

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2013-53-Gen

SEVENTEENTH CIRCUIT PROFESSIONALISM PANEL

- (a) **WHEREAS**, the Florida Supreme Court has adopted standards of professional behavior codified in: (1) the Oath of Admission to The Florida Bar; (2) The Florida Bar Creed of Professionalism; (3) The Florida Bar Ideals and Goals of Professionalism; (4) The Rules Regulating The Florida Bar; and (5) the decisions of the Florida Supreme Court (hereinafter collectively the "*Standards of Professionalism*").
- (b) **WHEREAS**, the *Standards of Professionalism* apply to all counsel practicing law in Florida and the Seventeenth Judicial Circuit.
- (c) **WHEREAS**, the Board of Directors of Broward County Bar Association have also approved Standards of Professional Courtesy to address customary practices in Broward County which are endorsed by the Judges of the Seventeenth Judicial Circuit.
- (d) **WHEREAS**, on June 6, 2013, the Supreme Court of Florida, in opinion SC13-688, adopted the Code for Resolving Professionalism Complaints and directed the Chief Judge of each circuit to create a Local Professionalism Panel to receive and resolve professionalism complaints.
- (e) **NOW, THEREFORE**, pursuant to the authority conferred by the Florida Supreme Court and Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

(1) **ESTABLISHMENT OF LOCAL PROFESSIONALISM PANEL**

- a. The Seventeenth Judicial Circuit Professionalism Panel ("Panel") is hereby constituted and is designated the Local Professionalism Panel in accordance with SC13-688.
- b. The Panel shall consist of not less than fifteen (15) or more than twenty-one (21) members selected and appointed from time to time by the Chief Judge of the Seventeenth Judicial Circuit. The Chief Judge shall strive to select members that represent a cross-section of the Circuit with due consideration to such matters as, but not limited to, geographic location, diversity, discipline, reputation or bar activities.
- c. The Chief Judge of the Seventeenth Judicial Circuit shall appoint the Chairperson of the Panel. The Vice-Chairperson of the Panel shall be elected by the members of the Panel.
- d. The Chief Judge shall not be a member of the Panel but may preside over the Panel.

- e. Meetings may be called by the Chairperson, the Chief Judge, or a majority of the membership. Notice of any meeting shall be given to each Panel member in such manner as deemed appropriate by the Chairperson of the Panel, and e-mail or telephonic notice is specifically approved.
- f. Those persons listed on Exhibit A shall constitute the initial Panel and shall serve at the discretion of the Chief Judge. The membership of the Panel, as it changes from time to time, shall be posted on the Seventeenth Judicial Circuit website.

(2) **PURPOSE OF LOCAL PROFESSIONALISM PANEL**

The purpose of the Panel is to receive, screen, evaluate and act upon complaints of unprofessional conduct and resolve those complaints informally, if possible, or refer to The Florida Bar if appropriate or necessary. The 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* in an informal, non-punitive, and educational manner. The Panel shall have no authority to discipline any attorney or to compel any attorney to appear before the Panel. The Panel may counsel attorneys if it determines such counseling will further the goals of the *Standards of Professionalism*.

(3) **PANEL PROCEDURES**

The following procedures shall generally govern the proceedings of the Panel:

- a. Initiation by Judicial Officer or Quasi Judicial Officer:
 - i. When any Judge or Magistrate within the Seventeenth Judicial Circuit determines that an attorney has engaged in conduct inconsistent with the *Standards of Professionalism*, the Judge or Magistrate may refer the matter to the Panel via the Chairperson of the Panel.
 - ii. The Chairperson of the Panel, on behalf of the Panel, may address a letter to the Respondent Attorney, request a response, and invite the Respondent Attorney to meet with members of the Panel on a date and time specified.
- b. Initiation by Attorney/Non-Attorney:
 - i. 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*, that attorney may request that the Panel consider the matter by completing a referral form and submitting it to the Chairperson of the Panel.

- ii. If a non-attorney is directly and adversely affected by conduct on the part of an attorney that is allegedly inconsistent with the *Standards of Professionalism*, that person may request that the Panel consider the matter by completing a referral form and submitting it to the Chairperson of the Panel.
 - iii. The request shall be limited to two (2) pages exclusive of exhibits.
 - iv. The Chairperson of the Panel shall review the request, shall notify the Respondent Attorney of the request, may request a response, and shall determine whether the matter justifies a referral to the Panel. If a matter is referred to the Panel, the Chairperson of the Panel shall address a letter to the Respondent Attorney inviting the Respondent Attorney to meet with the Chairperson or members of the Panel on a date and time specified.
- c. Initiation by the Florida Bar's Attorney Consumer Assistance and Intake Program (ACAP).
- i. The Panel may accept referrals sent by ACAP.
 - ii. The Chairperson of the Panel shall review the request, shall notify the Respondent Attorney of the request, may request a response, and shall determine whether the matter justifies a referral to the Panel. If a matter is referred to the Panel, the Chairperson of the Panel shall address a letter to the Respondent Attorney inviting the attorney to meet with the Chairperson or members of the Panel on a date and time specified.
 - iii. Any letter sent to a Respondent Attorney by the Panel requesting that the Respondent Attorney appear before the Panel shall identify the conduct alleged to be inconsistent with the *Standards of Professionalism* and the *Standards of Professionalism* potentially implicated and shall advise the attorney that the Panel meeting is not a disciplinary proceeding.
 - iv. The Chairperson, alone or the Chairperson with any number of Panel members to be designated by the Chairperson, may meet at the date and time specified in the letter. The purpose of the meeting shall be to discuss with the Respondent Attorney his or her conduct and attempt to resolve the conduct or behavior alleged to be inconsistent with the *Standards of Professionalism*. The Chairperson of the Panel may send a letter summarizing the Panel's discussions to the Respondent Attorney.

- v. If the Respondent Attorney fails to appear, the designated members of the Panel shall discuss the alleged conduct inconsistent with the *Standards of Professionalism* and may summarize the Panel's discussions by letter to the Respondent Attorney. Consistent with the provisions of paragraph D.2.(f) of this Order, the Panel may consider the Respondent Attorney's failure to appear in determining whether referral to ACAP is appropriate.

(4) **GENERAL MATTERS**

- a. The Panel members should endeavor to resolve all referrals within forty-five (45) days of receipt of a referral.
- b. Upon conferring with each other and conducting an investigation, the Panel members involved may proceed and resolve the issues in the following non-punitive, educational and constructive manner 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 Panel, in its discretion, may also refer the Respondent Attorney to the Broward County Bar Association's Mentorship program or may communicate with an assisting mentor of the Respondent;
 - iii. The Panel may recommend the Respondent Attorney attend "The Florida Bar's Ethics School," which is an eight (8) hour ethics course, or any other course(s) deemed appropriate;
 - iv. The Panel may advise the Respondent Attorney with recommendations that will assist the attorney in the future;
 - v. The 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 Panel has the discretion to direct any referrals to ACAP depending upon the nature and severity of the referral; or
 - vii. The Panel may form any other such solutions that the Panel may deem as appropriate or necessary.
- c. All records regarding referrals to the Panel will be handled in the same manner as set forth in the Supreme Court Opinion SC13-688 and as

outlined in Rule 3-7.1 of *The Rules Regulating the Florida Bar* regarding the confidentiality of disciplinary investigations and proceedings.

- d. 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 Panel's recommendations, whichever is later.
 - e. At the inception of the proceedings contemplated hereunder, all Panel members, the referring judicial officer, attorney, any referring non-attorney, and the Respondent Attorney shall be required to sign a statement acknowledging that:
 - i. all information disclosed during the Panel process is confidential and shall not be disclosed to anyone except other Panel members, the referring attorney, or the Respondent Attorney; and
 - ii. the Panel is a voluntary, informal program which is intended to be non-punitive, educational, and constructive; furthermore, participation and successful completion of all recommendations from the Panel shall not result in the imposition of sanctions or discipline.
- (5) All other Administrative Orders that have been previously entered, addressing the identical subject matter, are hereby vacated and superseded.
- (6) This Administrative Order No. 2013-53-Gen shall be recorded by the Clerk of the Court, in the Official Records of Broward County, in the State of Florida, shall take effect immediately, and remain in full force and effect unless and until otherwise ordered by the Court.

DONE AND SIGNED, in Chambers, at Broward County, Fort Lauderdale, Florida, this 21 day of October 2013.

/s/ Peter M. Weinstein
Peter M. Weinstein, Chief Judge