

IN THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 10.02

LOCAL PROFESSIONALISM PANEL

In order to provide effective coordination of professionalism programs and activities throughout the Eighth Judicial Circuit, in compliance with the Supreme Court of Florida's Opinion No. SC13-688 entitled In Re: Code for Resolving Professionalism Complaints, which adopted the Code for Resolving Professionalism Complaints and directed the Chief Judge of each circuit in Florida to create a local professionalism panel to receive, screen and act upon complaints of unprofessional conduct, and to resolve those complaints informally, if possible, or refer them to The Florida Bar, if necessary; and

WHEREAS, on April 29, 1998, Chief Justice Gerald Kogan entered an Amended Administrative Order of the Supreme Court of Florida directing the chief judge of each circuit in Florida to establish a local bench/bar committee, as well as a committee on professionalism, with the purpose to "enhance communication, constructive problem solving, respect, and courtesy between judges and lawyers, as well as to improve the administration of justice;" and

WHEREAS, on August 24, 1998, the Eighth Judicial Circuit entered Administrative Order No. 10.03, establishing the Eighth Judicial Circuit Bench/Bar Committee; and

WHEREAS, on September 7, 2011, the Eighth Judicial Circuit entered Administrative Order No. 10.02(v1), establishing the Eighth Judicial Circuit Professionalism Committee; and

WHEREAS, for more than fifteen (15) years, the Eighth Judicial Circuit and the Eighth Judicial Circuit Bar Association have worked together to promote professionalism and coordinate professionalism activities for lawyers and judges in the Eighth Judicial Circuit to maintain the highest standards of professionalism, and to assist in counseling members of the Bar who engage in conduct inconsistent with the standards of professionalism;

IT IS THEREFORE ORDERED:

1. **ESTABLISHMENT OF LOCAL PROFESSIONALISM PANEL**

A. The Eighth Judicial Circuit Local Professionalism Panel (“Local Professionalism Panel”) is hereby created and is designated the Local Professionalism Panel, in accordance with the Supreme Court of Florida Opinion SC13-688. The Local Professionalism Panel shall also serve as the Eighth Judicial Circuit Bench/Bar Committee and the Eighth Judicial Circuit Professionalism Committee.

B. **Panel Members** – The Local Professionalism Panel shall consist of not less than nine (9) or more than thirteen (13) members, selected and appointed from time to time by the Chief Judge of the Eighth Judicial Circuit. The Chief Judge shall strive to select members that represent a cross-section of the Circuit, with due consideration given to, but not limited to, diversity, geographic location, legal practice area, reputation, and bar activities. The Chief Judge shall appoint the Chairperson of the Local Professionalism Panel. The Vice-Chairperson shall be selected by the members of the Local Professionalism Panel. The Chief Judge shall not be a member of the Local Professionalism Panel, but may preside over the Local Professionalism Panel.

2. **PURPOSE OF LOCAL PROFESSIONALISM PANEL**

The purpose of the Local Professionalism Panel is to receive, screen, evaluate and act upon complaints of unprofessional conduct and resolve those complaints informally, if possible, or refer the complaints to The Florida Bar, if appropriate or necessary. The Local Professionalism Panel may discuss the complaint, if appropriate, with the attorney alleged to have engaged in unprofessional conduct (the “Respondent Attorney”) and address conduct inconsistent with the *Standards of Professionalism* (which are set forth

in the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, The Florida Bar Ideals and Goals of Professionalism, the Rules Regulating The Florida Bar, and the decisions of the Florida Supreme Court) in an informal, non-punitive and educational manner. The Local Professionalism Panel shall have no authority to discipline any attorney or to compel any attorney to appear before it. The Local Professionalism Panel may counsel attorneys if it determines such counseling will further the goals of the *Standards of Professionalism*.

3. **PROCEDURES**

The Local Professionalism Panel shall generally follow these procedures:

A. **Referrals from Judicial Officers or Quasi Judicial Officers**

- i. When any Judicial Officer or Quasi Judicial Officer within the Eighth Judicial Circuit determines that an attorney has engaged in conduct inconsistent with the *Standards of Professionalism*, the matter may be referred to the Local Professionalism Panel through the Chief Judge.
- ii. **Process** – The Chairperson of the Local Professionalism Panel may send a letter on behalf of the Local Professionalism Panel to the Respondent attorney, inviting that attorney to meet with the Local Professionalism Panel on a date and time specified.

B. **Referrals from Attorneys and Non-Attorneys**

- i. **By an Attorney** – If an attorney observes conduct on the part of another attorney that he or she believes, in good faith, is inconsistent with the *Standards of Professionalism*, the referring attorney may request the Local Professionalism Panel consider the matter by completing the Referral Form and submitting it to the Local Professionalism Panel's Chairperson.

- ii. **By a Non-Attorney** – If a non-attorney person is directly and adversely affected by conduct of an attorney that is inconsistent with the *Standards of Professionalism*, that person may request that the Local Professionalism Panel consider the matter by completing the Referral Form and submitting it to the Local Professionalism Panel’s Chairperson.
- iii. **Page Limits for Referral from Attorney and Non-Attorney** – The request shall be limited to two (2) pages, exclusive of exhibits.

C. **Referrals from the Florida Bar’s Attorney Consumer Assistance Program (ACAP)**

The Local Professionalism Panel may accept referrals from the ACAP.

D. **Processing Referrals from Attorneys, Non-Attorneys and ACAP**

After receiving a referral from an attorney, non-attorney, or ACAP, the Chairperson of the Local Professionalism Panel shall review the request and notify the Respondent Attorney of the referral. The Chairperson may request a response, and shall determine if the matter justifies a referral to the Local Professionalism Panel. If a matter is referred to the Local Professionalism Panel, the Chairperson of the Local Professionalism Panel shall send a letter to the Respondent Attorney inviting the Respondent Attorney to meet with the Local Professionalism Panel on a date and time specified.

4. **GENERAL MATTERS**

A. **Letters Sent by Local Professionalism Panel**

Any letter sent by the Local Professionalism Panel to a Respondent Attorney requesting that the Respondent Attorney appear before the Local Professionalism Panel shall identify the conduct alleged to be inconsistent with

the *Standards of Professionalism*. The letter shall also advise the Respondent Attorney that the Local Professionalism Panel meeting is a non-disciplinary proceeding. A complete reference to the citations of the *Standards of Professionalism* shall be included in the letter. The letter shall also advise the Respondent Attorney that if he or she fails to appear before the Local Professionalism Panel without being excused beforehand then the Local Professionalism Panel will proceed with its meeting and decide whether to address the request or refer it to the ACAP for resolution.

B. **Panel Meetings**

The Chairperson and the Local Professionalism Panel members may meet with the Respondent Attorney at the date and time specified in the letter. The purpose of the meeting is to discuss with the Respondent Attorney the conduct alleged to be inconsistent with the *Standards of Professionalism* and attempt to resolve the alleged inconsistent conduct or behavior. The Chairperson may send a letter summarizing the Local Professionalism Panel's discussions to the Respondent Attorney. If the Respondent Attorney fails to appear for the meeting, the Local Professionalism Panel members present shall discuss the conduct or behavior alleged to be inconsistent with the *Standards of Professionalism*, and may summarize the Local Professionalism Panel's discussions by letter to the Respondent Attorney. Consistent with the provisions of paragraph 4.A of this Order, the Local Professionalism Panel may consider the Respondent Attorney's failure to appear in determining whether referral of the matter to the ACAP is appropriate.

C. **Forty-Five (45) Days to Resolve**

The Local Professionalism Panel should strive to resolve all referrals within forty-five (45) days of receipt of the request.

D. **Resolution**

After conducting an investigation and conferring with each other, the Local Professionalism Panel members may resolve the issues in the following non-punitive, educational and constructive ways to provide the Respondent Attorney with an incentive for self-improvement:

- i. The Chairperson may issue an oral or written decision to the Respondent Attorney;
- ii. The Local Professionalism Panel, in its discretion, may refer the Respondent Attorney to the Eighth Judicial Circuit Bar Association's Mentorship program or may communicate with an assistant mentor of the Respondent Attorney;
- iii. The Local Professionalism Panel may refer the Respondent Attorney to "The Florida Bar's Ethics School," which is an eight (8) hour ethics course, or any other course(s) deemed appropriate;
- iv. The Local Professionalism Panel may provide the Respondent Attorney with recommendations that will assist the attorney in the future;
- v. The Local Professionalism Panel, in appropriate circumstances, may refer the Respondent Attorney to "Florida Lawyers Assistance," or other similar, appropriate program(s), for assistance with drug, alcohol and/or emotional problems;
- vi. Pursuant to Section 2.1 of the Supreme Court Opinion SC13-688, the Local Professionalism Panel has the discretion to direct any referrals to the ACAP, depending upon the nature and severity of the referral;
or

- vii. The Local Professionalism Panel may recommend any other solution it deems to be appropriate or necessary.

Depending upon the circumstances, Respondent's failure to follow the recommendations of the Local Professionalism Panel may be a basis for referral to ACAP.

E. **Confidentiality**

All records regarding referrals to the Local Professionalism Panel shall be handled in the manner set forth in Supreme Court Opinion SC13-688 and as outlined in Rule 3-7.1, *The Rules Regulating the Florida Bar*, regarding the confidentiality of disciplinary investigations and proceedings.

- i. **Records Retention** – All records will be destroyed within thirty (30) days of the conclusion of the process and/or after the Respondent Attorney has completed all of the Local Professionalism Panel's recommendations, whichever is later.
- ii. **Statement of Confidentiality** – All Local Professionalism Panel members, the referring attorney and the Respondent Attorney shall be required to sign a statement acknowledging:
 - a. All information disclosed during the Local Professionalism Panel process is confidential and shall not be disclosed to anyone except other Local Professionalism Panel members, the referring attorney, or the Respondent Attorney; and
 - b. The Local Professionalism Panel is a voluntary, informal program that is intended to be non-punitive, educational and constructive. Furthermore, failure of the Respondent Attorney to complete all of the Local Professionalism Panel's recommendations shall not result in the imposition of sanctions or discipline.

5. Administrative Order No. 10.02(v1), establishing the Eighth Judicial Circuit Professionalism Committee, and Administrative Order No. 10.03, establishing the Eighth Judicial Circuit Bench/Bar Committee are hereby superseded by this Order and are deemed vacated to the extent such prior orders are inconsistent with this Order.

ORDERED on this 28th day of January, 2014.

A handwritten signature in blue ink, appearing to read "Robert E. Roundtree, Jr.", written over a horizontal line.

Robert E. Roundtree, Jr., Chief Judge