

“Be Prepared...and Prepare Yourself”

One of my first professors at the University of Florida Levin College of Law, the late James Quarles, commenced an early lecture with this admonition: “Be prepared and prepare yourself.”

Professor Quarles (previously dean of Mercer University’s College of Law) taught that preparation is the key to all worthwhile accomplishments in the legal profession.

That admonition from Professor Quarles resonates with the power of truth and applies to all worthwhile endeavors.

It clearly applies to the day-to-day practice of law, whether one’s focus is criminal defense, estates and trusts, real estate, structuring a tax plan, or corporate litigation.

Likewise, it applies to the daily endeavors that citizen-lawyers frequently undertake: helping to organize a charity, mediating a nonlegal dispute, recruiting a lawyer (whether new or lateral), helping colleagues work through myriad difficulties, and planning for the future.

As Florida Bar leadership looks toward the 2012 legislative session, the admonition of Professor Quarles is particularly applicable.

The Legislature: Looking Forward

Shortly after her term concluded, Bar Past President Mayanne Downs met with me to discuss preparation for the 2012 session. She reflected on the challenges from the 2011 session and expressed appreciation for the



complimentary efforts of many from within and outside the Bar who helped address the issues. With gratitude, she pointed to the efforts taken by all three branches to ensure that this year’s budget for the judicial branch was not reduced (despite the economic pressures of our times) — an acknowledgement of the judiciary’s importance.

What was most clear from President Downs’s guidance, however, was the need to prepare early to ensure The Florida Bar is positioned to address questions that arise during the next legislative session. (Similarly, Past President Jesse Diner defined the challenge this way: “Prepare for the unexpected.”)

Early Preparation

Given the Bar’s commitment to readiness, President-elect Gwynne Young and I have spent significant time in the last three months preparing for the 2012 session that

begins January 10. Our efforts have included the following:

- We have met with Supreme Court justices and court staff to discuss planning for the 2012 session and to review legislative priorities, especially the issue of a stabilized source of funding for the judicial branch.

- We have held meetings and made calls with leaders from both the Senate and House of Representatives about possible legislative issues that may surface. It is anticipated that such meetings will continue through the fall. In addition, the Bar is developing information and data in response to particular questions raised by particular legislators. In this regard, limited discussions have also been conducted with the Trial Court Budget Commission, chaired by 10th Circuit Judge John Laurent, related to how funding for the judicial branch will be approached in the 2012 session.

- We have conducted various meetings and calls with Bar section leaders to discuss planning for the legislative session. Further, a summit was held in Tallahassee with all members of the Bar’s professional lobbying team (including lobbyists for particular sections and leaders of such sections) to discuss legislative priorities, planning, and coordination for the 2012 session.

- Lastly, leadership is looking at ways to improve coordination with

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all groups involved in advocating for the judicial branch.

A Frame of Mind

President-elect Young and I are committed to continuing our efforts to prepare for the 2012 session. We invite your input as we look forward. Further, we urge you

to contact your local legislators to both thank them for taking steps last year to keep the budget for the courts intact and to urge that this year they work to sustain the third co-equal branch of government — the judicial branch.

Adequate and stable funding is crucial. Thomas Jefferson and

James Madison — who brought our system to fruition — would respect your efforts. □

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only use exemption language like that found in Ch. 286.

The law regarding the distinction between exemptions and required confidentiality is better developed with public records law than open meetings law. Florida's public records laws identify many records and information as "exempt and confidential" and many others as merely "exempt" from disclosure. (See F.S. §119.071.) A record statutorily designated as confidential must not be disclosed, while an agency may choose to disclose a record designated as merely exempt. (See *WFTV, Inc. v. School Bd. of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004)). All of the bid-

ding documents mentioned in the article are merely "exempt" from disclosure. (F.S. §§119.071(1)(b) and 286.011(2)(c)).

As I read it, the new law simply gives agencies some additional options for conducting shade meetings and preventing bidders from misusing each other's bid documents. I do not see how the new law creates any new risks for choosing to conduct procurement meetings in the Sunshine or making bid documents available to the public earlier than required. I expect many agencies will conduct bidding just as they did before the changes to the law.

JEB T. BRANHAM, *Jacksonville Beach*

Paper IMEs

Almost every article submitted and published has been written by a lawyer with experience on the particular field that the article subject matter was centered upon. Why was this article ("The Advent of Paper IMEs in No-fault Claims: Will They Be a Solution or a Problem?" Sept./Oct.) drafted by a criminal attorney?

With all the political white noise surrounding PIP, now the Bar has to get involved and take a political position? I know what the disclaimer says, but this smells really, really bad to the lawyers prosecuting these cases.

What an embarrassment.
BRIAN E. PABIAN, *Margate*

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