

PROFESSIONALISM IN THE CIRCUIT
COURT OF FLORIDA, EIGHTEENTH
JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER NO.:
14-30

**IN RE: ADMINISTRATIVE PROCEDURES - ESTABLISHMENT OF LOCAL
PROFESSIONALISM PANEL**

WHEREAS, in order to provide effective coordination of professionalism programs and activities throughout the Eighteenth Judicial Circuit and in accordance with the Florida Supreme Court's Administrative Order entitled In Re: Commission on Professionalism, dated June 11, 1998, mandating the establishment of a local Professionalism Committee in each judicial circuit; and

WHEREAS, the Chief Judge, in and for the Eighteenth Judicial Circuit shall serve as the Chair of the Eighteenth Circuit Professional Committee; and

WHEREAS, in the interest of promoting professionalism, a Professionalism Committee allows the bench and the Bar to coordinate professional activities for lawyers and judges in furtherance of and in an effort to maintain the highest standards of professionalism in the Eighteenth Circuit; and

WHEREAS, on June 6, 2013, the Florida Supreme Court entered Administrative Order No.: SC13-688 In Re: Code for Resolving Professionalism Complaints, mandating that a local subdivision of the Eighteenth Circuit Professionalism Committee be developed in each county of the Eighteenth Judicial Circuit to receive, screen and act upon complaints of unprofessional conduct and resolve those complaints informally, if possible, or refer them to The Florida Bar if necessary.

NOW THEREFORE, I, JOHN M. HARRIS, as Chief Judge of the Eighteenth Judicial Circuit of Florida and in accordance with Florida Rules of Judicial Administration 2.215(b)(2), hereby order the establishment of a separate Local Professionalism Panel (hereinafter referred to as "Panel") for Brevard and Seminole counties in the Eighteenth Judicial Circuit. The Panel shall be an entity independent of the Florida Bar, established at the local level for the purpose of resolving complaints of alleged unprofessional conduct amongst members of the Bar practicing in that circuit.

IT IS FURTHER ORDERED as follows:

1. A Panel consisting of respected attorneys in the community will be used to address alleged instances of improper conduct and will conduct proceedings in a constructive, non-punitive fashion.
2. Brevard and Seminole county shall each establish a Panel which shall operate under the guidance and supervision of the Eighteenth Circuit Chief Judge and the Eighteenth Circuit Professionalism Committee.
3. Each Panel shall consist of no less than seven (7) members of the Florida Bar in good standing in each of their respective counties, with one Panel member designated as the Panel Chair, as selected by the Chief Judge of the Circuit.
4. One member of each Panel shall serve as the Panel liaison and be responsible for communicating between the Chief Judge and the Circuit Professionalism Committee Chair, the Panel Chair and the Panel members. The liaison shall be responsible for coordinating meetings and distributing information. The liaison shall be the Panel Chair or his designee.
5. All Panel members shall be selected by the Chief Judge and/or Circuit Professionalism Chair.
6. Initially, all members of the Panel, other than the Panel Chair, shall be appointed to serve a one-year renewable term. The Panel Chair shall be appointed to serve a two-year renewable term. There are no term limits, the Chief Judge will appoint the Panel Chair at his discretion and appoint all Panel members.
7. Participation by attorneys on the Panel is strictly voluntary.
8. Appearances by attorneys before the Panel are also strictly voluntary but essential for the process to succeed and therefore are encouraged.
9. The judges of the Eighteenth Judicial Circuit may refer cases of perceived improper attorney conduct to the Panel for resolution, but are not obligated to make such referrals.
10. Each of the Eighteenth Judicial Circuit Local Professionalism Panels, for Brevard and Seminole counties, will otherwise be governed by the internal operating procedures attached hereto.

DONE AND ORDERED in this 24th day of July, 2014.

JOHN M. HARRIS
JOHN M. HARRIS
CHIEF JUDGE

Distribution:
All Circuit and County Judges (Brevard and Seminole County)
Court Administration (Brevard & Seminole County)
Clerk of Court (Brevard & Seminole County)
State Attorney (Brevard & Seminole County)
Public Defender (Brevard & Seminole County)
Sheriff (Brevard & Seminole County)
Bar Association (Brevard & Seminole County)
Law Library (Brevard & Seminole County)

**EIGHTEENTH JUDICIAL CIRCUIT
PROFESSIONALISM COMMITTEE LOCAL PROFESSIONALISM PANEL**

1. Standards and Purpose:

The purpose of the Local Professionalism Panel (hereinafter referred to as “Panel”) in the Eighteenth Judicial Circuit is to enhance professionalism among members of the Florida Bar practicing in this circuit. The Panel recognizes that the Rules Regulating the Florida Bar identify a minimal level of conduct and ethical standards for members of the Bar, failing which members may be subject to discipline. The Panel is not intended to address conduct that may violate these Rules. It is designed to encourage compliance with aspirational goals identified in:

- a. “Ideals and Standards of Professional” promulgated by The Florida Bar;
- b. “Guidelines for Professional Conduct” promulgated by The Trial Lawyers Section of The Florida Bar; and
- c. Professionalism guidelines developed by the voluntary bar associations within the Eighteenth Judicial Circuit.

2. Initiation of a Complaint:

- a. Attorneys may initiate a written complaint, signed by the attorney who observes the alleged conduct in question. Attorneys are encouraged, prior to referring conduct to the Panel, to discuss the situation with the other attorney involved in an effort to reach an amicable resolution consistent with the above-referenced professionalism standards and guidelines.
- b. Judges, at their discretion, may also refer conduct for consideration by the Panel by initiating a signed, written complaint. Alternatively Judges may directly respond and/or provide advice with regard to conduct observed by the Judge that the Judge believes may be inconsistent with the above-referenced professionalism standards and guidelines.
- c. The form required for initiation of a complaint is attached as Exhibit “A.”

3. Procedure to Form Panel:

Complaints will be considered by the Panel consisting of no less than seven (7) members selected by the Chief Judge. A quorum for purposes of attorney review shall be comprised of at least three (3) members of the Panel who are in good standing with the Florida Bar plus the Panel Chair. The Chief Judge will appoint a Panel Chair for each county. The Panel must include at least one member who practices within the same field of specialty as the individual who is the subject of the complaint. Therefore, Panel additions are allowed if necessary during a term.

4. Review:

- a. All complaints must be made in writing and submitted to the Panel via the Chief Judge of the Circuit or the Professionalism Committee Chair.
- b. The Chief Judge will refer the complaint to the Panel Chair who will review the complaint and consult with the other members of the Panel to determine if any action should be taken. If, by majority, the Panel determines that the complaint may be resolved by a telephone consultation with the lawyer who is the subject of the complaint, or by an informal meeting, the matter may be resolved informally by such means.
- c. In the event the complaint is not resolved by an informal telephone call, and a meeting (formal or informal) is required, the lawyer who is subject of the complaint will be furnished with a copy of the complaint and provided an opportunity to submit a written response.
- d. If, by majority, the Panel determines that the complaint presents a serious violation, then the Panel will contact the referring lawyer and the lawyer who is the subject of the complaint and schedule a formal hearing. At said hearing, each party will have an opportunity to attend and present their positions. The hearing may be conducted with

both the referring lawyer and the lawyer subject to the complaint present, in a mediation format, or in such other format as the Panel deems appropriate.

- e. Upon conclusion of a formal hearing, the Panel will issue a written decision and submit it to the Chief Judge. Copies will be provided to both the referring lawyer and the lawyer who is the subject of the complaint. Among other things, the Panel may refer the subject lawyer to a mentor, and/or to Florida Lawyers Assistance, Inc., or The Florida Bar's Attorney Consumer Assistance Program.

5. Records:

A written record including the complaint, responses (if any), formal decision (if any), and memo outlining the resolution of the complaint, will be maintained by the Chief Judge for a period of sixty (60) days, after which said record will be destroyed. The Chief Judge will maintain Panel records, in docket form, identifying the complaint file number, the date the complaint was made, the manner in which the complaint was made, the manner in which the complaint was resolved, and the date of the resolution. These Panel records will **not** include the names of the referring or subject lawyers, but will be maintained in accordance with Rule 2.440, Florida Rules of Judicial Administration.

6. Confidentiality:

All Panel members, referring lawyers, and subject lawyers will be required to sign statements acknowledging:

- a. Information disclosed during the Panel process is confidential and may not be disclosed to anyone except other Panel members, the referring lawyer, or the subject lawyers, and
- b. The Panel conducts a voluntary, informal process intended to be non-punitive, educational and constructive. It will not result in the imposition of sanctions or discipline.

EXHIBIT "A"
LOCAL PROFESSIONALISM PANEL COMPLAINT FORM

Submit form to: (Check One)

_____ Chief Judge, 18th Circuit

_____ Brevard County Professionalism Committee Chair

_____ Seminole County Professionalism Committee Chair

1. Referring Attorney:

Your Name: _____

Bar No.: _____

Address: _____

Telephone: _____

Fax: _____

Check this box if you wish to discuss this issue with the Panel Chair of the Local Professionalism Panel prior to making a written complaint. Such discussions will be off the record and you may thereafter elect not to proceed with a written complaint. However, the Local Professionalism Panel cannot take formal action on an issue unless a written complaint is filed, including items 2 & 3 below.

2. Attorney Being Referred:

Name (if more than one, attach information to this form)

Name: _____

Bar No.: (if known) _____

Address: _____

Telephone: _____

Fax: _____

NOTE: THIS IS NOT A DISCIPLINARY PROCEEDING

3. Alleged Violation (please refer to specific Bar association guidelines, if possible): Use the reverse side of this form or attach additional pages if necessary. Please try to be brief, factual and non-judgmental. Please list and attach any papers requiring consideration or needed for clarification of the allegations discussed.

Signed _____ Date: _____