

At its July 23, 2010, meeting in Sarasota, The Florida Bar Board of Governors:

- Heard that Proposed Advisory Opinion 09-1, addressing when lawyers may contact government officials who are represented by counsel, will be postponed until the board's December meeting to allow attorneys representing government entities more time to make suggestions.

- Approved a recommendation from the Board Review Committee on Professional Ethics to allow the Professional Ethics Committee to prepare an advisory opinion on the ethical obligations of a lawyer who is asked to disclose confidential information of a decedent by the personal representative of the decedent's estate.

- Heard BRCPE Chair Carl Schwait report that the committee will attempt to complete the Supreme Court mandated review of Bar advertising and marketing rules and policies by the May 2011 meeting. On a related issue, he noted the U.S. 11th Circuit Court of Appeals had ruled in *Harrell & Harrell v. The Florida Bar*. The firm had claimed that five Bar advertising rules were unconstitutional. A district court judge ruled in favor of the Bar, but the circuit court found that four of the issues should have further proceedings at the district court.

- Heard President Mayanne Downs announce that immediate Past President Jesse Diner will head up a Bar effort to prevent the Legislature from adjusting pension benefits for judges. Twelfth Circuit Chief Judge Lee Haworth, appearing earlier in the meeting, asked for the Bar's help on the issue saying reducing benefits would make it harder to attract qualified lawyers, especially civil practitioners, to the bench.

- Approved an addition to Rule 4-1.5 governing the hiring of an outside law firm to negotiate the resolution of medical lien issues in a personal injury case.

- Voted to approve a recommendation from the Standing Committee on the Unlicensed Practice of Law to oppose suggested amendments to the ABA Model Rules that would allow attorneys licensed in foreign countries to register as authorized house counsel in Florida or to appear pro hac vice in the state. The committee said it would be hard to verify licensing standards in foreign jurisdictions.

- Approved the recommendation of the Program Evaluation Committee to create a new section on alternative dispute resolution.

- Approved the recommendation of the Program Evaluation Committee to create a nine-member committee to study mandatory regulation of paralegals. PEC Chair Greg Coleman said paralegals have come to the Bar requesting that they be regulated by the Bar or the Supreme Court.

- Approved the Investment Committee's recommendation to hire five fund managers for expanded investments in the Bar's long-term investment portfolio and to reallocate investment targets for the new and existing investment categories.

- Discussed e-filing and e-service and related rules that will soon come to the board for its review and comment.

- Approved a recommendation from the Communications Committee to not list any ratings, including Martindale-Hubbell, on the expanded Bar member profile page on the Bar's website.

- Approved the sunset of the 2008-10 legislative positions of The Florida Bar and its committees and the rollover of selected 2008-10 positions requested by several sections for the 2010-12 biennium.