

Supreme Court of Florida

MONDAY, APRIL 15, 2019

CASE NO.: SC18-881

IN RE: AMENDMENTS TO RULE REGULATING THE FLORIDA BAR 4-7.22

Previously, in *In re Amendments to the Rules Regulating the Florida Bar—Subchapter 4-7 (Lawyer Referral Services)*, 238 So. 3d 164 (Fla. 2018), the Court directed The Florida Bar to submit a petition proposing amendments to Rule Regulating the Florida Bar 4-7.22 that implement the Special Committee on Lawyer Referral Services’ primary recommendation, a prohibition on lawyer participation in referral services that refer prospective clients to other professionals or disciplines for services arising out of the same incident or transaction. *Id.* at 166. Consistent with the Court’s direction, the Bar submitted a petition in this case proposing amendments to rule 4-7.22 based on the Special Committee’s primary recommendation.

Having considered the Bar’s proposal, the comments filed, and the Bar’s response and amended proposal, the Court declines to adopt the proposed

amendments at this time. *See id.* (Lawson, J., concurring in part, dissenting in part). Accordingly, this case is hereby dismissed.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

CANADY, C.J., and POLSTON, LAWSON, LAGOA, LUCK, and MUÑIZ, JJ., concur.

LABARGA, J., dissents with an opinion.

LABARGA, J., dissenting.

I dissent from the decision of the majority to reject the proposed amendments to Rule Regulating the Florida Bar 4-7.22, which would have precluded lawyer participation with qualifying providers¹ that receive “from either the lawyer or any other person, entity, or service any benefit, monetary or otherwise, in consideration for or as a result of the referral or attempted referral of clients to both that lawyer and that other person, entity, or service for any type of professional service arising from the same incident, transaction, or circumstance.”²

1. A “qualifying provider” is “any person, group of persons, association, organization, or entity that receives any benefit or consideration, monetary or otherwise, for the direct or indirect referral of prospective clients to lawyers or law firms.” R. Regulating Fla. Bar 4-7.22(b).

2. The petition filed by The Florida Bar originally proposed different language, but the Bar suggested this amended language in response to comments

In *In re Amendments to the Rules Regulating the Florida Bar—Subchapter 4-7 (Lawyer Referral Services)*, 238 So. 3d 164 (Fla. 2018), we comprehensively amended rule 4-7.22 to establish a single regulatory scheme under which lawyer participation in services that connect prospective clients to lawyers, such as matching services, are subject to the same restrictions as lawyer referral services, legal directories, and other similar services regulated by The Florida Bar. Nevertheless, we expressed continued concern with respect to how certain lawyer referral services operate in Florida, particularly those that refer prospective clients to other professionals and occupational disciplines for services arising out of the same incident or transaction. *Id.* at 166. I concurred in the conclusion that additional measures were needed to safeguard against potential harm. *Id.*

Service is a bedrock principle of the legal profession. In my view, the amendments the majority rejects today are critical to ensure all services that connect prospective clients to lawyers first and foremost operate in a manner that protects and furthers the public interest. Accordingly, I would adopt the proposed

filed.

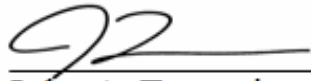
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amendments to rule 4-7.22 and dissent from the decision of the majority not to do so.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



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