

IN THE SUPREME COURT OF FLORIDA

FILED

SID J. WHITE

JAN 31 1989

CLERK, SUPREME COURT

By

Deputy Clerk

THE FLORIDA BAR,
RE: PETITION TO AMEND THE
RULES REGULATING THE FLORIDA
BAR - RULE 3-7.5 (k) (1)
COST OF PROCEEDINGS

CASE NO. _____
Florida Bar Attorney
253847

PETITION TO AMEND RULES REGULATING THE FLORIDA BAR

THE FLORIDA BAR, pursuant to rule 1-12.1, Rules Regulating The Florida Bar, hereby petitions the court to amend the Rules Regulating The Florida Bar, by amendment to rule 3-7.5 (k) (1) Referee's report; Contents of report, and says:

1. The Board of Governors of The Florida Bar at their meeting in January, 1989, approved amendment to the rule 3-7.5 (k) (1), Rules Regulating The Florida Bar.

2. The action of The Florida Bar is in response to the order of the court entered January 19, 1989, in The Florida Bar v. Allen, Fla. S. Ct. # 71,019, denying the Bar's request for assessment of expenses incurred relating to the time and travel of a staff investigator. A copy of the order is attached.

3. The Florida Bar requests amendment to rule 3-7.5 (k) (1), Rules Regulating The Florida Bar in the form attached.

4. Assessment of costs against those members of the Bar who are the reason why a discipline system is necessary is important to the Bar, to its members and to the public. In this regard The Florida Bar requests that the court accept the proposed amendments and that the court order the amendment effective to all cases pending as of the date this petition is filed.

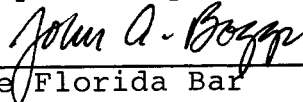
5. Included in the amendment is a proposal to increase the administrative costs assessed in disciplinary proceedings from \$150.00 at each of the grievance committee and referee levels, for a total of \$300.00, to a flat assessment of \$500.00. This amendment is necessary to more accurately reflect the administrative expenses incurred by the Bar, but not specifically

included in the rule authorizing assessment of costs. The current amounts were established in 1981 when the rule was amended and no adjustment for inflation nor conformity to actual administrative expenses has been attempted since then.

Administrative costs are primarily incurred in the initial investigative process by staff and at the grievance committee level. In these instances the file is created and the bulk of clerical support and administrative expenses are incurred. Increasing the charge to a flat \$500 approximates the Bar's actual expense, without being burdensome on members under investigation. Assessment of this expense is made only upon a finding that discipline is to be imposed and only then by agreement (minor misconduct cases and consent judgments) or by referee recommendation and/or court order.

6. Filed with this petition is a motion to waive the pre-filing publication requirement of rule 1-12.1, Rules Regulating The Florida Bar.

Respectfully submitted,



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