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12/30/2013 at 02:46 PM, BOB INZER, CLERK OF COURTS

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 2013 -09

IN RE: SECOND JUDICIAL CIRCUIT PROFESSIONALISM PANEL

WHEREAS, the bench and bar of the Second Judicial Circuit have historically endeavored to encourage, promote and maintain a high standard of professionalism in the Circuit; and

WHEREAS, the "Tallahassee Bar Association - Code of Professional Courtesy" was endorsed by the judiciary of the Second Judicial Circuit by Administrative Order 90-26; and

WHEREAS, pursuant to the directive of former Chief Justice Gerald Kogan of The Supreme Court of Florida, the Second Judicial Circuit Professionalism Committee was established by Administrative order 2003-12 to assess the status and conditions of professionalism and to encourage and promote professionalism and ethics within the Second Judicial Circuit; and

WHEREAS, in an effort to address professionalism complaints on an informal basis, and to enhance communication, constructive problem solving, respect and courtesy between judges and lawyers of the Second Judicial Circuit, and pursuant to Amended Administrative Order of The Supreme Court of Florida, the Second Judicial Circuit Bench/Bar Committee was formally established by Administrative Order 2003-09 to replace the informal bench/bar committee that had been productively functioning for many years prior to such formal order; and

WHEREAS, The Supreme Court of Florida has issued its opinion entitled "In Re: Code for Resolving Professionalism Complaints" [116 So.3d 280 (Fla. June 6, 2013)] in which the Chief Judge of every Circuit was ordered "to create a Local Professionalism Panel to receive and resolve professionalism complaints informally, if possible."

NOW THEREFORE, in accordance with the order of The Supreme Court of Florida, the Chief Judge's authority under Article V, § 2, Florida Constitution, 2.215, Fla. R. Jud. Admin., and § 43.26, Florida Statutes, it is hereby

ORDERED as follows:

1. The Second Judicial Circuit Professionalism Committee is hereby re-constituted as the Second Judicial Circuit Professionalism Panel ("Panel").

2. The purpose of the Panel is to receive, screen, evaluate and act upon complaints of conduct inconsistent with the "Standards of Professionalism" as defined in The Supreme Court's opinion, and resolve those complaints informally, if possible, or refer them to The Florida Bar if

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appropriate or necessary, and to perform all duties and responsibilities required by The Supreme Court of Florida in its opinion "In Re: Code for Resolving Professionalism Complaints". In the performance of its duties and responsibilities, the Panel shall not have the authority to discipline attorneys, and shall not have the authority to compel any attorney to appear before it.

3. The Panel shall consist of not less than twenty (20), nor more than forty (40) members selected and appointed from time to time by the Chief Judge. The Chief Judge shall strive to select members who represent a cross-section of the Circuit, with due consideration to such matters as, but not limited to, geographic location, diversity, professional reputation and bar activities. Representatives of bar organizations within the Circuit are encouraged to suggest names of appropriate representatives for future Panel membership. The Chief Judge shall appoint the Chair and Vice-Chair of the Panel.

4. The Chief Judge shall not be a member of the Panel, but may preside over the Panel when deemed by the Chief Judge to be necessary or appropriate.

5. Meetings of the Panel may be called by the Chair, a majority of the Panel members or the Chief Judge. Notice of any Panel meeting shall be given to each Panel member in such a manner as deemed appropriate by the Chair. E-mail or telephonic notice is expressly approved. The notice requirement that notice be given to each member of the Panel shall not be applicable to any meeting of a sub-committee or sub-panel established by the Chair. Notice to the members of the sub-committee or sub-panel shall be sufficient.

6. Those persons listed in Exhibit A attached shall constitute the initial Panel and shall serve at the discretion of the Chief Judge. The membership of the Panel, as it may change from time to time, shall be posted on the Second Judicial Circuit webpage.

7. The Panel shall develop and prepare a written procedure for the receipt, screening and resolution of professionalism complaints, and shall have the authority to amend the same from time to time, consistent with the order of The Supreme Court, including requirements for confidentiality. The written procedures shall be provided to the Chief Judge within sixty (60) days from the date of this order and shall be posted on the Second Judicial Circuit website. Amendments to such procedures as adopted from time to time, and such other matters as the Panel deems appropriate, shall also be posted on the website. Any such procedures shall specifically provide for the use by the Panel of the Individual Reporting Form For Local Circuit Professionalism Panel, attached as Exhibit B, and preparation of the Local Circuit Professionalism Panel Quarterly Summary Report To The Florida Supreme Court, attached as Exhibit C.

8. The Panel shall also assess the status and conditions of professionalism in the Second Judicial Circuit and encourage and develop educational programs and activities to promote the Code of Professionalism in the Circuit. The Panel shall report the results of its assessment, educational and program development and activities in writing to the Chief Judge annually on or before December 1 of each calendar year.

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9. The Chair of the Panel shall have the authority to establish such sub-committees and sub-panels of the Panel as deemed necessary or appropriate to fulfill the duties and responsibilities of the Panel, including, but not limited to, a complaint resolution sub-panel(s) and an education and assessment sub-panel(s).

10. The Panel shall meet as is necessary to fulfill its responsibilities, but in no event less than twice annually.

11. Administrative Order 2003-12, as amended is hereby vacated and superceded by this order.

12. This order shall be effective immediately.

Done and Ordered this 30th day of December, 2013.

Charles A. Francis

CHARLES A. FRANCIS
Chief Judge

cc: All Circuit and County Judges, Second Judicial Circuit
All Clerks of Court, Second Judicial Circuit
All Second Judicial Circuit Professionalism Panel Members
Council of Bar presidents

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SECOND JUDICIAL CIRCUIT PROFESSIONALISM PANEL		
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Hon. Robert R. Wheeler		Wheelerr@leoncountyfl.gov
Karen Walker		Karen.Walker@hklaw.com
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EXHIBIT "A"		

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INDIVIDUAL REPORTING FORM FOR LOCAL CIRCUIT PROFESSIONALISM PANEL

Individual Completing Form: _____ **Date:** _____

Address: _____

Email: _____ **Phone:** _____

Name of Person Who Filed Complaint: _____

Client ___ **Member of public** ___ **Lawyer** ___ **Judge** ___ **TFB#** _____

Address: _____

Email: _____ **Phone:** _____

Name of Attorney Complaint Filed Against: _____

TFB #: _____ **Email:** _____

Phone: _____

Address: _____

Date Complaint Filed: _____ **Date of Incident:** _____

Nature of Incident:

___ Appearance of impropriety

___ Unprofessional conduct

___ Uncivil, unruly

___ Rude, discourteous, disruptive, disrespectful

___ Offensive personality

___ Abusive

___ Honesty, integrity, candor

___ Unfair play, dilatory tactics

___ Used profanity/obscene gestures

___ Bullying or badgering

___ Disorganized or unprepared

Other: _____

Names and address of Panel Participants Involved:

_____

_____

_____

Final Resolution: ___ No action ___ Counseled ___ Refer TFB ___ Other _____

Recommended: ___ Counseled ___ Attend CLE ___ Referral (where) _____ ___ Apology issued

___ Mentoring Suggested ___Other (Please describe) _____

Comments:

Chief Judge Signature: _____ **Circuit Number:** _____

EXHIBIT "B"

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FLORIDA BAR ACAP
AND
LOCAL CIRCUIT PROFESSIONALISM PANEL
QUARTERLY SUMMARY REPORT TO THE FLORIDA SUPREME COURT

Reporting Period: July – Sept. 20____ Oct. – Dec. 20____ Jan. – March 20____ April - June 20____

Individual Completing Form: _____ **Date:** _____

Address: _____

Email: _____ **Phone:** _____

Total Number of Complaints this Period: _____ **Total Number of Pending Complaints:** _____

Total Number of Closed Complaints: _____ **Total Number of Repeat Lawyers Reported:** ____

Please indicate the number and type of complainants:

Client: ___ Member of public: ___ Lawyer: ___ Judge: ___

Nature of the incident: Please select the most applicable category for each of the closed complaints.

___ Appearance of impropriety
___ Unprofessional conduct
___ Uncivil, unruly
___ Rude, discourteous, disruptive, disrespectful
___ Offensive personality
___ Abusive
___ Honesty, integrity, candor
___ Fair play, dilatory tactics
___ Used profanity/obscene gestures
___ Bullying or badgering
___ Disorganized or unprepared
Other: _____

Please indicate the number of dispositions in each category:

___ Consultation completed

___ No show

___ Referred to The Florida Bar

___ Other: _____

_____

Comments:

Chief Judge Signature: _____ **Circuit Number:** _____

Florida Bar ACAP _____

EXHIBIT "C"

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