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IN THE SUPREME COURT OF FLORIDA

FILED
SID J. WHITE

SEP 12 1989

CLERK, SUPREME COURT

By _____
Deputy Clerk .

THE FLORIDA BAR,
IN RE: PETITION TO AMEND
THE RULES REGULATING THE
FLORIDA BAR - PERJURED
TESTIMONY

CASE NO.

PETITION TO AMEND THE RULES REGULATING THE FLORIDA BAR

The Board of Governors of The Florida Bar, pursuant to rule 1-12.1, Rules Regulating The Florida Bar, hereby petitions the court to amend the Rules Regulating The Florida Bar, and says:

1. The amendments submitted with this petition were approved by the Board of Governors of The Florida Bar at the Board's May 1989 and July 1989 meetings.

2. Notice of intent to file this petition was published in the August 15, 1989, edition of The Florida Bar News. Exhibit A.

3. The proposed amendments to rule 4-3.3, Rules of Professional Conduct, clarify the duties of a lawyer whose client

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intends to offer, or has offered false testimony or other false evidence. The amendments make clear that the prohibition against presenting false testimony or other false evidence applies with respect to criminal defendants. The amendments also make clear that a lawyer who knows a client or other witness intends to commit perjury may not call such person to the stand to give testimony in the narrative form except when ordered to do so by the tribunal.

4. The proposed amendments to the comment indicate the ethical course of action for a lawyer who knows a client intends to commit perjury: attempt to dissuade the client, warning that the lawyer will be obligated to disclose the client's intentions to the judge if the client continues to insist on committing perjury; if the client will not be dissuaded, inform the judge of the client's intentions and attempt to withdraw, but, if permission to withdraw is denied, proceed as directed by the court.

The proposed amendments are attached. Exhibit B.

WHEREFORE, the Board of Governors of The Florida Bar prays the court will amend the Rules Regulating The Florida Bar in the manner requested.

Respectfully submitted,

by :



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