

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 2.074

IN RE:

ESTABLISHMENT OF LOCAL
PROFESSIONALISM PANEL

Doc# 2010853 12/31/2014 11:30AM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

Doc# 2010853
BK# 2718 P# 1863

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, the Florida Supreme Court entered Administrative Order SC13-688, re: *Code for Resolving Professionalism Complaints*, which directed the Chief Judge of each circuit to create a local professionalism panel to receive, screen and act upon complaints of unprofessional conduct, and to resolve these 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 order of the Supreme Court of Florida directing the Chief Judges of each circuit to establish a local bench/bar committee 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, December 21, 2004 and January 20, 2005, the Sixteenth Judicial Circuit entered Administrative Order 2.045/04-1 and 2.045/05-1, establishing the joint bench/bar professionalism committees in each geographical area of Monroe County; and

WHEREAS, Florida Supreme Court Order SC13-688 allows for the Chief Judge of the circuit to designate the local professionalism committee as the Local Professionalism Panel;

IT IS THEREFORE ORDERED THAT:

1. ESTABLISHMENT OF LOCAL PROFESSIONALISM PANEL

- a. The three current local Bench/Bar Professionalism committees are combined to form the Sixteenth Judicial Circuit Local Professionalism Panel.

- b. The Local Professionalism Panel shall consist of three county judges, as well as six (6) members of the Florida Bar, selected and appointed by the Chief Judge of the Sixteenth 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 and the Vice-Chairperson shall be selected by the members of the Local Professionalism Panel.

2. PURPOSE OF LOCAL PROFESSIONALISM PANEL

- a. 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 necessary.
- b. The Local Professionalism Panel may discuss the complaint, if appropriate, with the attorney alleged to have engaged in unprofessional conduct (Respondent Attorney) and address conduct inconsistent with the *Standards of Professionalism*, (which are set forth in the Oath of Administration 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.
- c. The Local Professionalism Committee 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 the panel 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 Sixteenth 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

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, hereby attached as Exhibit "A", and submitting it to the Local Professionalism Panel's Chairperson.
- ii. By a Non-Attorney-If a non-attorney 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 (Exhibit "A") and submitting it to the Local Professional Panel's Chairperson.

c. Referrals from the Florida Bar's Attorney Consumer Assistance Program (ACAP)

- i. The Local Professionalism Panel may accept referrals from the ACAP.

d. After receiving a referral, 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 shall send a letter to the Respondent Attorney inviting the Respondent Attorney to meet with the Local Professionalism Panel on a specified date and time.

4. GENERAL MATTERS

a. 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 *Standard 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, that the 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 shall meet with the Respondent Attorney at the date and time specified in the letter. A quorum of five (5) members of the Local Professionalism Panel must be present. 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 in paragraph 4a 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. Timeframe—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:
- i. The Chairperson may issue an oral or written decision to the Respondent Attorney;
 - ii. 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;
 - iii. The Local Professionalism Panel may provide the Respondent Attorney with recommendations that will assist the attorney in the future;
 - iv. 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 alcohol, drug, and/or emotional problems;
- v. Pursuant to Section 2.1 of Supreme Court Order SC13-688, the Local Professionalism Panel has the discretion to direct any referrals to the ACAP, depending on the nature and severity of the referral; or
- vi. 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 Professional Panel may be a basis for a referral to ACAP.

- e. Confidentiality—All records regarding referrals to the Local Professionalism Panel shall be handled in the manner set forth of Supreme Court Order 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 the Statement of Confidentiality, attached hereto as Exhibit "B".

5. Administrative Order 2.045/04-1 and 2.045/05-1, *Bench/Bar Committees*, are hereby vacated upon execution below.

DONE AND ORDERED in Chambers at Plantation Key, Monroe County, Florida, on this 15th day of December, 2014.


Luis Garcia
Chief Judge

SIXTEENTH JUDICIAL CIRCUIT
PROFESSIONALISM PANEL REFERRAL FORM

TO: Chairperson, Sixteenth Judicial Circuit Local
Professionalism Panel

RE: Professionalism Panel Referral Pursuant to
Administrative Order 2.074

Pursuant to Administrative Order 2.074, *Establishment of Local Professionalism Panel*, a complaint is being made to the Sixteenth Judicial Circuit Local Professionalism Panel regarding the following attorney, due to observed conduct that was inconsistent with *The Florida Bar's Standards of Professionalism*:

Name of Attorney

The referral is the result of the following conduct:

- ____ Lack of Courtesy/Respect
- ____ Failure to Cooperate
- ____ Delay or Lack of Due Diligence
- ____ Threats
- ____ Improper Discovery or Negotiation Tactics
- ____ Other: _____

The conduct took place in the following case(include case style and number) or with respect to the following legal matter: _____

The following documents are attached to this referral form:

- ____ Formal letter of referral explaining nature of conduct(required for non-judicial referrals)
- ____ Order(s)
- ____ Motion(s)/Notice(s)/Memoranda of Law/Correspondence
- ____ Other: _____

Name of Requestor

Date

Address

Phone Number

Email Address

SIXTEENTH JUDICIAL CIRCUIT
LOCAL PROFESSIONALISM PANEL

STATEMENT OF CONFIDENTIALITY

In compliance with the requirements of Section 4(e)(ii) of Administrative Order 2.074, Establishment of Local Professionalism Panel, I hereby acknowledge that:

1. All information disclosed during the Local Professionalism Panel is confidential and shall not be disclosed to anyone except other Local Professionalism Panel members, the referring attorney and the Respondent Attorney;
2. 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.

DATED this _____ day of _____, 20_____.

Signature

Printed Name

Title