

IN THE SUPREME COURT OF FLORIDA

IN RE AMENDMENT TO RULE
REGULATING THE FLORIDA BAR
1-7.3.

CASE SC14-1165

COMMENTS ON RULE ADOPTION PROPOSAL

The comments of Henry P. Trawick, Jr. on the proposed amendment to Rule 1-7.3 follow:

1. Henry P. Trawick, Jr. is a member in good standing of The Florida Bar.

2. Henry P. Trawick, Jr. filed an objection to the proposal when it was considered by the Board of Governors of The Florida Bar.

3. The introduction to the Rules Regulating The Florida Bar says the Supreme Court establishes the authority and responsibility of The Florida Bar and that it is an official arm of the Court. The first question is whether it is appropriate for the Court to make an appropriation to an organization that is not an official arm of the Court. The Foundation is a private not for profit corporation under Florida law. It is an entirely separate entity from The Florida Bar although The Florida Bar has certain connections with Foundation.

4. The Court approved the interest on trust accounts program as a method of funding the work of the Foundation even though the Supreme Court of the United States has held that

interest being diverted from each trust account holder is a taking.

5. Now certain distinguished members of The Florida Bar who are members of the Foundation find that the Foundation has fallen on evil days because the recession has diminished the amount of interest derived from lawyer trust accounts. They now want this Court to act as a legislature and appropriate an increase in Bar dues for the sole purpose of making up the deficit in funding for the Foundation.

6. The purpose of the Foundation in doing so is to provide money for persons to litigate who are alleged to be poor. Litigation is the third worst way to resolve disputes and should not be encouraged.

7. The Foundation is a bureaucracy. Every bureaucracy tends to empire build and increase the bureaucracy expense. The undersigned wonders if the Foundation is not guilty of this and that at least a part, perhaps a substantial part, of funds of the Foundation will go to increase the bureaucracy.

8. The Florida Constitution created a Legislature that has the authority to levy a tax to be spent for legal aid to the poor. It is an appropriate function of the State. It is not a duty or proper function for the members of the Bar to do so. If the Legislature decides not to fund such a program, it should

not be funded. We elect the Legislature to make this kind of decision.

9. The undersigned does not find anything in the Florida Constitution that authorizes this Court to mandate funding for legal aid to the poor by lawyers. Accordingly, all lawyers should not be required to pay to fund a debatable project.

10. This will create a bad precedent. The next time the Foundation wants money for some purpose or an increase for aid to the poor, it will again come to The Florida Bar and ask the Bar to ask this Court to make all lawyers in Florida pay for it. I prefer that I decide my contributions for charitable purposes rather than the Court.

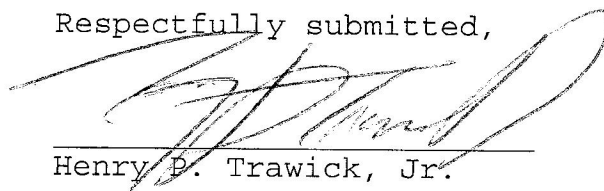
11. Article V, Section 14(c) of the Florida Constitution says the judiciary shall have no power to fix appropriations. If the Court can do this by increasing Florida Bar dues, it can raise money for any purpose whatsoever by increasing the dues. Article X, Section 6(a) provides that no private property shall be taken except for a public purpose "...and with full compensation therefor paid to each owner..." Does not this proposal take private property for a public purpose? I told the Court when it approved the interest on trust accounts program a door was being opened that should remain closed.

12. The undersigned believes that certain members of The Florida Bar who have political beliefs contrary to mine embarked

on the aid to the poor program without carefully considering all of the consequences that could occur. They are now caught by financial problems not of their making, but one that could easily have been predicted. They do not wish to cut down the program. They wish to expand it. The only way they can think of doing so is to ask this Court to add an additional financial burden to every lawyer in Florida. They cannot obtain legislative consent that is the proper method to follow. They say to the lawyers in Florida that they believe aid to the poor to litigate is something that should be done. That being said, the lawyers of Florida should pay for it whether we like it or not. This seems to be a dictatorship of the so-called elite. The suggestion of the undersigned is that the Foundation do what everyone else does in a financial recession. Tighten its belt. Do not seek to take from others what they have earned when the others have no obligation to support their particular brand of socialism.

13. Finally, the proposal is poorly phrased. It precludes the Board of Governors of The Florida Bar from increasing membership fees more than \$265 a year unless the money goes to the Foundation.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "H. Trawick, Jr.", is written over a horizontal line.

Henry P. Trawick, Jr.

The undersigned certifies that a copy of the foregoing has been furnished to Raoul G. Cantero, at rcantero@whitecase.com and to John F. Harkness, Jr., as Executive Director of The Florida Bar, at jharkness@fla.bar.org by e-mail on July 28, 2014.

HENRY P. TRAWICK, P.A.

By 

Henry P. Trawick, Jr.

P.O. Box 4009

Sarasota, Florida 34230

941 366-0660

Fla. Bar 0082069

trawick0660@hotmail.com