Members of the Opinions Standards Committee,

At our recent meeting of our committee at the Florida BLS’s annual convention, David Peterson, who is now a co-chair of our Committee, shared a draft of a proposed updated discussion of the “up the chain” issue that we had been discussing at several of our recent meetings. I promised him that I would circulate it to the members of our committee for review and further input.

After I looked it over, I had a few clean up changes that I shared with David and we worked through a revised draft that we both considered ready to be circulated to you for further input.

This draft is attached.

We realize that not everyone will necessarily agree with the adjusted approach, but David and I think this presents a good compromise, a reasonable expansion of the discussion of how we think this process should work, and more focused and clearer guidance for Florida opinion givers.

At this stage, even if we get some consensus on this issue, we are not contemplating preparing a special supplement to address such a change. Rather, we were thinking it might be a good idea, based on the attached, to develop and circulate an interpretive memo as an interim step before an updated discussion could be more formally incorporated into the next supplement, which probably is still a few years away.

At this point, we are circulating this draft for review and consideration by each of you. The plan would be to put this high up on the Agenda for our committee’s meeting at the retreat in early September.

Of course, if any of you have thoughts and or suggested further edits in advance of the retreat meeting of our committee, we would certainly welcome getting your advance input either by email or telephone call.

We hope we will see you at the retreat, either in person or on Zoom. Watch for information soon about registration for the retreat and the meeting schedule.

Gary Teblum
Co-Chair
Florida Bar Business Law Section Opinions Standards Committee