



Business Law Section of the Florida Bar

INCLUSION MENTORING FELLOWSHIP COMMITTEE
(together with Membership committee)
June 9th, 2021, 1pm

1. **Welcome and Introduction**
 - a. Chair: Michelle K Suarez
 - b. Vice Chair: Christina Taylor
 - c. Second Vice Chair: Valeria Angelucci
2. **Approval of meeting minutes** from Jan. 13th, 2021 (attached as **Schedule 1**).
3. **Chair's Report (IMF & Membership)**
 - a. IMF: Sub Committee Updates:
 - i. Communication & Marketing Committee:
 1. Co-Chairs: Christina Taylor and Michelle Suarez
 2. BLS website was redesigned. The Fellows now have their own page under "Programs." See Fellows page here: <https://flabizlaw.org/about-us/fellows/>
 - ii. Networking Committee:
 1. Co-Chairs: Michelle Suarez and Kelly Roberts.
 - (a) Networking events that we were hoping to plan in March and April 2021 did not happen.
 - (b) Discuss planning events for Fall, far enough out from holidays to raise hype and increase likelihood of attendance. Discuss possibility of having a hybrid event and/or event at Labor Day retreat.
 - (c) James Moon to report on LGBTQ+ event that took place in January.
 - iii. CLE Committee:
 1. Co-Chairs: Dana Robbin and Utibe Ikbe.
 2. CLE on Leadership took place. Get feedback on event from Utibe or Dana.
 3. Discuss new CLE programs proposed to be put on by the IMF at Labor Day Retreat in September.
 - iv. IMF Mentor/Mentee Program
 1. Chairs: Nicole McLemore & Michelle Suarez.

2. **38 Mentors and 73 Mentees signed up.** Emails were not sent out until before June 2021 meeting so program pair up will now run from June 2021-June 2022.

(a) Angelique Gulla, Zachariah Evangelista, and Nicole McLemore volunteered at January 2021 meeting to assist Michelle with following up with Mentors/Mentees at the end of each quarter to make sure they are meeting and following the Pledge program (requires 4 meetings a year; 2 by video conference + 2 by phone; so, 1 per quarter).

b. Implementation of IMF Substantive Committee Liaison Policy.

- i. The following IMF Members volunteered at the 09/02/20 meeting to be the liaison's for the following Substantive Committees (each one to report)
 1. Business Litigation→Name of volunteer: Toni V. Tsvetanova
 2. Bankruptcy/UCC→Name of volunteer: Lorna E. Brown-Burton
 3. Computer and Technology→Name of volunteer: Adam Duh
 4. Corporations/Securities and Financial Services→Name of volunteer: Angelique Gulla
 5. Intellectual Property→Name of volunteer: Nicole Reid

4. Fellowship 2021-2023 Program

a. IMF awarded 8 fellowships to the following individuals:

- i. **Alejandra Iglesia**
- ii. **Raina Shipman**
- iii. **Chemere Ellis**
- iv. **Raychelle Tasher**
- v. **Michael Dunn**
- vi. **Katherine Van de Bogart**
- vii. **Negin Kordbacheh**
- viii. **Romy Jurado**

b. Take a moment to allow each Fellow to introduce themselves.

c. Discuss the possibility of having a 2021-2023 class Fellows reception to be had in person in January 2022 since Labor Day will likely be a hybrid between in person and by video.

d. Vote required to propose adding an obligation for future fellow classes to view the BLS CLE on the Legislative Process and also on Leadership. Both are free and made available on the BLS website.

5. CLE Diversity Policy

a. Marianne or Michelle to report on Diversity Policy issue resulting from Supreme Court opinion (Supreme Court opinion attached as **Schedule 2**) and revised policy as circulated to EC for discussion at June 2021 meeting (see Revised Policy attached as **Schedule 3**).

6. Other New or Unfinished Business
7. Adjournment

SCHEDULE 1

BLS IMF Committee Meeting Minutes Winter Meeting January 13, 2021, 1:00 p.m.

I. Welcome and Introduction

Introduction of current IMF leadership team

II. Approval of Meeting Minutes from September 2, 2020

- a. One change to the minutes: Toni Tsvetanova is the liaison for Business Litigation and Angelique Gulla is the liaison for Corporations
- b. Motion to approve minutes as amended made by James Moon; second by Terry Sanks
- c. Passed unanimously

III. Chair's Report (IMF & Membership)

a. IMF Sub Committee Updates

i. Communication & Marketing Committee

1. The BLS has a contract with a vendor to redesign the BALS website; new website should go live in about two (2) weeks
2. The CLE Diversity Policy form will be made available on the new website; form will need to be submitted to IMF at least seven (7) days before the CLE takes place

ii. Networking Committee

1. Have had several events since the last meeting:
 - a. 09/03/2020 - IMF themed event (sports or 90's)
 - b. 10/29/20 - IMF Halloween party
 - c. 11/30/20 – Fellows-only end of year meeting
2. Upcoming events
 - a. March 2021 – IMF networking event (open to all BLS members)
 - b. April 2021 – Fellow-only networking event with current and past Executive Committee members

iii. CLE Committee

1. Leadership CLE has been continued to February 25, 2021; some speakers

have been confirmed; waiting for others

2. The BLS CLE Committee is doing a big push for more programming; looking to put on short (55 minute) CLE programs once per quarter
3. April Martindale is heading up a diversity themed-CLE
4. COVID-19 Task Force is putting on a foreclosure/eviction CLE
5. CLE Diversity Policy – Stephane Svisco can include form with the other CLE materials that are sent out

b. IMF Mentor/Mentee Program

- i. 38 Mentors and 73 Mentees have signed up; e-mails will be sent to Mentors/Mentees by 01/31/2021
- ii. Mentors will be paired up with two (2) Mentees
- iii. Mentorship Program will run through 01/31/2022
- iv. Will be following up with Mentors/Mentees at the end of each quarter to track requirements of the mentorship pledge (One meeting per quarter – Two (2) by videoconference and two (2) by phone)
- v. Volunteers to assist with Mentor/Mentee program tracking and collecting feedback: Angelique Gulla; Zachariah Evangelista; and Nicole McLemore

c. Fellowship Program

- i. Applications for the 2021-2023 Fellowship class is now open; need members to promote
- ii. Application has been updated substantially with changes approved by IMF and EC
 1. Fellows must be a member of at least one (1) substantive committee and one (1) standing committee or task force
 2. Fellows must attend at least two (2) of the three (3) BLS meetings
- iii. Application will be added to the new website

d. Implantation of IMF Substantive Committee Liaison Policy

- i. Each substantive committee must have an IMF representative serve as a liaison to that substantive committee
- ii. IMF liaison will e-mail the Chair and Vice-Chair of the substantive committee prior to the substantive committee's meeting and ask for 1-2 minutes to speak at the meeting in order to provide an update on what IMF is doing; encourage

engagement with BLS Fellows; and request greater attendance at IMF meetings and events

IV. Other New or Unfinished Business

- a. James Moon – Koyzack is putting together an LGBTQ+ event geared toward law students on 01/28/2021 from 6-7:30 p.m.; first statewide LGBTQ+ mentorship program with law students and lawyers; all students welcome
- b. Carlos Sardi – Members can visit the pro bono page to find the pro bono pledge form and sign up to help the BLS achieve its aspirational goal of 100% participation by all BLS lawyers

V. Adjournment

SCHEDULE 2

Supreme Court of Florida

No. SC21-284

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

April 15, 2021

PER CURIAM.

On its own motion, the Court amends rule 6-10.3(d) of the Rules Regulating the Florida Bar. We have jurisdiction. *See* art. V, § 15, Fla. R. Gen. Prac. & Jud. Admin. 2.140(d).

The Business Law Section of The Florida Bar recently adopted a policy regulating the composition of faculty at section-sponsored continuing legal education programs. Subject to certain exceptions, the policy imposes quotas requiring a minimum number of “diverse” faculty, depending on the number of faculty teaching the course. The policy defines diversity in terms of membership in “groups based upon race, ethnicity, gender, sexual orientation, gender identity, disability, and multiculturalism.” The stated goals of the

policy are “eliminating bias, increasing diversity and implementing tactics aimed at recruiting and retaining diverse attorneys.”

The Court recognizes and is grateful for the Bar sections’ important contributions to the legal profession in our state. And the Court understands the objectives underlying the policy at issue here. Nonetheless, certain means are out of bounds. Quotas based on characteristics like the ones in this policy are antithetical to basic American principles of nondiscrimination. *Cf. Grutter v. Bollinger*, 539 U.S. 306, 334 (2003) (“To be narrowly tailored, a race-conscious admissions program cannot use a quota system”); *Regents of University of Cal. v. Bakke*, 438 U.S. 265, 307 (1978) (numerical goal or quota “must be rejected” as “facially invalid”). It is essential that The Florida Bar withhold its approval from continuing legal education programs that are tainted by such discrimination.

Accordingly, rule 6-10.3(d) of the Rules Regulating the Florida Bar, which governs course approval for continuing legal education, is amended as reflected in the appendix to this opinion. New language is indicated by underscoring. The amendment shall become effective immediately and shall apply prospectively to any

course that has not already been approved as of the effective date. The Court expects that The Florida Bar will amend its policies as necessary to ensure compliance. Because the amendments were not published for comment previously, interested persons shall have seventy-five days from the date of this opinion in which to file comments with the Court.¹

It is so ordered.

CANADY, C.J., and POLSTON, LAWSON, MUÑIZ, COURIEL, and GROSSHANS, JJ., concur.

LAWSON, J., concurs specially with an opinion.

LABARGA, J., dissents with an opinion.

1. All comments must be filed with the Court on or before June 29, 2021, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Florida Courts E-Filing Portal (Portal) in accordance with *In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal*, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the Portal. Comments filed via the Portal must be submitted in Microsoft Word 97 or higher. *See In re Electronic Filing in the Florida Supreme Court*, Fla. Admin. Order No. AOSC17-27 (May 9, 2017). Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

LAWSON, J., concurring and concurring specially.

I agree with the majority's decision to adopt the amendment to rule 6-10.3(d) of the Rules Regulating the Florida Bar, and with the majority opinion.

I write separately to further express my support for what I view as the well-intended motivation underlying the decision of The Florida Bar's Business Law Section to adopt a policy aimed at meaningfully broadening participation in the instructor pool for its educational offerings.

At this Court's direction, both the Bar and the State Court System have for many years worked diligently to assure a system of justice that is fair for all and that treats all individuals as equal under the law. This Court is steadfast in its firm commitment to these ideals. I believe that these ideals are best advanced when individuals with very different backgrounds and experiences work together. This is because our experiential differences often result in starkly different modes of thought and perception—including deeply

divided perceptions surrounding concepts as facially straightforward as “fairness” and “justice.”

It is when those who perceive and think differently come together in an environment of mutual respect and genuine concern for the well-being of others that we can best gain the understanding necessary to fully advance the ideals underpinning our judicial system. It is essential that we continue this work, and I am grateful to the Bar and its sections for their continued pursuit of these core ideals that are central to further advancing the cause of freedom for all, secured for all through the rule of law.

LABARGA, J., dissenting.

Because I do not believe that the enactment of a rule specifically addressing this issue is necessary, I dissent. I believe that a simple letter directed to the Business Law Section, communicating that such action may be in violation of United States Supreme Court precedent, would have sufficed. *See e.g., Grutter v. Bollinger*, 539 U.S. 306, 334 (2003); *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 307 (1978).

Original Proceeding – Florida Rules Regulating The Florida Bar

APPENDIX

Rule 6-10.3. Minimum Continuing Legal Education Standards

(a)– (c) [No Change]

(d) Course Approval. Course approval is set forth in policies adopted pursuant to this rule. Special policies will be adopted for courses sponsored by governmental agencies for employee lawyers that exempt these courses from any course approval fee and may exempt these courses from other requirements as determined by the board of legal specialization and education. The board of legal specialization and education may not approve any course submitted by a sponsor, including a section of The Florida Bar, that uses quotas based on race, ethnicity, gender, religion, national origin, disability, or sexual orientation in the selection of course faculty or participants.

(e) – (g) [No Change]

SCHEDULE 3

BLS DIVERSITY & INCLUSION CLE SPEAKER PANEL POLICY (“CLE DIVERSITY POLICY”)

The Business Law Section (“BLS”) expects all Continuing Legal Education (CLE) Programs sponsored or co-sponsored by the BLS to meet the goals of (i) the BLS Diversity Committee Strategic Plan of eliminating bias, increasing diversity and implementing tactics aimed at recruiting and retaining diverse attorneys; and (ii) Policy 2.02 of the Policies Governing Continuing Legal Education Committee of The Florida Bar that the sections, divisions and committees shall recognize the diversity of the legal community and shall select qualified speakers who reflect that diversity. These goals are furthered by having the faculty include members of diverse groups based upon *race, ethnicity, gender, sexual orientation, gender identity, disability and multiculturalism*.

CLE Diversity Policy:

For these reasons, the Study Group recommends the following Revised CLE Diversity Policy. This policy applies to the selection of speakers for all CLE programs sponsored or co-sponsored by the BLS. Effective **January 1, 2021**, any multi-faculty CLE program shall include qualified speakers who reflect the diversity of the legal community. Proponents of the CLE program must endeavor in good faith and use their best efforts to promote the professional aspirations, public ideals, and educational values of diversity and inclusion. The BLS will not sponsor, co-sponsor, or seek CLE accreditation for any program failing to comply with this policy unless an exception or appeal is granted.

Implementation:

The Inclusion, Mentoring & Fellowship Committee (“IMF”), will be responsible for the implementation and enforcement of the CLE Diversity Policy. As such, any question of compliance with the CLE Diversity Policy will be determined by the IMF Committee. If a proposed CLE panel does not comply with the CLE Diversity Policy and cannot be granted an exception, as defined below, then the BLS will not sponsor the CLE. **All applications for programs seeking CLE accreditation and BLS sponsorship shall be submitted to the IMF Committee at least seven (7) days prior to the date the program is scheduled to occur.**

At the discretion of the IMF Committee and the Chair of the Section, either of the following circumstances *may* constitute grounds for an exception from the CLE Diversity Policy:

1. Previously confirmed diverse speakers or moderators for the CLE cancel, withdraw or become unable to attend and participate in the CLE and insufficient time exists to replace them and maintain a diverse panel.

2. After a diligent search and inquiry, the proponents of the CLE have affirmed they have been unable to obtain the participation of the requisite diverse members of the CLE panel.

Diverse Speaker Directory:

In order to assist in the implementation of the CLE Diversity Policy, IMF will create and maintain a Diverse Speaker Directory (“Directory”). The Directory will provide a database of legal experts that self-identify from a race, ethnicity, gender and gender identity, sexual orientation, disability and multicultural perspective. In addition to the above, individuals who register with the Directory shall identify their geographical location, willingness to travel, speaker fees if any, and areas of expertise/interest, in addition to a CV.