20140014332 RECORDED IN PUBLIC RECORDS LEON COUNTY FL BK: 4635 PG: 1722,
02/24/2014 at 04:22 PM, BOB INZER, CLERK OF COURTS

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO. 2014 - 02

IN RE: SECOND JUDICIAL CIRCUIT PROFESSIONALISM PANEL – PROCEDURES FOR PROCESSING PROFESSIONALISM COMPLAINTS

WHEREAS, the Florida Supreme Court issued its decision In re: Code for Resolving Professionalism Complaints, 116 So. 3d 280 (Fla. 2013) directing the Chief Judge of each circuit to create a local professionalism panel 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, and

WHEREAS, on December 30, 2013, through Second Circuit Administrative Order 2013-09, the Second Judicial Circuit Professionalism Committee was re-constituted as the Second Judicial Circuit Professionalism Panel, and

WHEREAS, the Panel was ordered, within sixty (60) days, to 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.

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 that the following procedure shall be adopted in the Second Judicial Circuit to process professionalism complaints before the Second Judicial Circuit Professionalism Panel:

I. Standards and Purpose:

The purpose of the Local Professionalism 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 to resolve those complaints informally, if possible, or refer them to the Attorney Consumer Assistance Program (ACAP) at The Florida Bar depending upon the nature and severity of the complaint.

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

II. Initiation of a Complaint:

a. The form required for initiation of a complaint shall be made available on the Second Judicial Circuit website.

b. Any person may initiate a professionalism complaint against a member of The Florida Bar through the Professionalism Panel. The Professionalism Panel may also accept referrals sent by ACAP at The Florida Bar.

c. 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.

III. Procedure for Review and Processing Complaints:

a. The Chair of the Professionalism Panel shall create a "Complaint Resolution Sub-Panel" to receive and review any and all professionalism complaints to determine if any action should be taken. The "Complaint Resolution Sub-Panel" shall be comprised of the Chair of the Professionalism Panel or a member of the Professionalism Panel designated by the Chair and two (2) other members of the Professionalism Panel, also designated by the Chair on a per complaint rotating basis.

b. The Complaint Resolution Sub-Panel may decide, by majority, at the initial review of the Complaint that the conduct is too severe to be handled by the Local Professionalism Panel and may determine to refer the Complaint to ACAP at The Florida Bar.

c. If, by majority, the Complaint Resolution Sub-Panel determines that the complaint may be resolved by a telephone consultation with the attorney who is the subject of the complaint, or by an informal meeting, the matter may be resolved informally by such means.

d. In the event the complaint is not resolved by an informal telephone call, and a meeting (formal or informal) is required, the attorney who is the subject of the complaint will be furnished with a letter enclosing a copy of the complaint and providing the subject attorney with an opportunity to submit a written response. The subject attorney shall be advised that participation with the Professionalism Panel is voluntary and intended to avoid further formal action being taken against the subject attorney through The Florida Bar.

e. Any letter sent by the Local Professionalism Panel to a subject attorney requesting that the subject attorney appear before the Local Professionalism

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

Panel shall identify the conduct alleged to be inconsistent with the Standards of Professionalism. The letter shall also advise the subject 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 subject 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 at The Florida Bar for resolution.

f. If, by majority, the Complaint Resolution Sub-Panel determines that the complaint presents a serious violation, then the panel will contact the referring party and the attorney 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 party and the attorney subject to the complaint present, in a mediation format, or in such other format as the panel deems appropriate.

g. 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 party and the attorney who is the subject of the complaint. Among other things, the committee may refer the subject attorney to a professionalism or ethics seminar authorized by The Florida Bar, refer the subject attorney to a mentor, and/or to Florida Lawyers Assistance, Inc., or issue the subject attorney a letter of advice. Failure to follow the recommendations of the Local Professionalism Panel may be a basis for referral to ACAP at The Florida Bar.

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

IV. Confidentiality:

All committee members, referring parties, and subject attorneys will be required to sign statements acknowledging:

a. The Local Professionalism Panel is a voluntary, information program intended to be non-punitive, educational and constructive. The Panel shall not have the authority to impose sanctions or disciplinary measures, but shall serve as an effort to avoid further potential disciplinary proceedings through promoting professionalism. However, failure to comply with the recommendations of the Panel may result in the Complaint being sent to ACAP at The Florida Bar.

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT

b. Should the Local Professionalism Panel choose to process a request, and the referring party and subject attorney agree, information disclosed during the panel process is confidential and may not be disclosed to anyone except other panel members, the referring party, the subject attorney, The Florida Bar, or as otherwise required by law or by rule of court.

V. Records:

The Individual Reporting Form for Local Circuit Professionalism Panel, as provided by The Florida Supreme Court, shall be used to make a written record of each complaint and shall include a copy of the complaint, responses (if any), formal decision (if any), and memo outlining the resolution of the complaint.

Said written records will be maintained by the Chair of the Professionalism Panel or a member of the Professionalism Panel designated by the Chair for a period of one hundred and twenty (120) days, and shall be used to compile the information necessary to prepare the Local Circuit Professionalism Panel Quarterly Summary Report to The Florida Supreme Court, as provided by The Florida Supreme Court.

At the conclusion of the one hundred and twenty (120) days, the Individual Reporting Form along with its attachments shall be destroyed. The Chair of the Professionalism Panel or a member of the Professionalism Panel designated by the Chair will maintain program records, in docket form, identifying the complaint file number, the date the complaint was made, the manner in which the complaint was resolved, and the date of the resolution. The records will not include the names of the referring parties or subject attorneys, but will be forwarded and maintained by the Chief Judge in accordance with Rule 2.440, Florida Rules of Judicial Administration.

DONE and ORDERED this 24th day of February, 2014.

Charles A. Francis
CHARLES A. FRANCIS
Chief Judge

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

UNOFFICIAL DOCUMENT
CLERK OF THE CIRCUIT COURT & COMPTROLLER LEON COUNTY GWEN MARSHALL
UNOFFICIAL DOCUMENT