

IN THE SUPREME COURT OF FLORIDA

**FILED**

JAN 21 1989

SID J. WHITE  
CLERK SUPREME COURT

CASE NO. 61,736

Chief Deputy Clerk

In Re: Amendment to Florida Bar  
Integration Rule, Article II, Sections 3  
and 6, Integration Rule Bylaws, Article II,  
Sections 2 and 3, (Reinstatement after  
Resignation) and Article VIII, Sections  
1, 2 and 4 and Integration Rule Bylaws,  
Article VIII, Sections 1 and 3 (Reinstatement  
after dues delinquency)

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AMENDED PETITION

The Board of Governors of The Florida Bar, pursuant to Florida Bar  
Integration Rule, Article XIII, files this petition and says:

(1) Pursuant to Article V, Section 15, Florida Constitution, this Court  
has jurisdiction over this matter.

(2) Florida Bar Integration Rule Bylaws, Article XIII, Section 1,  
requires the Board of Governors to "...make a continuous study of the Integra-  
tion Rule..." and to recommend desirable improvements to the Supreme Court of  
Florida.

(3) The Board of Governors of The Florida Bar, at its January, 1982  
meeting, voted to recommend to this Court adoption of an amendment to Florida  
Bar Integration Rule, Article II, Sections 3 and 6 and Article VIII, Sections 2  
and 4; and Integration Rule Bylaws, Article II, Sections 2 and 3 and Article  
VIII, Sections 1 and 3. The amendment proposes guidelines for reinstatement of  
Florida Bar members who have resigned or have been suspended for being  
delinquent in payment of dues. The proposed changes in the Bylaws are for the  
purpose of consistency between Bar Procedures and the Integration Rule.

(4) The proposed amendment to Florida Bar Integration Rule, Article II,  
Sections 3 and 6 is as follows:

3. A member of The Florida Bar in good standing may, upon petition to and with the approval of the Board of Governors, resign from The Florida Bar and, thereupon, unless again admitted, or reinstated shall not practice law in this state. A member may apply for reinstatement of this membership upon petition to the Board of Governors, showing good cause and the payment of current dues, a reinstatement fee of \$50.00, and, for those resigned for a period of time longer than five years, a \$500.00 cost deposit for investigation of the petition. ~~A member who has resigned may be readmitted upon application to and approval by the Board of Governors.~~ Forms for petitioning for reinstatement, approved by the Board of Governors, as set forth in Integration Rule Bylaws, Article VIII, Section 3, shall be provided by The Florida Bar and shall include such requests for information about the petitioner's activities since his resignation as the Board shall require. Petitions of those members resigned for one year or less shall consist of the information required by Integration Rule Bylaws, Article VIII, Sections 3(b)(1), 3(b)(3) and 3(b)(5).

Those members resigned for one year or less may be reinstated by the Executive Director or referred by the Executive Director to the Board of Governors for consideration. Those members resigned for more than one year and who are of good character and fitness may be reinstated by the Board of Governors.

Those members resigned for more than five years who demonstrate that, during the period of their resignation, they have maintained an association with Florida law, may be reinstated by the Board of Governors. Those members resigned for more than five years who demonstrate that, during the period of their resignation, they have maintained an association with the law of a jurisdiction other than Florida, may be required by the Board of Governors to successfully complete Continuing Legal Education courses or the Florida portion of the Bar exam. Those members resigned for more than five years who are unable to demonstrate an association with the law of any jurisdiction during the period of their resignation, shall be required to successfully complete Continuing Legal Education courses or may

be required to successfully complete one or more portions of the Bar exam. Petitions of members resigned for more than five years shall consist of the information required by Integration Rule Bylaws, Article VIII, Sections 3(b)(1) - 3(b)(13). Action by the Board of Governors may be reviewed by petition to the Supreme Court.

All petitions for reinstatement under this rule will be governed by the rules in effect at the time of the filing of the petition for reinstatement.

6. Each member of The Florida Bar shall designate an official Bar mailing address and business telephone number. If the address given is not the physical location or street address of the principal place of employment, then such information shall also be given. Each member shall promptly notify the Executive Director of any changes in any information required by this section.

(5) The changes in Article II, Section 3 of the Integration Rule are being proposed in order to bring them into conformity with the proposed changes to Article VIII, Section 2 of the Integration Rule which concerns the reinstatement of delinquent members.

(6) The Florida Bar Integration Rule Bylaws, Article II, Sections 2 and 3, are being modified in order to bring them into conformity with proposed amendments to Article II, Section 3 of the Integration Rule. The proposed Bylaw reads as follows:

Section 2. ACTIVE MEMBERS. Active members of The Florida Bar in good standing shall mean only those persons licensed to practice law in Florida ~~holding membership cards issued by the executive director certifying that the person named therein has~~ who have paid his or her annual membership fees or dues for the current year.

Section 3. DELINQUENT MEMBERS. Any person now or hereafter licensed to practice law in Florida who fails to register with the Executive Director by filing a statement setting forth the correct name and address of such person for enrollment upon the membership list of The Florida

Bar shall be deemed a delinquent member. Any person now or hereafter admitted to practice law in Florida (except retired members, resigned members, former members under disciplinary conviction and sentence, and members adjudged insane or mentally incompetent) who fails to pay the annual membership fees or dues in compliance with the requirements of Article VIII of the Integration Rule, as amended, shall be deemed a delinquent member. While occupying the status of a delinquent member, no person shall engage in the practice of law, nor be entitled to any privileges and benefits accorded to active members of The Florida Bar in good standing.

(7) As Florida Bar Integration Rule, Article VIII, Section 2 is now worded, all petitions for reinstatement, regardless of the length of the lawyer's delinquency, must go to the Board of Governors for approval. This amendment proposes that members delinquent for one year or less may be reinstated by the Executive Director. Also, those petitions which are denied by the Board may, under this amended rule, be appealed by petition to the Supreme Court.

(8) The proposed amendment to Florida Bar Integration Rule, Article VIII, Sections 2 and 4 are as follows:

~~2. When any member is in arrears in the payment of annual dues for 45 days, the Executive Director shall send written notice by registered or certified mail to such member at his last business address. Within 30 days after the posting of the notice, such member may pay his dues in full, together with a delinquency charge of \$25.00. Upon failure to make these payments within the 30 day period, he shall become a delinquent member.~~ All payment of annual dues must be postmarked no later than August 15. Dues which are postmarked after August 15 shall be accompanied by a late charge of \$25.00. The executive director shall send written notice by registered or certified mail to the last official Bar address of each member whose dues have not been paid by August 15. Upon failure to pay dues and any late charges within 30 days of the posting of the notice, the member shall become delinquent, entitled to none of the privileges of membership in The Florida Bar, and shall not practice law in this state.

He Any member who has been delinquent for non-payment of dues may thereafter ~~reinstate~~ apply for reinstatement to this membership in good standing upon petition to and approval by the Board of Governors, and showing good cause, accompanied by the payment of all fees and charges owing by him, including the following: all arrearages, with interest at the maximum rate provided for judgments under the Florida Statutes, a reinstatement fee of \$50.00-; and, for those delinquent for a period of time longer than five years, a \$500.00 cost deposit for investigation of the petition. Forms for petitioning for reinstatement, approved by the Board of Governors as set forth in Integration Rule Bylaws Article VIII Section 3, shall be provided by The Florida Bar and shall include such requests for information about the petitioner's activities since his delinquency as the Board shall require. Petitions of members delinquent for five years or less shall consist of the information required by Integration Rule Bylaws, Article VIII, Sections 3(b)(1), 3(b)(3) and 3(b)(5).

Those members delinquent for one year or less may be reinstated by the Executive Director or referred by the Executive Director to the Board of Governors for consideration. Those members delinquent for more than one year and who are of good character and fitness may be reinstated by the Board of Governors.

Those members delinquent for more than five years who demonstrate that, during the period of their delinquency, they have maintained an association with Florida law, may be reinstated by the Board of Governors. Those members delinquent for more than five years who demonstrate that, during the period of their delinquency, they have maintained an association with the law of a jurisdiction other than Florida, may be required by the Board of Governors to successfully complete Continuing Legal Education courses or the Florida portion of the Bar exam. Those members delinquent for more than five years who are unable to demonstrate an association with the law of any jurisdiction during the period of their delinquency, shall be required to successfully complete Continuing Legal Education courses or may be required to successfully complete one or more portions of the Bar exam. Petitions of members delinquent for more than five years shall consist of the

information required by Integration Rule Bylaws, Article VIII, Sections 3(b)(1) - 3(b)(13). Action by the Board of Governors may be reviewed by petition to the Supreme Court.

All petitions for reinstatement under this rule will be governed by the rules in effect at the time of the filing of the petition for reinstatement.

4. The executive director shall furnish ~~the county judges and the clerks of all the courts of record in each county~~ a list of all active members in good standing ~~in their respective counties~~ and shall furnish corrections and additions to such list as occasion may require. ~~A list of all active members in good standing in the state, and corrections and additions shall likewise be filed with the clerk of the Supreme Court.~~

(9) Changes to Florida Bar Integration Rule Bylaws, Article VIII, Sections 1 and 3, have been proposed in order to incorporate the requirements of the petition for reinstatement into the Bylaws. The proposed Bylaw reads as follows:

Section 1. ANNUAL DUES. The annual dues provided for in Article VIII of the Integration Rule as amended shall be paid at the headquarters office on or before July 1st of each year. Such annual dues shall be paid by every person admitted to practice law in Florida, except retired and resigned members, ~~former members under disciplinary conviction and sentence, members adjudged insane or mentally incompetent, and members who have resigned pursuant to the provisions of Section 3 of Article II of the Integration Rule as amended.~~ No person failing to make payment of his annual dues in compliance with Article VIII of the Integration Rule as amended shall engage in the practice of law, or be entitled to receive any of the privileges and benefits accorded to active members of The Florida Bar. Failure to receive notice or demand of payment of dues shall not relieve any person of the duty to comply with the requirements of the Integration Rule. ~~The executive director shall issue to each member making payment of his annual dues an official membership card certifying that such member has paid annual dues for the current year, which~~ A membership card shall be evidence that the person named therein

~~is an active member of The Florida Bar in good standing.~~ issued to new admittees. A replacement for a lost or stolen card may be obtained by requesting a new card from The Florida Bar staff.

Section 3. DELINQUENT MEMBERS.

a. Upon expiration of the time fixed by Article VIII of the Integration Rule as amended, the executive director shall compile a list of all persons who have become delinquent members, as defined by Section 3 of Article II of these bylaws, and shall file such list of delinquent members in accordance with Section 4 of Article VIII of the Integration Rule. Copies of such list shall be furnished to the Board of Governors for appropriate action.

b. ~~Petitions for reinstatement of members delinquent for nonpayment of dues.~~

~~(i) Petitions for reinstatement following delinquency for nonpayment of dues shall be verified, styled in the Supreme Court and filed with The Florida Bar. Such petitions shall show: (1) that all past dues, late charges and reinstatement fees have been paid or are then tendered to The Florida Bar; (2) all criminal and disciplinary charges which have been brought against the petitioner since the date of delinquency and the disposition of all such charges; (3) the reason for and duration of the delinquency; (4) all residence and business addresses of the petitioner during the period of delinquency.~~

~~(ii) Approval of petitions. Upon approval of a complete and proper petition the Executive Director will notify the petitioner of his reinstatement.~~

Pursuant to Integration Rule, Article II Section 3 and Article VIII Section 2, the following information shall be contained in a petition for reinstatement of delinquent or resigned members:

1. A list of all criminal and disciplinary charges which are pending or have been brought against the delinquent or resigned member since the date of delinquency or resignation including a statement showing dates, general nature and ultimate disposition of every matter involving the arrest or prosecution during said period for any crime whether felony or misdemeanor, together with the names and addresses of complaining witnesses, prosecuting attorneys and trial judges.

2. A certified copy of membership in good standing of any other state bars of which the petitioner is now or previously has been a member.

3. The reason for the delinquency or resignation and a concise statement justifying reinstatement to The Florida Bar.

4. The nature of any occupation in detail since delinquency or resignation with names and addresses of all partners, associates in business, and employers, if any, and dates and duration of such relations and employments.

5. A statement showing all dates and locations of residences and business addresses maintained during said period, with names and addresses of landlord, if any.

6. A statement showing all financial obligations of amounts claimed, paid, unpaid or owing to any client, clients' security fund or former clients, together with the details of all judgments outstanding, if any, at the time of filing of petition.

7. A statement of restitution made for any and all obligations made to all former clients and The Florida Bar's Clients' Security Fund, and the source and amounts of funds used for this purpose.



8. A statement as to whether any applications were made during said period for a license or bond requiring proof of good character for its procurement; and as to each such application, the date, the name and address of the authority to whom it was addressed, and the disposition thereof.

9. A statement of any procedure or inquiry, during said period, concerning petitioner's standing as a member of any profession or organization, or holder of any license, or office, which involved the censure, removal or suspension, revocation of license, or discipline of petitioner, and as to each, the dates, facts and disposition thereof, and the name and address of the authority in possession of the record thereof.

10. A statement as to whether or not any charges of fraud were pending, made or charged against petitioner during said period, whether formal or informal, together with the dates, names and addresses of persons making such charges.

11. A statement showing the dates, general nature and status or final disposition of every civil action since the time of delinquency or resignation wherein petitioner was either a party plaintiff or defendant, together with the dates of filing of complaints, case numbers, titles of courts and causes, and the names and addresses of all parties, plaintiff and defendant, names and addresses of attorneys for said parties and of the trial judge or judges, and names and addresses of all witnesses who testified in said action or actions.

12. A statement showing what amounts, if any, of the costs assessed against the accused attorney in any prior disciplinary proceedings against him have been paid by the

accused attorney and the source and amount of funds used for this purpose.

13. Statements or affidavits from other parties, if any, showing petitioner's association with and knowledge of the law to determine the fitness of the petitioner to resume the practice of law.

c. After review of the petition the Board may require petitioner to submit additional information as may be reasonably related to petitioner's fitness to resume the practice of law.

(10) These rules shall become effective 90 days after adoption by the Supreme Court.

(11) The Florida Bar does not plan to file a brief in support of this petition unless the Court so requests. The officers and staff of The Florida Bar would welcome inquiries from the individual justices regarding the intent of this petition.

(12) Pursuant to Florida Bar Integration Rule, Article XIII, this petition will be published in the February 1, 1983 edition of The Florida Bar News.

Respectfully submitted,

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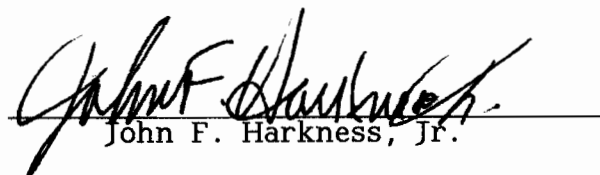
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