

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2020-010
(Supersedes Administrative Order S-2019-003)**

PROFESSIONALISM COMMITTEE

The current professionalism movement in Florida traces its formal beginning to a Florida Bar task force created in 1989 which generated a report that lawyers' professionalism was in a state of "steep decline." In 1996, The Florida Bar requested that the Florida Supreme Court create a Commission on Professionalism with the overarching objective of increasing the professionalism aspirations of all lawyers in Florida and ensuring that the practice of law remains a high calling with lawyers invested not only in the service of individual clients but also service to the public good as well.

In accordance with an administrative order issued by the chief justice of the Florida Supreme Court in 1998, the chief judge of each circuit was directed to create and maintain in continuous operation a circuit Committee on Professionalism. The Thirteenth Judicial Circuit has since created and maintained its Circuit Committee on Professionalism. In 2013, in response to surveys of both lawyers and judges reporting that professionalism is one of the most significant problems that negatively impacts the practice of law in Florida today, the Florida Supreme Court directed the chief judge of every circuit to develop a Local Professionalism Panel to receive, screen, and act upon complaints of unprofessional conduct to informally resolve complaints, if possible. The chief judge may designate the Circuit Committee on Professionalism as the Local Professionalism Panel. *In Re: Code for Resolving Professionalism Complaints*, 116 So.3d 280 (Fla. 2013), as amended by *In Re: Amendments to the Code for Resolving Professionalism Complaints*, 174 So.3d 995 (Fla. 2015).

It is necessary to amend some of the assignments regarding the Thirteenth Judicial Circuit Professionalism Committee. By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is ORDERED:

1. Professionalism Committee

The Thirteenth Judicial Circuit Professionalism Committee (Committee) will initiate and coordinate professionalism activities in Hillsborough County. The

Committee will also be responsible for overseeing and training a subcommittee designated as the Local Professionalism Panel (LPP).

2. Committee Leadership and Structure

The Chief Judge will appoint the Executive Chair of the Committee. In consultation with the President of the Hillsborough County Bar Association and Executive Chair of the Committee, the Chief Judge will appoint the LPP Subcommittee Co-Chairs, the Professionalism CLE and Events Subcommittee Chair, and the Professionalism Promotion Subcommittee Chair. The Executive Chair is authorized to create and maintain additional subcommittees necessary to affect this administrative order and to appoint Chairs of such committees. The Executive Chair of the Committee, with approval of the Chief Judge and consultation of subcommittee Chairs, will appoint the members of all subcommittees.

A. Committee Chair and Executive Chair

The Honorable Chief Judge Ronald N. Ficarrotta will serve as the Chair of the Committee. As Chair, the chief judge may at any time make decisions that pertain to the Committee as Chair, including reconsidering any decision of the Executive Chair. The Honorable Darren D. Farfante is appointed Executive Chair of the Committee.

B. Professionalism CLE and Events Subcommittee Chair

The Professionalism CLE and Events Subcommittee Chair will be responsible for ensuring the Thirteenth Circuit provides sufficient professionalism training opportunities and recognition events for lawyers and judges. Caroline Johnson-Levine is appointed Professionalism CLE and Events Subcommittee Chair.

C. Professionalism Promotion Subcommittee Chair

The Professionalism Promotion Subcommittee Chair will be responsible for ensuring the activities of the Committee are made known to the local bar and practicing attorneys within the Thirteenth Judicial Circuit through local legal organizations' publications, such as the Hillsborough County Bar Association *Lawyer* magazine, and other marketing and media outlets. Joan Boles is appointed Professionalism Promotion Subcommittee Chair.

D. Professionalism Committee Award Subcommittee Chair

The Professionalism Committee Award Subcommittee Chair will be responsible for accepting nominations for the Professionalism Award which has been established to annually recognize both a public sector attorney and a private

sector attorney who have consistently demonstrated honesty, integrity, fairness, courtesy, and an abiding sense of responsibility to comply with the standards and rules of professionalism in the practice of law. The Honorable Frances M. Perrone is appointed Professionalism Committee Award Subcommittee Chair.

E. Medical-Legal Professionalism Code Subcommittee Chair

The Medical-Legal Professionalism Code Subcommittee Chair will be responsible for coordinating updates to the established guidelines for responsible, respectful and ethical interaction between lawyers and physicians and their patients in cases pending before the court. The Honorable Gregory P. Holder is appointed Medical-Legal Professionalism Code Subcommittee Chair.

F. LPP Subcommittee Co-Chairs

LPP Subcommittee Co-Chairs will be responsible for oversight and management of the LPP as provided in section 5 of this administrative order. William Kalish and Anthony D. Martino are appointed LPP Subcommittee Co-Chairs.

G. LPP Members

The Executive Chair of the Committee will ensure there are a sufficient number of members on the LPP to efficiently and effectively address professionalism complaints within the Thirteenth Judicial Circuit in accordance with the Florida Supreme Court's opinion *In Re: Code for Resolving Professionalism Complaints*, 116 So.3d 280 (Fla. 2013), as amended by *In Re: Amendments to the Code for Resolving Professionalism Complaints*, 174 So.3d 995 (Fla. 2015). All judges appointed to the Committee will serve on the LPP. LPP Members must be members in good standing of the Hillsborough County Bar Association and the Florida Bar, not have been reprimanded or disciplined by the Florida Bar, have been in practice at least ten years and have attained the highest respect of their peers and the judiciary for their professionalism and quality of practice.

H. LPP Training Coordinator

David A. Rowland is appointed LPP Training Coordinator and will be responsible for training all LPP participants regarding the confidentiality of the LPP, professionalism standards, and communication and resolution techniques.

3. Composition of the Committee

Upon invitation and consent, the Committee will be comprised of the following members:

- A. The Chief Judge of the Thirteenth Judicial Circuit;
- B. The President of the Hillsborough County Bar Association, or the President's designee;
- C. At least 15 circuit or county judges or quasi-judicial officers from the Thirteenth Judicial Circuit;
- D. One representative from each of the voluntary bar associations within the Thirteenth Judicial Circuit, including:
 - i. Asian Pacific American Bar Association of Tampa Bay
 - ii. North Tampa Bar Association
 - iii. Federal Bar Association
 - iv. Florida Association of LGBT Lawyers & Allies, Inc.
 - v. George Edgecomb Bar Association
 - vi. Hillsborough Association for Women Lawyers
 - vii. East Hillsborough Bar Association
 - viii. South Asian Bar Association
 - ix. Tampa Bay Bankruptcy Bar Association
 - x. Tampa Bay Catholic Lawyers Guild
 - xi. Tampa Bay Hispanic Bar Association
 - xii. Tampa Bay Paralegal Association
 - xiii. Temple Terrace Bar Association;
- E. One representative from each of the following Inns of Court, including:
 - i. Bruce Jacob-Chris Altenbernd Criminal Appellate Inn of Court
 - ii. Chester H. Ferguson-Morris E. White Inn of Court
 - iii. Herbert G. Goldberg-Ronald Cacciatore Criminal Law Inn of Court
 - iv. J. Clifford Cheatwood Inn of Court
 - v. Stann Givens Family Law Inn of Court
 - vi. Tampa Bay Workers Compensation Inn of Court
 - vii. Thomas E. Penick, Jr. Inn of Court
 - viii. William Reece Smith, Jr. Litigation Inn of Court
 - ix. Tampa Bay Inn of Court
- F. One representative from each of the following Sections, Committees, and Divisions of the Hillsborough County Bar Association, including:
 - i. Appellate Practice Section
 - ii. Bench Bar Committee
 - iii. Collaborative Law Section
 - iv. Community Services Committee

- v. Construction Law Section
- vi. Corporate Counsel Section
- vii. Criminal Law Section
- viii. Diversity Committee
- ix. Elder Law Section
- x. Eminent Domain Section
- xi. Environmental & Land Use Section
- xii. Health Care Law Section
- xiii. Immigration & Nationality Section
- xiv. Intellectual Property Law Section
- xv. Labor & Employment Law Section
- xvi. Law Day Committee
- xvii. Leadership Institute
- xviii. Marital & Family Law Section
- xix. Mediation & Arbitration Law Section
- xx. Military & Veterans Affairs Committee
- xxi. Professionalism & Ethics Section
- xxii. Real Property, Probate & Trust Law Section
- xxiii. Securities Law Section
- xxiv. Senior Counsel Section
- xxv. Solo/Small Firm Practitioners Section
- xxvi. Tax Law Section
- xxvii. Trial & Litigation Section
- xxviii. Workers' Compensation Section
- xxix. Young Lawyers Division
- xxx. 5K Pro Bono River Run;
- G. One representative from each of the following local law schools:
 - i. Stetson University College of Law
 - ii. Western Michigan University Cooley Law School;
- H. One representative from the American Board of Trial Advocates;
- I. One representative from the Hillsborough County Association of Criminal Defense Lawyers;
- J. One representative from each of the following local government law offices:
 - i. Attorney General's Office
 - ii. City Attorney's Office – City of Tampa
 - iii. Hillsborough County Attorney's Office
 - iv. Public Defender's Office
 - v. Regional Counsel's Office
 - vi. State Attorney's Office; and

- K. Any other lawyer appointed by the Chief Judge or nominated by the Hillsborough County Bar Association President or Executive Chair of the Committee that practices within the Thirteenth Judicial Circuit and has demonstrated adherence to the professional standards of conduct set forth in the *Oath of Admission to the Florida Bar*, *The Florida Bar Creed of Professionalism*, *The Florida Bar Professionalism Expectations*, *The Rules Regulating The Florida Bar*, and the decisions of The Florida Supreme Court relating to professionalism.

4. Committee Responsibilities

A. Meetings

The Committee will meet periodically during the year to consider and review the professionalism efforts in Hillsborough County.

B. Annual Report

The Committee will submit an annual report on the status of professionalism and professionalism activities in the Thirteenth Judicial Circuit to the Chief Justice of the Florida Supreme Court and The Florida Bar's Standing Committee on Professionalism.

C. Oversight

The Committee will oversee and train members of the LPP.

5. Local Professionalism Panel (LPP)

A. LPP Policies and Procedures

i. Initial Complaints

Any person may initiate a professionalism complaint against a member of The Florida Bar practicing within the Thirteenth Judicial Circuit through the LPP. A person making such complaint will be referred to as the "Complainant." Any complaint regarding a lawyer's compliance with the *Oath of Admission to the Florida Bar*, *The Florida Bar Creed of Professionalism*, *The Florida Bar Professionalism Expectations*, *The Rules Regulating the Florida Bar*, or the decisions of the Florida Supreme Court, should be directed to the LPP Subcommittee Co-Chairs. The lawyer that is the subject of the complaint will be referred to as the "Respondent." Matters or complaints may also be referred to the LPP by the Attorney Consumer Assistance and Intake Program (ACAP) created by the Florida Bar.

ii. Initial Screening Committee

An Initial Screening Committee consisting of five judges appointed by the Executive Chair will review initial complaints to provide consistency, guidance, and recommendations to the LLP Subcommittee Co-Chairs.

iii. Referral by LPP Co-Chair to LPP Panel

After receiving and reviewing a complaint, if, after consultation with the Initial Screening Committee, an LPP Co-Chair deems the referral appropriate for diversion to the LPP, the Co-Chair will select and refer the complaint to a three-member panel (Panel) from the LPP to hear, act upon, and resolve any unprofessional conduct. Each Panel must include at least one judge.

iv. LPP Panel Review

The Panel will initially meet without the Respondent to review the complaint and determine whether the complaint merits a full Panel meeting with the Respondent. If the Panel agrees and the alleged violation is not serious, one member of the Panel may wish to contact the Respondent informally to discuss the complaint and make recommendations to address such behavior, when appropriate. In more serious cases, the full Panel may decide to meet with the Respondent to review the complaint and determine whether the Respondent may benefit from various training programs offered within the Thirteenth Judicial Circuit locally or The Florida Bar, including Ethics School, Professionalism Workshops, Practice Resource Institute, Stress Management Workshop, Florida Lawyers Assistance, Inc., and the Trust Accounting Workshop. If the Panel deems the unprofessional conduct so egregious that it cannot appropriately dispose of the matter locally, the Panel will refer the matter back to the Co-Chair of the LPP, who will then refer the matter to ACAP.

v. LPP Resolution

After a Panel has reviewed and addressed a complaint and determined the Respondent has sufficiently complied with any recommended action, the Panel should report to the LPP Co-Chair that the matter has been successfully resolved. If a Respondent fails to meet with a Panel after sufficient notice, or if after a Panel review with the Respondent, the Respondent refuses to complete any recommended action, the Panel will refer the matter back to the LPP Co-Chair for referral to ACAP.

B. Confidentiality

All referrals, names of Respondents, communications within the Panels and with the Respondents will remain confidential. See Section 3.5 of the *Code for*

Resolving Professionalism Complaints.

6. Peer Review Program

In 1997 the Thirteenth Judicial Circuit, in conjunction with the Hillsborough County Bar Association Professional Conduct Committee and Young Lawyers Section, established the Hillsborough County Bar Association Peer Review Program (Peer Review Program) to address behavior which, although not egregious enough to invoke formal disciplinary process or sanctions, falls below the high standards expected of attorneys including the Hillsborough County Bar Association's Standards of Professional Courtesy. The Peer Review Program has been in place and used in this circuit since its creation in 1997.

The definition of "unprofessional conduct" under the *Code for Resolving Professionalism Complaints* is "substantial or repeated violations of the *Oath of Admission to the Florida Bar*, *The Florida Bar Creed of Professionalism*, *The Florida Bar Professionalism Expectations*, *The Rules Regulating the Florida Bar*, or the decisions of the Florida Supreme Court." It is envisioned that the LPP, in addition to resolving complaints of alleged unprofessional conduct by attorneys, will also address less substantial or single violations of the above-referenced standards of behavior by attorneys. These less substantial or single violations attorney standards of behavior were previously addressed under the Peer Review Program. In this regard, matters previously referred to the Peer Review Program will be referred to the LPP in accordance with the provisions of this administrative order.

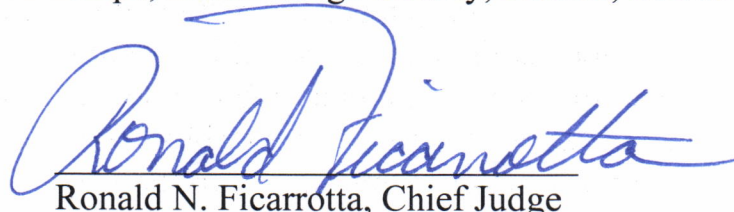
7. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2019-003 (*Professionalism Committee*).

8. Effective Date

This administrative order is effective March 1, 2020.

ENTERED in Tampa, Hillsborough County, Florida, on February 27, 2020.



Ronald N. Ficarrotta, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court

Copy to: All Judges
Caroline Johnson-Levine, Chair, Professionalism CLE and Events
Subcommittee
Joan Boles, Chair, Professionalism Promotion Subcommittee
William Kalish, Co-Chair, Local Professionalism Panel Subcommittee
Anthony D. Martino, Co-Chair, Local Professionalism Panel
Subcommittee
David A. Rowland, LPP Training Coordinator
Grace H. Yang, President, Hillsborough County Bar
Association
Michèle Alexandre, Dean, Stetson University College of Law
Daniel W. Matthews, Associate Dean, Tampa Bay Campus, Western
Michigan University Thomas Cooley Law School
Asian Pacific American Bar Association of Tampa Bay
North Tampa Bar Association
Federal Bar Association
George Edgecomb Bar Association
Hillsborough Association for Women Lawyers
East Hillsborough Bar Association
South Asian Bar Association
Tampa Bay Bankruptcy Bar Association
Tampa Bay Catholic Lawyers Guild
Tampa Bay Hispanic Bar Association
Tampa Bay Paralegal Association
Temple Terrace Bar Association
J. Clifford Cheatwood Inn of Court
Chester H. Ferguson-Morris E. White Inn of Court
Stann Givens Family Law Inn of Court
Bruce Jacob-Chris Altenbernd Criminal Appellate Inn of Court
Herbert G. Goldberg-Ronald Cacciatore Criminal Law Inn of Court
William Reece Smith, Jr. Litigation Inn of Court
Tampa Bay Workers Compensation Inn of Court
Tampa Bay Inn of Court
Hillsborough County Association of Criminal Defense Lawyers
Florida Attorney General Ashley B. Moody
Gina K. Grimes, City Attorney – City of Tampa
Christine Beck, Hillsborough County Attorney
Julianne Holt, Public Defender
Ita Neymotin, Regional Counsel
Andrew H. Warren, State Attorney