

» OF COUNSEL

By Amy Martinez
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Michael Higer, 56

TITLES: President, Florida Bar; partner, Berger Singerman in Miami

SPECIALTIES: Commercial and insurance litigation

FAMILY: Wife Bobbie and two children, Samantha and Adam

EDUCATION: University of Miami law degree, 1985; University of Florida bachelor's in English, 1982

BACKGROUND: A Miami native, Higer says he got his desire to become a lawyer from his parents. His dad was a hydrologist with the U.S. Geological Survey, while his mom was an interior designer and Realtor. Both were civically active in their community and synagogue, he says.

QUOTE: "My parents instilled in me and my brother and sister a sense of justice. I grew up in the 1960s, a time of upheaval and unrest, and a sense of right and wrong was important in our house."

Critical Juncture

The Bar's new president keeps a close eye on the Constitution Revision Commission.

These days, Michael Higer is often reminded of something his late mentor, former Florida Supreme Court Justice Arthur England, was fond of saying: "If you want something done, give it to someone who's busy."

Higer, a business litigator in Miami, became president of the 104,000-member Florida Bar this summer, replacing William Schifino. Higer takes over at a critical time, as Florida's Constitution Revision Commission begins its work. The commis-

sion — a 37-member body that's required by the state constitution — comes into being once every 20 years to suggest changes to that document.

Along with the state's attorney general, the commission includes members appointed by the governor, House speaker, Senate president and chief justice of the Florida Supreme Court. Any proposals the commission develops during the course of its meetings will appear on the November 2018 general election ballot. Like all proposed amendments, they must win at least 60% voter approval to be enacted.

The Bar is watching several issues closely, including whether to limit state Supreme Court justices and appeals court judges to 12 years on the bench and whether to shift court procedural rule-making authority away from the judiciary to the Legislature.

During this year's legislative session, the Florida House narrowly passed a proposal to impose 12-year term limits on state Supreme Court justices and appellate judges, but the measure did not make it out of the Senate. The Bar opposes judicial term limits, saying they would lead to a lack of expertise, high turnover and inconsistent rulings. "You want your best and brightest judges serving on the bench," Higer says.

House Speaker Richard Corcoran, who appointed nine of the commission's 37 members, has made adding term limits for judges a key legislative priority, citing concerns about what he calls judicial overreach. "No government job should be for life," he says. Critics suggest the proposal is retaliation for state Supreme Court rulings over redistricting and worker's compensation, among other things, that went against policies supported by the Legislature's Republican leadership.

Higer, who is not on the commission, says the Bar plays an important role in encouraging lawyers to get involved and educate their communities about the need to preserve an independent,

well-funded judiciary. The Bar also will provide the commission with its subject-matter expertise. “You want to help the CRC get it right,” he says. “The constitution is not a document that’s meant to be amended willy-nilly.”

A University of Miami law graduate, Higer began his career at Fine Jacobson Schwartz Nash Block & England, where he got to know Arthur England, then a name partner at the firm. In 2006, Higer started his own firm with two friends, David Lichter and Jacob Givner. “At the height of our success, we had 20 or so lawyers,” Higer says.

By 2014, however, the trio couldn’t arrive at a common vision for the firm’s direction, and they dissolved their partnership. Higer joined Berger Singerman as a partner and brought a cadre of former staff members with him. Meanwhile, he remained active in the Bar, serving on the board of governors for the past eight years and chairing the business law section from 2010-11.

“Busy people find a way to get things done,” Higer says, paraphrasing his late mentor. “The word ‘impossible’ is

not in my vocabulary.”

Along with the CRC, Higer says he’ll focus on several other issues as Bar president:

▶ **Technology and member benefits:**

About 65% of Bar members practice in law firms with 10 or fewer attorneys, Higer says. The Bar is upgrading online tools to enable small-firm practitioners to better connect with clients and colleagues, manage their practices and learn about new technology, “just as if they were in a firm with 100 or more lawyers,” he says. “We want to help our members more efficiently represent clients.”

▶ **Legal incubator:** The Bar plans to create a legal incubator — akin to a start-up incubator for business entrepreneurs — to help new lawyers launch their own practices while serving low- and moderate-income clients. Higer says the incubator idea, still in its infancy, will involve a collaboration with higher education.

▶ **Inclusivity and gender equality:** Last year, past-president Schifino formed a Special Committee on Gender Bias. The committee, led by Higer, surveyed about 6,000 Bar members and found that fewer

than half (48%) of female lawyer respondents believe they’re paid on par with men. Six in 10 believe their male counterparts often get more respect. In May, the committee unveiled a series of measures to promote gender equality, including the creation of a confidential procedure for lawyers to report instances of bias.

▶ **Health and wellness:** Higer says the Bar is increasing its efforts to help lawyers incorporate meditation and mindfulness into their daily routines and to achieve a healthier work-life balance.

“We’re not going to stop technology, e-mails and the difficulties that exist in terms of the practice of law,” he says. “But what we can do is provide our lawyers with the tools and resources to help them deal with those stresses and be mentally healthy.”

For his part, Higer says he makes family a priority despite his busy work schedule. “If my wife and two children, both adults, were sitting here, they would tell you I never missed anything, not a play, a baseball game, a wedding and so on,” he says. “You have to be all-in for everything.” 