



## **DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING**

### **Florida Bar Ethics Proposed Advisory Opinions Regarding Insurance House Counsel Practices**

#### **1- Background:**

- Request from Board of Governors to ethics committee.
- Sub-committee formed for these opinions.
- Insurance Practices Special Study Committee.
- Disclosure vs. Consent approach.
- Survey of Florida Bar Members.

**(See attached Exhibit "A")**

#### **2. Ethics Committee:**

- Structure and Membership.

- Procedures applicable to the Proposed Advisory Opinions.

#### **3- Ethics Committee Sub-Committee:**

- Structure and Membership.

- Procedures applicable to Proposed Advisory Opinions - drafted by chair and staff.

#### **4 - Content Of Current Proposed Advisory Opinions:**

- Proposed Advisory Opinion-99-2 — Outside auditors.
- Third parties — need consent of insured — not implied

by contract. **(See attached Exhibit "B")**

- Proposed Advisory Opinion-99-3 — Billing guidelines.

- "Restrictive" guidelines may be unauthorized practice

of law. (See attached Exhibit "C")

- Proposed Advisory Opinion-99-4 — "Captive law firm".

(See attached Exhibit "D")

#### **5- Current Status:**

- Proposed Advisory Opinion-99-2 - Passed by full ethics committee.
- Proposed Advisory Opinion-99-3 - Passed by full ethics committee.
- Proposed Advisory Opinion-99-4 - Passed by full ethics committee.

- Appeal to Board of Governors.

#### **6. Future Procedures:**

- Board of Governors — Vote will be held in the future.

#### **7- Disclosure Statement — Statement of Insured Clients Rights:**

- Content — (See attached Exhibit "E")
- Recommend added to Rules Regulating Florida Bar.
- January 2001 — Florida Supreme Court will consider.

#### **8. Future Trends:**

- Recommended review by Florida Department of Insurance.
- Recommended review by the Standing Committee on the Unlicensed Practice of law.

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