

IN THE SUPREME COURT
OF THE STATE OF FLORIDA

Case # SC21-284

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

CORRECTED COMMENT¹

I have been a member of The Florida Bar for 33 years, a proud graduate of the University of Florida Levin College of Law. Since admission, I have taken numerous Continuing Legal Education courses from a variety of agencies and entities, including from The Florida Bar and the American Bar Association. I myself have been published in ABA (and other) journals, and I recently taught a CLE course to Florida Bar-admitted practitioners in the New York area with several of my esteemed colleagues – something I consider a highlight of my career as a lawyer. My practice areas focus on estate planning and administration, real estate, small business and litigation.

¹ Corrected from original comment efiled on June 10, 2021, for proper format and to add additional information.

I most recently took an excellent CLE from the ABA's Real Property, Trusts and Estates (RPTE) Section titled "Estate Planning for the Dysfunctional Adult Child". It was taught by a couple of the ABA's outstanding presenters, who have generously given their time to impart their expertise to others in my practice areas. Imagine my surprise – and horror – to learn from The Florida Bar that this course (a mere one-hour webinar) would not receive credit because the ABA uses quotas to ensure diversity representation among its presenters. I was not given advance notice of this change in Bar rules.

All I can ask is: Why? Why would the Court find it objectionable that people of color, ethnicity, gender, religion, national origin, disability or sexual orientation are ensured – not just promised (many of which are empty promises) -- a fair chance to teach among the white males who have always had an advantage to teach these courses? What is so objectionable to ensuring that other voices and faces are given an opportunity to impart their equally excellent expertise, and gain wider exposure (which helps reduce prejudice and discrimination), in a world where so many forces attempt to discount

them and drown them out? Candidly, this amendment to Rule 6.10.3(d) saddens me and makes me feel we are going backward, not forward. And I frankly wonder what message this amendment sends when we are required to take “bias elimination” as part of our Professional Responsibility credit requirements.

Furthermore, and ironically, because the ABA CLE I reference above was a one-hour class, it did not require minority representation among its presenters. That rule only applies for courses of four hours or longer, and requires at least one presenter be a “minority” for a four-hour class and at least two presenters be a “minority” for an eight-hour class. My class was taught by two white men. Yet I currently cannot receive credit for it for my Florida Bar requirement.

I respectfully request this Honorable Court reconsider the rule amendment, reject it, revoke it, and maintain the rule in its current form. The prior version of the rule is not hurting anyone in the legal profession except, perhaps, those who have always had an advantage (and that, I might suggest, is imaginary). Considering this country’s

long history of discrimination against the groups that the “quota” system attempts to lift up, I do not see how the amendment to the rule helps Florida Bar members or assists in bias elimination.

Thank you for considering my comments.

Respectfully submitted,

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