

IN THE SUPREME COURT OF FLORIDA

IN RE: THE FLORIDA BAR --
REQUEST FOR APPOINTMENT OF
SPECIAL UNLICENSED PRACTICE
OF LAW COMMITTEE

Case No.

PETITION FOR APPOINTMENT OF A SPECIAL
UNLICENSED PRACTICE OF LAW COMMITTEE

COMES NOW, THE FLORIDA BAR, and respectfully requests that this Court appoint a special unlicensed practice of law (UPL) committee and, as grounds therefor, would show this Court as follows:

In 1997, Edward Blumberg, as President of The Florida Bar; appointed a special committee to examine the question of members of The Florida Bar owning an ancillary business. In the course of studying that question, the issue of members of The Florida Bar working for and being associated with nonlawyers working in a multidisciplinary practice (hereinafter "MDP") was raised. As a result, Howard Coker, as President of The Florida Bar, expanded the scope of the committee's charge to study the issue of

MDP and make recommendations to the Board of Governors of The Florida Bar. The committee was re-named the Special Committee on Multidisciplinary Practice and Ancillary Business by Edith Osman, as President of The Florida Bar, to reflect its change.

On April 7, 2000, after several years of study, the Board of Governors voted to affirm that under existing ethics rules members of The Florida Bar may not practice law in an MDP setting. In furtherance of this vote, on June 2, 2000, the Board of Governors voted to establish two special committees -- one committee to investigate complaints against lawyers who practice in MDPs for possible violations of the Rules Regulating The Florida Bar and another committee to investigate complaints against nonlawyers for engaging in the unlicensed practice of law through MDPs.

The Rules Governing the Investigation and Prosecution of the Unlicensed Practice of Law (Chapter 10 of the Rules Regulating The Florida Bar) require that members of unlicensed practice of law committees be appointed by this

Court. Rule 10-4.1 of the Rules Regulating The Florida Bar allows for the appointment of circuit committees to investigate allegations of the unlicensed practice of law. However, the rule further requires that the members of the circuit committees be residents of the circuit or have their principal office in the circuit of the committee to which the member is appointed. The committee that the Board of Governors wishes to appoint to investigate allegations of unlicensed practice of law against nonlawyers in an MDP setting will be made up of members from several circuits. Rule 10-3.1 of the Rules Regulating The Florida Bar allows this Court to appoint a statewide standing committee on the unlicensed practice of law. Therefore, there is precedent to appoint a committee made of members from around the state to investigate allegations of unlicensed practice of law against nonlawyers in an MDP setting. Moreover, this Court has inherent authority to prohibit the unlicensed practice of law and has delegated to The Florida Bar the duty to investigate and prosecute individuals and entities

engaging in the unlicensed practice of law. The Florida Bar v. Sperry, 140 So. 2d 587 (Fla. 1962), judg. vacated on other grounds, 373 U.S. 379 (1963); Rules 10-1.1 and 10-1.2, Rules Regulating The Florida Bar. It is the position of the Board of Governors that having one committee to investigate all such allegations rather than having a committee in each circuit is necessary due to the complexity of the issues and the need for consistency. It is also the position of the Board of Governors that appointment of this committee will aid in protecting the public from the unlicensed practice of law and in protecting the core values of the legal system under which all members of The Florida Bar agree to abide.

The following nine individuals (six members of The Florida Bar and three public members) are submitted for consideration by the Court for appointment as a member of a special unlicensed practice of law circuit committee to investigate allegations against nonlawyers working in a multidisciplinary practices setting:

Robert M. Sondak, Chair

Cohen, Chase Et Al
9400 South Dadeland Blvd., Ste 600
Miami, Florida 33156-2817
(305) 670-0201

Wayne Lee Thomas
707 North Franklin Street, 10th Floor
Post Office Box 1834
Tampa, Florida 33601-1834
(813) 229-3638

G. Thomas Smith
Smith, Sauer & Demaria
Post Office Box 12446
Pensacola, Florida 32582-2446
(850) 434-2761

Craig A. Laporte
Proly & Laporte
11914 Oak Trail Way
Port Richey, Florida 34668-1037
(727) 863-1553

Linda Katherine Thomas
Law Office of Linda K. Thomas
310 13th Street West
Bradenton, Florida 34205-7538
(941) 747-5500

Alan Rubinstein
1375 Jackson Street, Suite 304
P.O. Box 368
Ft. Myers, Fl 33902-0368
(941)332-3400

Todd D. Jones (public member)
Princor Financial Services Corporation
4010 Boy Scott Boulevard, Suite 700

Tampa, Fl 33607
(813)872-5878

Anale Mayes (public member)
Consensus Builders, Inc.
4326 El Prado Boulevard, Suite 10
Tampa, Fl 33629
(813)832-5666

Herman Pittman (public member)
2300 N.W. 30th Way
Fort Lauderdale, Florida 33311
(954)733-3289

These nominations were approved by the Board of Governors.

WHEREFORE, it is respectfully requested that the above-named members be appointed to the special unlicensed practice of law committee effective as of the date of this Court's order.

Respectfully submitted,

John F. Harkness, Jr.
Executive Director
The Florida Bar

Fla. Bar # 123390
650 Apalachee Parkway
Tallahassee, Florida
32399-2300
(850) 561-5600