

IN THE SUPREME COURT OF FLORIDA

CASE NO. SC20-1543

IN RE:
AMENDMENTS TO RULE
REGULATING THE FLORIDA
BAR 5-1.1(g)

**REQUEST FOR ORAL ARGUMENT BY THE PAST PRESIDENTS
OF THE FLORIDA BAR FOUNDATION**

Fla. R. App. P. 9.320

Forty years ago, after a decade of labor, this Court, The Florida Bar, and visionary leaders founded the nation's first IOTA program. *See In re Interest on Trust Accounts, A Petition of Florida Bar*, 356 So. 2d 799, 799–800 (Fla. 1978); *Matter of Interest on Trust Accounts*, 402 So. 2d 389, 389, 393-97 (Fla. 1981). In less than twenty years, the remaining 49 states had adopted the Florida IOTA model, or a variant thereof. *See* Talbot “Sandy” D’Alemberte, *Tributaries of Justice: The Search for Full Access*, 25 Fla. St. U.L. Rev. 631, 636 & n. 42 (1998). By all measures, Florida’s IOTA program has been a success, fulfilling the vision of the program’s founders.

Now, a seven-member Task Force, appointed by this Court, recommends the most significant changes ever in the IOTA program’s history. The Task Force’s report does not provide a scintilla of

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evidence—or any reasoned analysis—on how its recommendations will impact the provision of legal services to the poor or the administration of justice. *All* the commenting stakeholders *oppose* these recommendations. In addition, programs and organizations outside of Florida—that have followed our state’s IOTA program—are concerned about the Task Force’s proposal and thus are commenting to this Court. Finally, we—twenty-six past presidents of The Florida Bar Foundation—are proposing a different amendment to the IOTA rule, and our proposal is endorsed by *all* the commenting stakeholders (listed below).

Accordingly, before this Court changes Florida’s longstanding, successful IOTA program, it should hold oral argument.

Stakeholders endorsing the Foundation past presidents’ proposed Consensus Rule 5-1.1(g) and objecting to the Task Force’s proposed Rule 5-1.1(g)

Bay Area Legal Services

Business Law Section of The Florida Bar

Pro Bono Legal Services Committee of The Florida Bar

Florida’s Children First, Inc

Florida Civil Legal Aid Association (FCLAA) (28 civil legal aid organizations)

Innocence Project of Florida, Inc.

Past Presidents of The Florida Bar (34 past presidents)

Past Presidents of The Florida Bar Foundation (26 past presidents)

Public Interest Law Section of The Florida Bar

Southern Legal Counsel, Inc.

The Florida Bar Foundation

The Florida Bar Pro Bono Coordinators Association

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing document complies with the word count limitation of Rule 9.210, Florida Rules of Appellate Procedure, in that it contains 351 words (including words in headings, footnotes, and quotations), according to the word-processing system used to prepare this document. This document also complies with the line spacing, type size, and typeface requirements of Rule 9.045, Florida Rules of Appellate Procedure.

/s/Bryan S. Gowdy
Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing notice was filed with the Clerk of Court on February 10, 2021, via the Florida Courts E-Filing Portal, which will serve a notice of electronic filing to all counsel of record.

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