

IN THE CIRCUIT COURT OF THE SEVENTEENTH  
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

*Administrative Order 2023-29-Gen*

**SEVENTEENTH JUDICIAL CIRCUIT PROFESSIONALISM PANEL**

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(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) The Florida Supreme Court has adopted standards of professional behavior for attorneys codified in: (1) the Oath of Admission to The Florida Bar; (2) The Florida Bar Creed of Professionalism; (3) The Rules Regulating The Florida Bar; and (4) The Professionalism Expectations, collectively referred to herein as the “*Standards of Professionalism*.” The *Standards of Professionalism* emphasize that Florida’s professionalism standards apply to all forms of communication, including online communication, and to both in-person and remote (video or audio) interactions with others. .

(c) On July 6, 2023, the Florida Supreme Court replaced the 2013 Code for Resolving Professional Complaints and adopted the Code for Resolving Professionalism Referrals (herein referred to as the “Code”), and directed the chief judge of each judicial circuit to create a local professionalism panel to receive, screen, and act on referrals of unprofessional conduct; and address those referrals informally, if possible; or refer those referrals to the Florida Bar for investigation. .

(d) In accordance with the authority vested in the chief judge pursuant to Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, Florida Rule of General Practice and Judicial Administration 2.215, and under mandate from the Florida Supreme Court, it is hereby **ORDERED** as follows:

(1) **ESTABLISHMENT OF LOCAL PROFESSIONALISM PANEL**

(a) The Seventeenth Judicial Circuit Professionalism Panel (Panel) is hereby constituted and is designated the Local Professionalism Panel (LPP) in accordance with Florida Supreme Court opinions.

- (b) The Chief Judge of the Seventeenth Judicial Circuit shall appoint the Chairperson and vice-chairperson of the Panel and the chief judge or the chief judge's designee shall appoint members, as necessary, to fill LPP vacancies.
- (c) The Chief Judge or Chief Judge's designee shall strive to select members that represent a cross-section of the Circuit with due consideration to such matters including geographic location, diversity, discipline, reputation or bar activities. Members appointed shall consist of judges and attorneys. Attorneys shall be in good standing with The Florida Bar, and come from diverse areas of practice with varying levels of experience, with a minimum; but must have practiced law for at least 5 years.
- (d) The members of the LPP must comply with the education requirements on the role of the LPPs through local, circuit-wide, CLE programs, as required by the Florida Supreme Court. The members of the LPP must undergo training by experienced lawyers involved in The Florida Bar disciplinary process prior to serving on the Panel.
- (e) The Chief Judge shall not be a member of the Panel but may preside over the Panel, as necessary.
- (f) The chairperson, or the member of the panel designated by the chair, shall attend any meetings as required and organized by The Florida Bar to discuss matters relating to the LPP and the Code.
- (g) Documents, records and proceedings before the Panel are confidential; however, referrals made to The Florida Bar do not remain confidential under Rule Regulating the Florida Bar 3-7.1.
- (h) The members of the LPP, staff assisting those panels, members of the circuit committees on professionalism, and staff assisting those committees, have absolute immunity from civil liability for all acts in the course and scope of their duties under the Code.
- (i) Meetings may be called by the Chairperson, the Chief Judge, or a majority of the Panel membership. Notice of any meeting shall be given to each Panel member in such manner as deemed appropriate by the Chairperson of the Panel, and e-mail or telephonic notice is specifically approved. Meetings may be held in person or using web-based videoconferencing technology.

(j) The members of the Panel serve, staggered 3-year terms and may be reappointed to serve one additional 3-year term, not to exceed 6 consecutive years. Members shall serve at the discretion of the Chief Judge. Each term begins on July 1 and runs through June 30 of the third year.

(k) The membership of the Panel, as it changes from time to time, shall be posted on the Seventeenth Judicial Circuit website.

(2) **PURPOSE OF LOCAL PROFESSIONALISM PANEL.** The purpose of the Panel is to informally resolve referrals of claimed unprofessional conduct by lawyers practicing in the Seventeenth Judicial Circuit. The Panel is to promote adherence to the *Standards of Professionalism* and to receive, screen, and act upon referrals of unprofessional conduct; and address those referrals informally, if possible, or refer those referrals to The Florida Bar for investigation.

(3) **PANEL PROCEDURES.** The following procedures shall generally govern the proceedings of the Panel:

(a) Any person may initiate a referral for unprofessional conduct inconsistent with the *Standards of Professionalism* against a member of The Florida Bar through the Seventeenth Judicial Circuit's LPP. That person may request the referral to the Panel by completing a referral form and submitting it to the chairperson of the Panel.

(b) The Panel may discuss the referral, if appropriate, with the referring party, witnesses and the attorney alleged to have engaged in unprofessional conduct (the "Respondent Attorney"). The Panel shall address conduct inconsistent with the *Standards of Professionalism* in an informal, peer-to-peer mentoring approach in a non-punitive and educational manner. The Panel shall have no authority to discipline any attorney or to compel any attorney to appear before the Panel. The Panel may counsel attorneys if it determines such counseling will further the goals of the *Standards of Professionalism*.

(c) Review of Referral by the LPP:

(i) The Chairperson of the panel shall review the referral and notify the Respondent Attorney of the referral. Any letter sent to a Respondent Attorney by the Panel requesting that the Respondent Attorney appear

before the Panel shall identify the unprofessional conduct alleged to be inconsistent with the *Standards of Professionalism* and shall advise the attorney that the Panel meeting is an informal process for addressing instances of unprofessional conduct separate and apart from instances of misconduct that require the formal grievance process and is not a disciplinary proceeding.

(ii) The Chairperson alone, or the Chairperson with any number of Panel members to be designated by the Chairperson, may meet at the date and time specified in the letter. The purpose of the meeting is to screen and act on the referral of unprofessional conduct and discuss with the Respondent Attorney his or her conduct *and* attempt to resolve the conduct or behavior alleged to be unprofessional and inconsistent with the *Standards of Professionalism*.

(iii) If the Respondent Attorney fails to appear, the designated members of the Panel may consider the Respondent Attorney's failure to appear in determining whether referral to The Florida Bar for investigation is appropriate.

(iv) The Panel, in its discretion, may also refer the Respondent Attorney to the Broward County Bar Association's Mentorship program or may communicate with an assisting mentor of the Respondent.

(v) The Panel may recommend the Respondent Attorney attend an appropriate ethics course approved by The Florida Bar or otherwise.

(vi) The Panel may advise the Respondent Attorney with recommendation that will assist the attorney in the future.

(vii) The Panel, in appropriate circumstances, may refer the Respondent Attorney to "Florida Lawyers Assistance" or other similar, appropriate program(s) for assistance with drug, alcohol, and/or emotional problems.

**(4) REPORTING RQUIRMENTS:**

- (a) The Panel must file a written report in June and December of each calendar year with the Chief Judge of the Seventeenth Judicial Circuit, the Florida Supreme Court, and The Florida Bar identifying all professionalism referrals received against a member of the Florida Bar.
- (b) The report filed biannually must include the following information for each referral for the six calendar months preceding the month in which the report is due:
1. the date of the referral;
  2. the circuit in which the issue arose;
  3. a short summary detailing the substance of the referral;
  4. the relationship of the respondent to the person submitting the referral;
  5. whether or not the respondent voluntarily participated in the process;
  6. the resolution, if any, of the referral; and
  7. whether there were previous referrals against the respondent.
- (c) The reports must not include identifying information for the Attorney Respondent or the party who submitted the referral.
- (d) The Chief Judge of the Seventeenth Judicial Circuit, or designee, will publish on the judicial circuit's website the LPP biannual reports from the Seventeenth Judicial Circuit Panel.

This Administrative Order vacates and supersedes Administrative Order 2020-61-Gen.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Broward County, Florida, this 21<sup>st</sup> day of September, 2023.

/s/ Jack Tuter  
Jack Tuter, Chief Judge