

**IN THE SUPREME COURT OF FLORIDA**

IN RE: PETITION TO AMEND RULES  
REGULATING THE FLORIDA BAR –  
RULE 1-7.3

CASE NO. SC14-1165

**THE FLORIDA BAR'S COMMENTS TO THE PETITION TO AMEND  
RULES REGULATING THE FLORIDA BAR – RULE 1-7.3**

The Florida Bar (the bar) respectfully files these comments to the petition filed in this case, in which Florida Bar members ask this Court to amend the Rules Regulating The Florida Bar to permit an increase to bar annual membership fees and to require that any additional funds be given to the Florida Bar Foundation to provide legal services to the indigent.

The bar received notice on or about February 27, 2014, that members of the bar intended to file a petition to request that Rule 1-7.3 be amended to allow the bar's Board of Governors to increase bar membership fees up to \$100 per active member in good standing with the increase earmarked for funding legal services to the indigent.

Official notice of the bar's Board of Governors' (the board) intent to consider the issue was published in the March 15, 2014 issue of the bar *News*.

The bar received 25 comments from 24 bar members on the issue, including 4 letters to the editor of the bar *News*. The majority of comments were received before the petition was filed. All of these comments opposed the amendment to increase membership fees, including reasons such as: lawyers have an inability to pay additional fees because of the economic downturn; there are high unemployment and underemployment rates among lawyers; lawyers have high student loans; it would place a disproportionate burden on young lawyers; lawyers already provide services pro bono; charity should be voluntary instead of mandatory; the requirement would act as a special tax on lawyers; lawyers would be unable to use a mandatory contribution to legal aid as a tax deduction; lawyers already give financial contributions to legal aid; the funds may be used to fund

lawsuits with which lawyers have fundamental disagreement; there are inefficiencies at legal aid organizations; and the state, not individual bar members, should fund legal aid. Copies of the comments are attached as Appendix A.

The board voted unanimously at its March 28, 2014 meeting to oppose the petition to increase membership fees and earmark the funds for legal services to the indigent.

Official notice of the proponents' intent to file a petition on or about June 16, 2014, was published in the May 15, 2014 issue of the *Florida Bar News*.

The petition was filed on June 16, 2014.

This Court requested that the bar file comments on or before August 14, 2014.

The board opposes this petition for a number of reasons, including that the proposal:

- does not address the more global societal issue of how provision of legal services will be provided to indigent persons;
- requires only lawyers to pay for a societal issue;
- does not address improvements in the delivery system of legal aid services in the areas of access, delivery and funding that are needed to meet the needs of low-income Floridians and middle-income Floridians who cannot afford legal services;
- does not take into account the donations of time and money already being made by bar members (in 2012-13: 1.7 million hours and \$4.8 million);
- requires all active members to make a non-voluntary contribution to the Florida Bar Foundation's Legal Aid program;
- does not provide exemptions for judges or government attorneys;

- necessitates that the bar request another rule amendment in the future when additional funds are needed for its own operating expenses; and
- adds additional administrative expense to the bar for the collections and transmittal of the funds for a third party (which would increase even more if an opt-out option is included).

The bar also determined at its March 28, 2014 meeting to explore the possibility of offering a bridge loan to the Florida Bar Foundation. At its July 25, 2014, the bar approved a \$6 million dollar bridge loan to the Florida Bar Foundation, based on terms agreed to by the Florida Bar Foundation.

The bar respectfully requests that this Court accept the bar's comments and deny the request to amend Rule Regulating The Florida Bar 1-7.3.

Respectfully submitted,

/s/ John F. Harkness, Jr.

---

John F. Harkness, Jr.  
Executive Director  
Florida Bar Number 123390

Gregory W. Coleman  
President 2014-15  
Florida Bar Number 846831

Ramón A. Abadin  
President-elect 2014-15  
Florida Bar Number 707988

The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
Primary E-mail Address:  
[jharkness@flabar.org](mailto:jharkness@flabar.org)  
Secondary E-mail Address: [eto@flabar.org](mailto:eto@flabar.org)

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Leave to Respond to Petition and Response to the Petition has been sent by e-mail to the following individuals on this 14th day of August, 2014.

/s/ John F. Harkness, Jr.

---

John F. Harkness, Jr.  
Executive Director  
Florida Bar Number 123390

Raoul G. Cantero  
Florida Bar No. 552356  
WHITE & CASE LLP  
Southeast Financial Center  
200 S. Biscayne Blvd., Suite 4900  
Miami, Florida 33131  
Tel: (305) 371-2700  
Fax: (305) 358-5744  
E-mail: [rcantero@whitecase.com](mailto:rcantero@whitecase.com)

Charles E. Berk  
Florida Bar Number 141171  
P.O. Box 5056  
Ocala, Florida 34478  
Tel: (352) 629-1155  
E-mail: [cceberk@aol.com](mailto:cceberk@aol.com)

Paul S. Cherry  
Florida Bar Number 121002  
6625 Taeda Drive  
Sarasota, Florida 34241-9149  
Tel: (941) 921-2044  
Fax: (941) 925-0943  
E-mail: [squillhead@verizon.net](mailto:squillhead@verizon.net)

Patrick C. Crotty  
The Law Office of Scott D. Owens  
664 E. Hallandale Beach Blvd.  
Hallandale, Florida 33009  
[Patrick@ScottDOwens.com](mailto:Patrick@ScottDOwens.com)

William W. Fernandez  
250 E. Panama Road  
Winter Springs, Florida 32708  
Tel: (407) 699-5978  
E-mail: [Wm.W.Fernandez@cfl.rr.com](mailto:Wm.W.Fernandez@cfl.rr.com)

Charles M. Samaha  
Post Office Box 450  
St. Petersburg, Florida 33731  
Tel: (727) 821-0026  
Fax: (727) 821-0089  
E-mail: [charlie@attorneycharlessamaha.com](mailto:charlie@attorneycharlessamaha.com)

Austyn W. Sanders  
Florida Bar Number 0106659  
228 NW 34th Street  
Miami, FL 33127  
Tel: (786) 401-5487  
E-mail: [austyn1911@gmail.com](mailto:austyn1911@gmail.com)

Henry P. Trawick  
P.O. Box 4009  
Sarasota, Florida 34230  
Tel: (941) 366-0660  
E-mail: [trawick0660@hotmail.com](mailto:trawick0660@hotmail.com)

## **CERTIFICATE OF TYPE SIZE AND STYLE**

I certify that this petition is typed in 14 point Times New Roman Regular type.

/s/ John F. Harkness, Jr.

John F. Harkness, Jr.  
Executive Director  
Florida Bar Number 123390