

Supreme Court of Florida

Case No. SC21-284

IN RE: AMENDMENT TO RULE
REGULATING THE FLORIDA BAR 6-10.3.

COMMENT BY ANDREW S. BERMAN

I am board certified in appellate practice and outgoing chair of the Appellate Practice Certification Committee. I also handle complex business and probate litigation. Among my niche practices is the representation of lawyers and judges in disciplinary matters. As a result of the latter, I attend national conferences on legal ethics and professional responsibility to stay abreast of national trends and changes in legal ethics across the country.

I take no position here on the Court's decision to prohibit Florida Bar sponsored seminars from requiring quotas for speakers. But whether intended or not, the new Rule language is being interpreted to prohibit The Florida Bar from accepting CLE credit submitted by Florida lawyers for courses, seminars and activities sponsored by the American Bar Association. That is manifestly

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punitive and will cause unnecessary hardship and inconvenience to Florida lawyers.

Many ABA programs are one of a kind or focus on highly specialized topics and issues. There are no Florida equivalents. The ABA network is also an important tool for business development. The interactions with lawyers and experts from around the country is invaluable both professionally and personally.

A significant number of Florida lawyers actively participate in ABA sections and programs and secure most if not all their required CLE from them. There is no reason why credit for those programs should not be given, notwithstanding any ABA requirements with respect to the composition of panels.

I have received reliable information that the sponsors of at least one national seminar currently scheduled for Florida are rethinking whether to go elsewhere in view of this new Rule language. I can also imagine ABA resistance to future conventions in Florida in response to this needless change in policy. That will not only inconvenience and hurt Florida lawyers, but will also needlessly hurt the Florida hotel and ancillary industries when they are just recovering from the economic devastation of the Pandemic.

In sum, the Rule – if implemented - should be amended to make clear that while the Florida Bar cannot sponsor or sanction such programs, there is no proscription against credit being given for participation in or attendance at programs and seminars that otherwise qualify for credit, but for the quota issue.

June 17, 2021

Respectfully submitted,

/s/Andrew Berman
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing comments was filed with the Clerk of Court via Florida Courts ePortal this 17th day of June, 2021.

/s/Andrew Berman
ANDREW S. BERMAN
Florida Bar No.: 370932

CERTIFICATE OF COMPLIANCE

Pursuant to Florida Rules of Appellate Procedure 9.045 and 9.210, the undersigned certifies that the foregoing comment complies with the applicable font requirements because it is written in 14-point Bookman Old Style. The comment contains 529 words, excluding those parts exempted by Rule 9.045(e).

/s/Andrew Berman
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