



LEGAL SERVICES CORPORATION
IN THE SUPREME COURT OF FLORIDA

IN RE: CASE NO. SC21-284

AMENDMENT TO RULE REGULATING THE FLORIDA BAR 6-10.3

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COMMENT BY THE LEGAL SERVICES CORPORATION

Please accept these comments from the Legal Services Corporation (LSC), the single largest funder of civil legal aid for low-income Americans in the nation. LSC distributes over \$425 million annually to 132 legal aid organizations to promote equal access to justice in our Nation and to provide high quality civil legal assistance to low-income persons in every U.S. state, territory, and the District of Columbia. In Florida, LSC provides \$25 million to seven separate legal aid entities employing 631 attorneys who provide representation to over 32,000 clients annually.

We urge the Court to reconsider its April 15, 2021 order amending Rule 6-10.3 and to replace the amendment with text that would support the efforts of the Business Law Section of the Florida Bar to take lawful steps in continuing legal education (CLE) programs

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towards “eliminating bias, increasing diversity and implementing tactics aimed at recruiting and retaining diverse attorneys.” *In Re: Amendment to Rule Regulating the Florida Bar 6-10.3*, No. SC21-284, 3 (April 15, 2021) (quoting favorably the Florida Bar CLE Diversity Policy).

Congress established LSC in 1974 to address “a need to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel” and to fund attorneys to provide such services “in a manner consistent with attorneys' professional responsibilities.” 42 U.S.C. §§ 2996 and 2996e(b). LSC has an eleven-member Board of Directors, the majority of whom are attorneys, as appointed by the U.S. President subject to confirmation by the U.S. Senate.

LSC-funded attorneys work tirelessly to protect liberty and secure justice for millions of people in Florida and throughout the nation. These attorneys come from a broad variety of backgrounds and represent a diversity of experiences, cultures, identities, and perspectives. In Florida, 79% of the LSC grantee attorneys are women and 49% identify as non-White. Each year, they handle 32,000 cases for 80,000 clients, of whom 71% are women and 51% identify as African American, Hispanic, Asian/Pacific or Native American. These clients represent 3.8

million people in Florida who are eligible for free legal aid and whose varied life experiences often have involved significant barriers to access to justice.

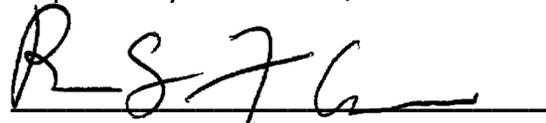
Appropriate diversity in CLE panels will help address the professional needs and client-service obligations of these attorneys while they complete their Florida CLE requirements and seek to improve their ability to serve their clients consistent with the highest standards of the legal profession.

As we understand it, the Florida Bar adopted an approach to diversity on panels in continuing legal education programs based on the policy and extensive work that the American Bar Association (ABA) has done on the subject. In 2016, the ABA Board of Governors adopted a Diversity and Inclusion CLE Policy requiring diversity minimums for panels with three or more participants and permitting exceptions in rare or extraordinary situations. The ABA adopted this approach after extensive research and deliberation. It determined that these minimum representation requirements for qualified panelists were a lawful means of furthering a vital interest of the legal profession and would improve the quality and effectiveness of CLE programs. CLE providers in Florida and nationwide seek to meet these requirements in order to provide programs that will meet attorneys' CLE requirements.

We are concerned that the Court's amendment would directly conflict with the ABA's requirement and create an undue obstacle for legal aid attorneys to meet their Florida CLE requirements. These attorneys operate with limited budgets and often make use of low-cost CLE options including discounts from the ABA and other national providers. If national CLE programs following the ABA standards do not receive accreditation in Florida, then the amended rule could limit educational opportunities available to legal aid attorneys and increase the cost of meeting Florida CLE requirements.

We urge the Court to carefully consider the merits of the approach taken by the ABA and to work with the Florida Bar to revise the April 15, 2021 amendment to Rule 6-10.3 and, as needed, the Florida Bar's CLE Diversity Policy.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R S Flagg', written over a horizontal line.

Ronald S. Flagg

President

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