

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HARDEE, HIGHLANDS, AND POLK COUNTIES, FLORIDA

**ADMINISTRATIVE ORDER NO. 1-48.0**

**IN RE: RATIFICATION OF THE TENTH JUDICIAL CIRCUIT'S COMMITTEE ON PROFESSIONALISM AND CREATION OF A LOCAL PROFESSIONALISM PANEL**

WHEREAS, on June 6, 2013, the Florida Supreme Court entered *In Re: Code for Resolving Professionalism Complaints*, No. SC13-688; and

WHEREAS, *In Re: Code for Resolving Professionalism Complaints* states that “[t]he Chief Judge of every circuit shall create a Local Professionalism Panel to receive and resolve professionalism complaints informally if possible.” *Id.* at 5; and

WHEREAS, “the Circuit Committee on Professionalism may be designated as the Local Professionalism Panel.” *Id.*; and

WHEREAS, on April 12, 1993, the Court entered Administrative Order No. 7-6.0, entitled *Adoption of Standards of Professional Courtesy*; and

WHEREAS, in 1998, pursuant to the Florida Supreme Court's Administrative Order entitled *In Re: Commission on Professionalism*, the Tenth Circuit Committee on Professionalism was created; and

WHEREAS, 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; the decisions of the Florida Supreme Court; and the Standards of Professional Courtesy adopted in Administrative Order No. 7-6.0 make up the *Ideals and Standards* of professionalism; and

**WHEREAS**, the *Ideals and Standards* apply to all counsel practicing law in this circuit and their staff, *pro se* litigants appearing before the courts of this circuit, and all persons entering an appearance before the courts of this circuit; and

it is therefore ORDERED that:

1. Tenth Circuit Committee on Professionalism:

a. The Tenth Circuit's Committee on Professionalism is formally ratified. The Committee on Professionalism shall be composed of:

- The Chief Judge of the Tenth Judicial Circuit or designee;
- A Chairperson selected by the Chief Judge;
- The acting President of each active bar association within the Tenth Judicial

- Circuit or designee;
  - The acting President of each Inn of Court within the Tenth Judicial Circuit or designee;
  - The State Attorney for the Tenth Judicial Circuit or designee;
  - The Public Defender for the Tenth Judicial Circuit or designee; and
  - The Regional Counsel of the Offices of Criminal Conflict and Civil Regional Counsel or designee; and
  - Trial Court Administrator of the Tenth Judicial Circuit Court.
- b. The Committee will perform all responsibilities established in The Supreme Court of Florida's Administrative Order *In re: Commission on Professionalism*, dated June 11, 1998.
- c. Additionally, the Committee on Professionalism shall review the Tenth Circuit's *Standards of Professional Courtesy* and make any recommended changes to the Chief Judge.
- d. The Committee on Professionalism shall meet at least twice a year.

## 2. Local Professionalism Panel:

- a. A Local Professionalism Panel is hereby created (hereinafter "Panel"). The Panel shall be composed of:
- The Chairperson of the Committee on Professionalism, who will also serve as the Chairperson of the Panel;
  - One member of the bar or a retired judge selected by the Chairperson of the Committee on Professionalism, who will serve a three-year term; and
  - Three members of the bar or retired judges to be selected by the Chief Judge, who will serve three-year terms.
- b. The Panel shall perform all responsibilities established in The Supreme Court of Florida's Administrative Order *In Re: Code for Resolving Professionalism Complaints*, dated June 6, 2013.
- c. The Panel shall meet as necessary to fulfill its responsibilities.
- d. The purpose of the Panel is to meet with attorneys who have conducted themselves in a manner inconsistent with the *Ideals and Standards* in order to discuss such conduct and counsel attorneys to avoid future conduct inconsistent with the *Ideals and Standards*. The Panel shall have no authority to discipline any attorney or to compel any attorney to appear before the Panel. The Panel may also counsel attorneys if it determines such counseling will further the goals of the *Ideals and Standards*.
- e. The following procedures shall generally govern the proceedings of the Panel:

i. Referral by Judicial Officer or Quasi-Judicial Officer:

1. When any Judge, Magistrate or Hearing Officer within the Tenth Judicial Circuit determines that an attorney has engaged in conduct inconsistent with the *Ideals and Standards*, the Judge, Magistrate or Hearing Officer may refer the matter to the Professionalism Panel by directing a letter or e-mail to the Chairperson of the Panel.
2. The Chairperson of the Panel, on behalf of the Panel, shall address a letter to the attorney involved notifying the attorney of the referral, and may invite the attorney to submit a response or meet with the Panel on a date and time specified.

ii. Referral by Attorney/Non-Attorney:

1. If an attorney observes conduct on the part of another attorney that he or she believes is inconsistent with the *Ideals and Standards*, that attorney may request that the Panel consider the matter by directing a letter or e-mail to the Chairperson of the Panel.
2. If a non-attorney person is directly and adversely affected by conduct on the part of an attorney that is inconsistent with the *Ideals and Standards*, that person may request that the Panel consider the matter by directing a letter or e-mail to the Chairperson of the Panel.
3. The request shall be limited to ten (10) pages inclusive of exhibits. The Chairperson of the Panel may request additional documents as necessary.
4. The Chairperson of the Panel shall address a letter to the attorney involved notifying the attorney of the referral, and may invite the attorney to submit a response or meet with the Panel on a date and time specified.

iii. Referral by the Florida Bar's Attorney Consumer Assistance and Intake Program (hereinafter "ACAP")

1. The Professionalism Panel may accept referrals sent by ACAP.
2. The Chairperson of the Panel shall review the request, shall notify the respondent attorney of the referral, and may invite the attorney to submit a response or meet with the Panel on a date and time specified

iv. Letter Inviting Response or Appearance Before Panel:

1. Any letter sent to an attorney by the Panel that invites an attorney to

submit a response or appear before the Panel shall identify the conduct alleged to be inconsistent with the *Ideals and Standards* and the *Ideals and Standards* potentially implicated and shall advise the attorney that the Panel review or meeting is not a disciplinary proceeding. A copy of the *Ideals and Standards* shall be included in the correspondence.

2. The Panel will meet at the date and time specified in the letter. The purpose of the meeting shall be to discuss with the attorney his or her conduct and ways the attorney should act in the future to be consistent with the *Ideals and Standards*.
3. If the respondent attorney fails to submit a response or to meet with the Panel on a date and time specified, the Panel shall discuss the conduct inconsistent with the *Ideals and Standards* and shall summarize the Panel's discussions by letter to the attorney. Consistent with the provisions of paragraph 2.e.vi.4 (below) of this Order, the Panel may consider the Respondent's failure to appear in determining whether referral to ACAP is appropriate.

v. Panel members should resolve referrals within forty-five (45) days of receipt of referral.

vi. Panel's Resolution of Referral:

1. Issue an oral or written decision to attorney;
2. Refer attorney to an available mentor;
3. Refer attorney to appropriate program(s) sanctioned by The Florida Bar;
4. Pursuant to Section 2.1 of Supreme Court Opinion SC13-688, the Panel has discretion to refer any appropriate complaints to ACAP.

3. This administrative order shall be effective immediately.

DONE and ORDERED on this 25th day of October, 2013.

WM. BRUCE SMITH, Chief Judge