

Supreme Court of Florida

No. 75,788

THE FLORIDA BAR

RE: AMENDMENTS TO RULES REGULATING
THE FLORIDA BAR--CHAPTER 6 (LEGAL
SPECIALIZATION AND EDUCATION PROGRAMS).

[November 29, 1990]

PER CURIAM.

The Florida Bar has filed a petition to amend the Rules Regulating The Florida Bar with respect to legal specialization and education. The Bar points out that, due to a misunderstanding between the Board of Governors and the Board of Legal Specialization and Education, increases in the continuing legal education requirements of civil and criminal

recertifications were erroneously included in the Bar's 1989 proposed revisions and were then approved by this Court. This petition seeks to return the recertifications to the original requirements. The petition is granted, and rules 6-4.4, 6-8.4 and 6-8.6 are hereby amended in the following manner:

6-4.4 RECERTIFICATION

(d) The applicant must demonstrate he or she has completed at least ~~seventy-five (75)~~ fifty (50) hours of approved continuing legal education since the last date of certification. This requirement shall be satisfied by the applicant's participation in continuing legal education approved by The Florida Bar pursuant to rule ~~6-4.3(c)(1)~~ through (6).

6-8.4 CRIMINAL TRIAL RECERTIFICATION

(c) The applicant shall make a satisfactory showing that he or she has accumulated at least ~~seventy-five (75)~~ fifty (50) hours of approved continuing legal education during the period since original certification. Applicants seeking recertification as both criminal trial lawyers and criminal appellate lawyers must complete at least ~~seventy-five (75)~~ fifty (50) hours of approved continuing legal education in each of the categories, for a total of one hundred ~~fifty (150)~~ (100) hours.

6-8.6 CRIMINAL APPELLATE RECERTIFICATION

(c) The applicant shall make a satisfactory showing that he or she has accumulated at least ~~seventy-five (75)~~ fifty (50) hours of approved continuing legal education during the period since original certification. Applicants seeking recertification as both criminal trial lawyers and criminal appellate lawyers must complete at least ~~seventy-five (75)~~ fifty (50) hours of approved continuing legal education in each of the categories, for a total of one hundred ~~fifty (150)~~ (100) hours.

These amendments shall be effective as of October 1, 1989, which was the effective date of all other amendments to chapter 6 of the rules.

It is so ordered.

SHAW, C.J., and OVERTON, EHRLICH, BARKETT, GRIMES and KOGAN, JJ., concur.

McDONALD, J., dissents with an opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED. THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE RULES.

McDonald, J., dissenting.

If a lawyer desires to be certified, more is expected of that lawyer in expertise, experience, training, and knowledge, than the general bar. It is particularly important to assure that certified lawyers be kept abreast of developments in the law as it relates to their area of certification. I deem it entirely appropriate to maintain the present additional requirements of continuing education in order to keep a certification. Other areas of specialization require seventy-five hours of education and so should all.

Original Proceeding - Rules Regulating The Florida Bar

James Fox Miller, President, Hollywood, Florida; Benjamin H. Hill, 111, President-elect, Tampa, Florida; John F. Harkness, Jr., Executive Director and John A. Boggs, Director, Lawyer Regulation, Tallahassee, Florida; and Donald J. Sasser, Chairman, Board of Legal Specialization & Education, West Palm Beach, Florida,

for Petitioner