998, effective Oct. 1, 1998 (718 So.2d 1179); Feb. 8, 2001 (795 So.2d 1); June 4, 2001 (797 So.2d 550); May 20, 2004 (875 So.2d 448) (SC03-705), October 6, 2005, effective January 1, 2006; (SC05206) (916 So.2d 655); December 20, 2007, effective March 1, 2008 (SC06-736) (978 So.2d 91); amended May 29, 2014, effective June 1, 2014 (SC12-2234).

## **RULE 1-7.4 PROCEDURES**

Other matters relating to the budget and fiscal control shall be governed by chapter 2.

## **RULE 1-7.5 RETIRED, INACTIVE, DELINQUENT MEMBERS**

A member who is retired, inactive, or delinquent is prohibited from practicing law in this state until reinstated as provided in these rules, except retired or inactive members who are certified as emeritus lawyers under chapter 12 of these rules.

Amended March 30, 1989, effective March 31, 1989 (541 So.2d 110); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); amended November 19, effective February 1, 2010 (2009 SC08-1890)(34 Fla.L.Weekly S628a); amended November 9, 2017, effective February 1, 2018 (SC16-1961).

## **1-8. PROGRAMS AND FUNCTIONS**

### **RULE 1-8.1 RESPONSIBILITY OF BOARD OF GOVERNORS**

Among its other duties, the board of governors is charged with the responsibility of enforcing the Rules of Discipline and the Rules of Professional Conduct.

### **RULE 1-8.2 UNLICENSED PRACTICE OF LAW**

The board of governors shall act as an arm of the Supreme Court of Florida for the purpose of seeking to prohibit the unlicensed practice of law by investigating, prosecuting, and reporting to this court and to appropriate authorities incidents involving the unlicensed practice of law in accordance with chapter 10.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

### **RULE 1-8.3 BOARD OF LEGAL SPECIALIZATION AND EDUCATION**

The board of governors shall establish the board of legal specialization and education to function as a central administrative board to oversee specialization regulation in Florida in accordance with chapter 6.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

### **RULE 1-8.4 CLIENTS' SECURITY FUND**

The board of governors may provide monetary relief to persons who suffer reimbursable losses as a result of misappropriation, embezzlement, or other wrongful taking or conversion of money or other property in accordance with chapter 7.

Amended April 12, 2012, effective July 1, 2012 (SC10-1967).

## **1-9. YOUNG LAWYERS DIVISION**

### **RULE 1-9.1 CREATION**

There shall be a division of The Florida Bar known as the Young Lawyers Division composed of all members in good standing under the age of 36 and all members in good standing who have not been admitted to the practice of law in any jurisdiction for more than 5 years.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

### **RULE 1-9.2 POWERS AND DUTIES**

The division shall have such powers and duties as shall be prescribed by the board of governors of The Florida Bar.

### **RULE 1-9.3 BYLAWS**

The bylaws of the division shall be subject to approval of the board of governors.

## **1-10. RULES OF PROFESSIONAL CONDUCT**

### **RULE 1-10.1 COMPLIANCE**

All members of The Florida Bar shall comply with the terms and the intent of the Rules of Professional Conduct as established and amended by this court.

Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

**1-11. BYLAWS**  
**RULE 1-11.1 GENERALLY**

Bylaws, contained in chapter 2, not inconsistent with these rules shall govern the method and manner by which the requirements of these Rules Regulating The Florida Bar are met.

**RULE 1-11.2 NOTICE OF AMENDMENT**

Notice of consideration of proposed amendments to chapter 2 by the board of governors of The Florida Bar shall be given to the members of The Florida Bar. Amendments to chapter 2 adopted by the board of governors shall become effective 50 days after the amendment and proof of the prescribed publication are filed with the Supreme Court of Florida unless a later effective date is provided for by the board of governors or unless otherwise ordered by the court. The court will consider objections to amendments to chapter 2 adopted by the board of governors that are filed with the court before the effective date of the amendment.

Former Rule 1-11.3. Renumbered and amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

**RULE 1-11.3 SUPERVISION BY COURT**

This court may at any time amend chapter 2 or modify amendments to chapter 2 adopted by the board of governors or order that amendments to chapter 2 not become effective or become effective at some date other than provided for in this rule.

Former Rule 1-11.4. Renumbered and amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252).

**1-12. AMENDMENTS**

**RULE 1-12.1 AMENDMENT TO RULES; AUTHORITY; NOTICE; PROCEDURES;  
COMMENTS**

**(a) Authority to Amend.** The Board of Governors of The Florida Bar has the authority to amend chapters 7 and 9, as well as standards for the individual areas of certification within chapter 6 of these Rules Regulating The Florida Bar, consistent with the notice, publication, and comments requirements provided below. Only the Supreme Court of Florida has the authority to amend all other chapters of these Rules Regulating The Florida Bar.

**(b) Proposed Amendments.** Any member of The Florida Bar in good standing or a section or committee of The Florida Bar may request the board of governors to consider an amendment to these Rules Regulating The Florida Bar.

**(c) Board Review of Proposed Amendments.** The board of governors will review proposed amendments by referral of the proposal to an appropriate board committee for substantive review. After substantive review, an appropriate committee of the board will review the proposal for consistency with these rules and the policies of The Florida Bar. After completion of review, a recommendation concerning the proposal will be made to the board.

**(d) Notice of Proposed Board Action.** Notice of the proposed action of the board on a proposed amendment will be given in an edition of *The Florida Bar News* and on The Florida Bar website prior to the meeting of the board at which the board action is taken. The notice will identify the rule(s) to be amended and state in general terms the nature of the proposed amendments.

**(e) Comments by Members.** Any member may request a copy of the proposed amendments and may file written comments concerning them. The comments must be filed with the executive director sufficiently in advance of the board meeting to allow for distribution to the members of the board.

**(f) Approval of Amendments.** Amendments to other than chapters 7 and 9, as well as the standards for the individual areas of certification within chapter 6 of these Rules Regulating The Florida Bar must be by petition to the Supreme Court of Florida. Petitions to amend these Rules Regulating The Florida Bar may be filed by the board of governors or by 50 members in good standing, provided that any amendments proposed by members of the bar must be filed 90 days after filing them with The Florida Bar.

**(g) Notice of Intent to File Petition.** Notice of intent to file a petition to amend these Rules Regulating The Florida Bar will be published in *The Florida Bar News* and on The Florida Bar website at least 30 days before the filing of the petition. The notice will identify the rule(s) to be amended, state in general terms the nature of the proposed amendments, state the date the petition will be filed, and state that any comments or objections must be filed within 30 days of filing the petition. The full text of the proposed amendment(s) will be published on The Florida Bar website. A copy of all comments or objections must be served on the executive director of The Florida Bar and any persons who may have made an appearance in the matter.

**(h) Action by the Supreme Court of Florida.** The court will review all proposed amendments filed under this rule and any amendments will not become effective until an order is issued approving them. A summary of final action of the court will be reported in *The Florida Bar News* and on The Florida Bar website.

**(i) Waiver.** On good cause shown, the court may waive any or all of the provisions of this rule.

Amended Oct. 10, 1991, effective Jan. 1, 1992 (587 So.2d 1121); July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252); July 1, 1993 (621 So.2d 1032); July 20, 1995 (658 So.2d 930); amended November 19, 2009 SC08-1890, (34 Fla.L.Weekly S628a), effective February 1, 2010. Amended April 12, 2012, effective July 1, 2012 (SC10-1967), amended November 9, 2017, effective February 1, 2018 (SC16-1961).

### **1-13. TIME**

#### **RULE 1-13.1 TIME**

**(a) Computation.** In computing any period of time prescribed or allowed by the Rules Regulating The Florida Bar, the day of the act, event, or default from which the designated period of time begins to run will not be included. The last day of the period so computed will be

included unless it is a Saturday, Sunday, or legal holiday, in which event the period will run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

**(b) Additional Time after Service by Mail or E-mail.** When a person has the right or is required to do some act or take some proceeding within a prescribed period after service of a notice or other paper and the notice or paper is served by mail or e-mail, 5 days will be added to the prescribed period.

Added Oct. 10, 1991, effective Jan. 1, 1992 (587 So.2d 1121). Amended July 23, 1992, effective Jan. 1, 1993 (605 So.2d 252). Amended May 21, 2015, corrected June 25, 2015, effective October 1, 2015 (SC14-2107).

## **1-14. RECORDS**

### **RULE 1-14.1 ACCESS TO RECORDS**

**(a) Confidential Records.** All records specifically designated confidential by court rules, the Florida or United States Constitution, statutes, attorney work product, and attorney-client communications shall be confidential. In the event that The Florida Bar objects to production, these records shall not be produced without order of the Supreme Court of Florida or some person designated by the supreme court to decide whether the records should be disclosed.

**(b) Records Confidential under Applicable Law.** All records in the possession of The Florida Bar that are confidential under applicable rule or law when made or received shall remain confidential and shall not be produced by the bar, except as authorized by rule or law or pursuant to order of the Supreme Court of Florida.

**(c) Rules of Procedure and Florida Evidence Code; Applicability.** Except as otherwise provided in these Rules Regulating The Florida Bar, any restrictions to production of records contained in the Florida Evidence Code (chapter 90, Florida Statutes, as amended), Florida Rules of Civil Procedure, or Florida Rules of Criminal Procedure shall apply to requests for access to the records of The Florida Bar.

**(d) Access to Records; Notice; Costs of Production.** Any records of The Florida Bar that are not designated confidential by these Rules Regulating The Florida Bar shall be available for inspection or production to any person upon reasonable notice and upon payment of the cost of reproduction of the records.

Added effective October 29, 1992 (608 So.2d 472).