

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR)
RE: PETITION TO AMEND RULES)
REGULATING THE FLORIDA BAR)
_____)

Case No. SC 06-736

**COMMENTS BY THE GOVERNMENT LAWYER SECTION AND FRIENDS
RE: AMENDMENTS TO THE RULES GOVERNING THE FLORIDA BAR**

1. Through this filing, the Government Lawyer Section and friends named below voice our strong support for The Florida Bar’s proposed amendments to The Rules Regulating The Florida Bar, Subchapter 6-25.5, Standards for Certification of a Board Certified State and Federal Government and Administrative Practice Lawyer. The Florida Bar filed the proposed rule amendments with this Court on April 26, 2006.

2. For many years, government attorneys were unable to pursue certification because of the diverse or specialized nature of their practices. For example, some government litigators worked as part-time trial lawyers and part-time appellate lawyers, but were unable to qualify for either civil trial practice or appellate practice certification. Other government lawyers, including transactional lawyers and bid protest specialists, and lawyers with very specialized subject matter, found themselves similarly excluded from the various substantive areas of certification.

3. Most of these government lawyers, however, shared a common range of legal expertise in the State or Federal Administrative Procedure Acts, covering matters such as rulemaking, agency actions, and the administrative hearing process. Government lawyers also possessed common knowledge of ethics, open government and public records laws. Finally, they shared expertise in relevant areas of constitutional law, such as sovereign immunity or the limitations of the commerce

clause. This new Certification in State and Federal Government and Administrative Practice is expected to bring together all of these related areas of expertise.

4. The Government Lawyer Section served as one of the leading sources of support for the development of the proposed rules, and the Section's Executive Council unanimously approved their contents; nevertheless, the proposal benefits many private-sector attorneys. Ultimately, the proposed rules reflect years of negotiation and compromise by leading Florida government lawyers, administrative lawyers, and environmental lawyers. Once approved, this proposal will provide new opportunities for a broad array of lawyers – public and private, state and federal, transactional lawyers and litigators, generalists in administrative law and specialists in environmental law – enabling all of them to qualify for certification, and thus, to prove themselves as experts in State and Federal Government and Administrative Practice.

5. Over the years to come, the Government Lawyer Section intends to offer valuable Continuing Legal Education seminars that will help lawyers seeking certification in this area. For example, the Section's programs in open government and public records, Practicing Before the Florida Supreme Court, and Practicing Before the Florida Legislature are well established. In addition, the Government Lawyer Section expects to continue hosting programs such as The Federal Seminar, a Washington, D.C. event successfully hosted in 2004 and 2006.^{1/}

^{1/} The Federal Seminar 2006 was sponsored by the Government Lawyer Section, Environmental and Land Use Law Section, Appellate Practice Section, and Out-of-State Division. The program, hosted at the Supreme Court of the United States, Old Executive Office Building, Department of the Interior, The Florida House, and the U.S. Capitol Building, focused on administrative law, environmental law, and Federal Circuit practice. The Government Lawyer Section intends to offer similar seminars in the future as part of the necessary CLE programming to support this certification program, and we strongly encourage other sections, especially the Administrative Law Section, to join

us in future efforts.

6. In conclusion, the Government Lawyer Section, based on the unanimous support of its Executive Council, believes that this new certification program will be a benefit to all the members of The Florida Bar and the clients we serve, and encourages this Court to approve the proposed amendments to The Rules Regulating The Florida Bar, Subchapter 6-25.

Respectfully submitted,

April 27, 2006 /s/

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April 10, 2006 /s/

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STATEMENT OF SUPPORT

The former chairs, members and friends of the Government Lawyer Section named below voice our strong support for the The Florida Bar's newly proposed amendments to The Rules Regulating The Florida Bar, Subchapter 6-25, Standards for Certification of a Board Certified State and Federal Government and Administrative Practice Lawyer.

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CERTIFICATE OF SERVICE

I personally sent originals, copies, or electronic versions of this document as follows:

1. an original and nine copies of this document, by U.S. mail, to the Florida Supreme Court:

Florida Supreme Court
Attention: Clerk's Office
500 South Duval Street
Tallahassee, Florida 32399-1927

2. an electronic .pdf version of the document to e-file@flcourts.gov; and

3. two copies of this document to:

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Respectfully submitted,

May 3, 2006

/s/

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