

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

**ADMINISTRATIVE ORDER S-2013-071
(Supersedes Administrative Order S-1997-104)**

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).

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 therefore **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. When a new Executive Chair is appointed, the previous Executive Chair will become the Immediate Past Executive Chair. 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 Chair, 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 Manuel Menendez, Jr. 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 Ashley B. Moody is appointed Executive Chair of the Committee.

B. Committee Immediate Past Executive Chair

The Immediate Past Executive Chair will provide guidance and support to the current Chair and remain an active participant of the Committee. The Honorable Richard Nielsen is appointed Immediate Past Executive Chair.

C. 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. Julie Sneed is appointed Professionalism CLE and Events Subcommittee Chair.

D. 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.

E. LPP Subcommittee Chair

LPP Subcommittee Chair will be responsible for oversight and management of the LPP as provided in section 5 of this administrative order. William Kalish is appointed LPP Subcommittee Chair.

F. 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). 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, and 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.

G. LPP Training Coordinator

Edward Waller 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, but not limited to:
 - i. Asian Pacific American Bar Association of Tampa Bay
 - ii. Brandon Bar Association
 - iii. Carrollwood Community Bar Association
 - iv. Federal Bar Association
 - v. Florida Muslim Bar Association
 - vi. George Edgecomb Bar Association
 - vii. Hillsborough Association for Women Lawyers

- viii. Plant City Bar Association
 - ix. South Asian Bar Association
 - x. Tampa Bay Bankruptcy Bar Association
 - xi. Tampa Bay Catholic Lawyers Guild
 - xii. Tampa Bay Hispanic Bar Association
 - xiii. Tampa Bay Paralegal Association
 - xiv. Temple Terrace Bar Association;
- E. One representative from each of the following Sections, Committees, and Divisions of the Hillsborough County Bar Association, including, but not limited to:
- i. Appellate Practice Section
 - ii. Collaborative Law Section
 - iii. Community Services Committee
 - iv. Construction Law Section
 - v. Corporate Counsel Section
 - vi. Criminal Law Section
 - vii. Eminent Domain Section
 - viii. Environmental & Land Use Section
 - ix. Health Care Law Section
 - x. Immigration & Nationality Section
 - xi. Intellectual Property Section
 - xii. Labor & Employment Section
 - xiii. Leadership Institute
 - xiv. Marital & Family Law Section
 - xv. Mediation & Arbitration Section
 - xvi. Military Liaison Committee
 - xvii. Real Property, Probate & Trust Section
 - xviii. Senior Council Section
 - xix. Solo Practitioners Section
 - xx. Tax Law Section
 - xxi. Trial Lawyers Section
 - xxii. Workers' Compensation Section
 - xxiii. Young Lawyers Division;
- F. One representative from each of the following local law schools:
- i. Stetson University College of Law
 - ii. Thomas Cooley Law School;
- G. One representative from the American Board of Trial Advocates; and

H. 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 Ideals and Goals of Professionalism, 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 Ideals and Goals of Professionalism, The Rules Regulating the Florida Bar*, or the decisions of the Florida Supreme Court, should be directed to the LPP Chair. 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. Referral by LPP Chair to LPP Panel

After receiving and reviewing a complaint, if the LPP Chair deems the referral appropriate for diversion to the LPP, the 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.

iii. 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, Law Office Management Assistance Service (LOMAS), 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 Chair of the LPP, who will then refer the matter to ACAP.

iv. 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 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 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 Ideals and Goals of Professionalism*, *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.

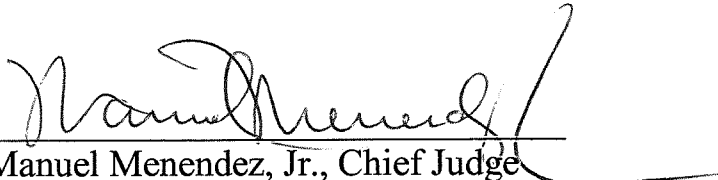
7. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-1997-104 (*Hillsborough County Bar Association Peer Review Program*).

8. Effective Date

This administrative order is effective November 1, 2013.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 28th day of October, 2013.


Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court

Copy to: All Judges

Julie Sneed, Chair, Professionalism CLE and Events Subcommittee

Joan Boles, Chair, Professionalism Promotion Subcommittee

William Kalish, Chair, Local Professionalism Panel Subcommittee

Edward Waller, LPP Training Coordinator

Susan Johnson-Velez, President, Hillsborough County Bar
Association
Christopher M. Pietruszkiewicz, Dean, Stetson Law School
Jeffrey L. Martlew, Associate Dean, Tampa Bay Campus, Thomas
Cooley Law School
Asian Pacific American Bar Association of Tampa Bay
Brandon Bar Association
Carrollwood Community Bar Association
Federal Bar Association
Florida Muslim Bar Association
George Edgecomb Bar Association
Hillsborough Association for Women Lawyers
Plant City 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