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SID J. WHITE

OCT 1 1992

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

SUPREME COURT OF FLORIDA

AMENDMENTS TO RULES REGULATING THE FLORIDA BAR - 1-3.1(a) AND RULES OF JUDICIAL ADMINISTRATION - 2.065 (LEGAL AID)

CASE NO. 74,538

RESPONSE OF JERRY A. DeVANE TO PROPOSED PRO BONO RULES FILED BY THE FLORIDA BAR/FLORIDA BAR FOUNDATION JOINT COMMISSION ON THE DELIVERY OF LEGAL SERVICES TO THE INDIGENT IN FLORIDA

The Court approved a voluntary pro bono plan, not a mandatory pro bono plan. *In Re: Amendments to Rules Regulating The Florida Bar*, 598 So.2d 41 (Fla. 1992).

Chapter 4 of the Rules Regulating The Florida Bar sets forth the Rules of Professional Conduct. Proposed rules 4-6.1, 4-6.2, and 4-6.3 is a blatant attempt to make the content of these proposed rules mandatory by being included in Chapter 4, Rules of Professional Conduct.

These proposed rules must be considered in conjunction with other provisions of the Rules Regulating The Florida Bar as follows:

- A. Preamble to Rules of Professional Conduct
"Failure to comply with an obligation or prohibition imposed by a rule is a basis for invoking the disciplinary process."

B. Rule 1-10.1 Compliance.

"All members of The Florida Bar shall comply with the terms and the intent of the Rules of Professional Conduct as established and amended by this Court."

C. Rule 3-4.2 Rules of Professional Conduct.

"Violation of the Rules of Professional Conduct as adopted by the rules governing The Florida Bar is a cause for discipline."

D. Rule 4-8.4 Misconduct.

"A lawyer shall not:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; ..."

These proposed rules are not voluntary or aspirational. They carry with it the entire disciplinary process for enforcement and, therefore, are mandatory.

Proposed Rule 4-6.2(b) still allows a small number of lawyers in a large law firm to collectively satisfy the professional responsibility of all lawyers in the firm. If there is a professional responsibility on each member of The Florida Bar, then no more than seventy-five (75%) percent of each lawyer's individual professional responsibility should be satisfied collectively. Each lawyer should, at least, have to provide a modicum of service individually.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, on the 29th day of September, 1992, to the following:

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