



LOCAL PROFESSIONALISM PANEL REPORT FORM

Chief Judge of Circuit:	Jack Tuter
Name of Submitter:	Hilary Creary, Esq.
Date:	12/14/2023

***Reports must be filed by June 15 and December 15 each year.**

SC 2023-0884 - Appendix A Code for Resolving Professionalism Referrals 3.7 Reporting

- a) Each LPP must file a written report with the chief judge of its circuit, the Florida Supreme Court, and The Florida Bar identifying all professionalism referrals received against a member of The Florida Bar in June and December of each calendar year.
- b) The biannual reports must include the following information for each referral for the six (6) 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 voluntarily participated in the process;
 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 respondent or the party who submitted the referral.

INFORMATION FOR SUBMITTERS

1. **Purpose and Use:** This form collects information about your Circuit's Local Professionalism Panel and its activity for the last six (6) months. This form also asks for updates to the contact information for your Local Professionalism Panel. The information about your Circuit's Local Professionalism Panel will be used to update the Center's Local Professionalism Panel contact list, as well as to gauge how each Circuit is carrying out panel activities.

2. **Reporting Period:** Reports must be filed by June 15th and December 15th and include information for the six (6) calendar months preceding the month in which the report is due.

3. **Where to Submit:** Submit this form and any attachments by email to cfp@floridabar.org or by regular mail to:

The Florida Bar
Henry Latimer Center for Professionalism
651 E. Jefferson Street
Tallahassee, FL 32399

4. **Questions:** Direct all questions about this form to cfp@floridabar.org.

June Reports should include information from January 1 to June 15.
December Reports should include information from June 16 to December 15.

LOCAL PROFESSIONALISM PANEL QUESTIONS

Please complete the information below regarding any activity within your Local Professionalism Panel. Additional pages may be attached as needed.

- 1. Please describe the process by which complaints are addressed.** You may attach a link to the complaint form or link to where information is located on your website that advises the consumers, attorneys, and judges how to file a complaint.

Referrals from judges, attorneys and members of the public are recieved by the Chairperson who reviews the referrals. The Chair acknowledges receipt of the Referral to the Complainant and the Referral is then assigned to a sub-panel (the LPP is divided into three member sub-panels) on a rotating schedule. The sub-panel will complete an investigation which includes meeting with the Respondent Attorney. The sub-panel will notify the Chair of the recommendation of the Panel, and the Chair will then notify the Respondent Attorney of the sub-panel's recommendations.

- 2. Please describe what types of professionalism issues are seen most often in this Circuit?**

In this reporting cycle, the majority of Referrals were from the Judiciary regarding attorneys who are displaying unprofessional conduct in the courtroom and or dilatory tactics in litigation as well as discovery violations.

3. What are believed to be the causes of professionalism issues within your Circuit?

It is believed that the lack of civility is caused in part because attorneys no longer have relationships with each other as they did in the past, when they spoke face to face, and worked together on resolution of clients' matters. With virtual appearances, and modern communication technology, lawyers spend less time speaking with and working with their colleagues.

It is also evident that less experienced attorneys could benefit from mentors who they can turn to before engaging in unethical or unprofessional behavior.

There is also an increase in complaints regarding discovery violations and delatory tactics. The 17th Circuit has in place a Civility Magistrate Program which addresses these issues as well.

4. How often does your Circuit's Local Professionalism Panel meet?

The Circuit's LPP is divided into sub-panels of three. Each of the sub-panels will meet when they are assigned a Referral by the Chairperson. The entire LPP will meet for training quarterly with the last meeting being held on November 14, 2023. The agenda is attached.

5. Please describe any training provided to committee members.

The quarterly meetings of the LPP will include training on the agenda. At the November, 14, 2023 meeting, the panel received training from the Chief Judge, the General Counsel, the Chairperson and the Vice Chairperson. The agenda also included an opportunity for the members to ask "what if" questions and to share information about their experiences.
SEE AGENDA ATTACHED

6. How is your Circuit's Local Professionalism Panel promoted?

The LPP works closely with the Broward County Bar Association to ensure that members are scheduled to speak at their events. The Bar has a very active calendar because all the sections and committees are required to host CLE events throughout the year. The Chairperson and General Counsel presented at the Young Lawyers Division event for new lawyers at the Courthouse. The General Counsel addressed the role of the LPP as well as the referral process, and the Chairperson served on a panel to review scenarios where attorneys were unprofessional or displayed a lack of civility. In addition, the Chairperson authored an article on the LPP and the new 17th Circuit's Administrative Order. The article and Administrative Order are attached.

SEE ARTICLE ATTACHED

7. Please provide information regarding all complaint intake for the appropriate dates. If filing in June, the information should be from January 1st – June 15th. If filing in December, the information should be from June 16th – December 15th.

1.

Date of Referral: 09/21/23	Circuit in which issue arose: 17th
Short Summary detailing the substance of the referral	
Attorney is displaying lack of professionalism in the course of litigation including the following: lack of fair play, dilatory tactics, rude, discourteous, disruptive, disrespectful unprofessional conduct lacking civility and unruly conduct directed at opposing counsel and the Judge.	
The relationship of the respondent to the person submitting the referral.	
Judicial referral	
Whether or not the respondent voluntarily participated in the process.	
Respondent attorney voluntarily attended a scheduled conference with the panel.	
The resolution, if any, of the referral;*	
Respondent must attend the on-line CLE course (Course #6779) " Professionalism and Civility in Practice" presented by Mike Tanner, Former President of the Florida Bar offered by the Henry Latimer Center for Professionalism and on-line CLE course (Course #7443) the Florida Bar Annual Convention: Our Favorite Mistakes - Professionalism & Ethics Tips video playback offered by the Henry Latimer Center for Professionalism. Respondent must provide proof of completion of the CLE courses, within thirty (30) days	
Whether there were previous referrals against the respondent	
There were no previous referrals against the Respondent Attorney	

2.

Date of Referral: 09/21/2023	Circuit in which issue arose: 17th
Short Summary detailing the substance of the referral	
Attorney is displaying lack of professionalism in the course of litigation including the following: lack of fair play, dilatory tactics, rude, discourteous, disruptive, disrespectful unprofessional conduct lacking civility and unruly conduct directed at opposing counsel and the Judge.	
The relationship of the respondent voluntarily participated in the process	
Judicial Referral	
Whether or not the respondent voluntarily participated in the process.	
Respondent Attorney voluntarily participated in a meeting scheduled by the Panel.	
The resolution, if any, of the referral;*	
Respondent must attend the on-line CLE course (Course #6779) " Professionalism and Civility in Practice" presented by Mike Tanner, Former President of the Florida Bar offered by the Henry Latimer Center for Professionalism and on-line CLE course (Course #7443) the Florida Bar Annual Convention: Our Favorite Mistakes - Professionalism & Ethics Tips video playback offered by the Henry Latimer Center for Professionalism. Respondent must provide proof of completion of the CLE courses, within thirty (30) days	
Whether there were previous referrals against the respondent	
There were no previous referrals against the Respondent Attorney	

3.

Date of Referral: 10/17/2023	Circuit in which issue arose: 17th
Short Summary detailing the substance of the referral	
Respondent Attorney allegedly filed false claims of property ownership on behalf of his client resulting in delays in a foreclosure proceeding. The referral also referenced unprofessional conduct, dilatory tactics, and a lack of honesty, integrity, and candor to the tribunal.	
The relationship of the respondent voluntarily participated in the process	
Judicial Referral	
Whether or not the respondent voluntarily participated in the process.	
The Respondent voluntarily met with the sub-panel at a scheduled meeting.	
The resolution, if any, of the referral;*	
During the meeting with the sub-panel, the Respondent Attorney advised the members that a Complaint had been filed with The Florida Bar arising from the same facts and circumstances. The panel suspended the meeting until a determination was made that the Panel would defer to the Florida Bar for further action.	
Whether there were previous referrals against the respondent	
There was no evidence of any previous referrals against the Respondent Attorney	

8. **Please provide the contact information for all current panel members.** Please include: name(s), email(s), address(es), and phone number(s), and title if applicable.

Name	Title/Firm	Email	Address	Phone Number
SEE ATTACHED				

The Florida Bar will publish on its website the LPP biannual reports. The Chief Judge, or the Chief Judge's designee, will publish on the judicial Circuit's website the LPP biannual reports from that Circuit.

SEVENTEENTH JUDICIAL CIRCUIT
PROFESSIONALISM PANEL MEMBERS

<p>Hilary A. Creary Esq. Chair Hilary Creary P.A. 1995 East Oakland Park Blvd., Suite 300 Fort Lauderdale, FL 33306-1138 Telephone: 954-366-7939 hilarycreary@hcpalegal.com</p>	<p>Miles A. McGrane, Esq. Vice Chair The McGrane Law Firm 401 E Las Olas Blvd Ste 130 358 Fort Lauderdale, FL 33301-2477 Telephone: 305-213-4812 miles@mcgranelaw.com</p>
<p>Quentin E. Morgan, Esq. Goren Cherof Doody & Ezrol, P.A. 3099 East Commercial Blvd. Fort Lauderdale, FL 33308-4348 Telephone: 954-771-4500 Facsimile: 954-771-4923 gmorgan@gorencherof.com</p>	<p>Paul Octavio Lopez, Esq Tripp Scott, P.A. 110 SE 6th Street Floor 15 Fort Lauderdale, FL 33301-5004 Telephone: 954-525-7500 Facsimile: 954-761-8475 pol@trippscott.com</p>
<p>Jeremy Kroll, Esq. Dutko & Kroll, P.A. 633 S Federal Hwy Fl 6 Fort Lauderdale, FL 33301-3164 Telephone: 954-595-3900 Facsimile: 954-764-5040 jeremy@dutkoandkroll.com</p>	<p>Joel Silvershein, Esq. State Attorney's Office (17th Circuit) 201 S.E. 6th Street, Suite 07130 Fort Lauderdale, FL 33301-3303 Telephone: 954-831-7913 Facsimile: 954-831-6448 jsilvershein@sao17.state.fl.us</p>
<p>Kelsey Black, Esq. Black Law, P.A. 1401 E. Broward Blvd., Suite 204 Fort Lauderdale, FL 33301-2116 Telephone: 954-320-6220 Facsimile: 954-320-6005 kb@blacklawpa.com</p>	<p>Joseph James Huss, Esq. Krinzman Huss Lubetsky 110 SE 6th Street, Suite 1430 Fort Lauderdale, FL 33301-5038 Telephone: 954-761-3454 Facsimile: 954-761-3484 jih@khllaw.com</p>
<p>Alan Nash, Esq. Marshall Dennehey 2400 E Commercial Blvd Ste 1100 Fort Lauderdale, FL 33308-4044 Telephone: 954-847-4920 Facsimile: 954-627-6640 acnash@mdwgcg.com</p>	<p>Vivian H. Fazio, Esq. Law Offices of Vivian H. Fazio, P.A. 633 S Andrews Ave Ste 200 Fort Lauderdale, FL 33301-2840 Telephone: 954-315-4702 Facsimile: 954-252-2127 vfazio@flicivillaw.com</p>

<p>Kemie King, Esq. King Lindsey, PA 633 S Federal Hwy Ste 200B Fort Lauderdale, FL 33301-3164 Telephone: 954-867-6518 kking@kinglindsey.com</p>	<p>Miles McGrane IV, Esq. Conroy Simberg 3440 Hollywood Blvd Ste 200 Hollywood, FL 33021-6923 Telephone: 954-518-1400 Facsimile: 954-967-5877 mmcgrane@conroysimberg.com</p>
<p>Karina Rodrigues, Esq. Broward County Attorney's Office 115 S Andrews Ave Ste 423 Fort Lauderdale, FL 33301-1826 Telephone: 954-357-7600 krdrigues@broward.org</p>	<p>Honorable Kenneth Gillespie Broward County Courthouse 201 SE 6th St Fort Lauderdale, FL 33301-3303 Telephone: 954-831-7565 Facsimile: 954-831-5572 div62j@17th.flcourts.org</p>
<p>Lisa Lawlor, Esq. Broward County Public Defender's Office 201 SE 6th St Ste 3872 FL 3 Fort Lauderdale, FL 33301-3303 Telephone: 954-831-8650 Facsimile: 954-831-6739 llawlor@browarddefender.org</p>	<p>Honorable George Odom Jr. Broward County Courthouse 201 SE 6th St Fort Lauderdale, FL 33301-3303 Telephone: 954-831-6574 divfv@17th.flcourts.org</p>
<p>Michael Cassel, Esq. Cassel & Cassel, P.A. 4000 Hollywood Blvd Ste 685S Hollywood, FL 33021-1202 Telephone: 954-589-5504 mcassel@cassel.law</p>	
<p>William C. Davell, Esq. Tripp Scott Attorneys At Law 110 SE 6th St Fl 15 Fort Lauderdale, FL 33301-5004 Telephone: 954-525-7500 Facsimile: 954-761-8475 wcd@trippscott.com</p>	

17TH CIRCUIT PROFESSIONALISM PANEL IMPLEMENTS THE FLORIDA SUPREME COURT'S CODE FOR RESOLVING PROFESSIONALISM REFERRALS

Contributed by
Hilary Creary, Esq.
17th Circuit Professionalism Panel Chair
Member of Broward County Bar Association
Professionalism Committee
Broward County Civility Magistrate

In May 2021, The Florida Bar created the Special Committee for the Review of Professionalism in Florida. The special committee's focus was on educating attorneys about professionalism, reviewing the Bar's professionalism standards and the enforcement of those standards. As a result of the committee's recommendations, on July 6, 2023, the Code for Resolving Professionalism Referrals was adopted by the Florida Supreme Court.

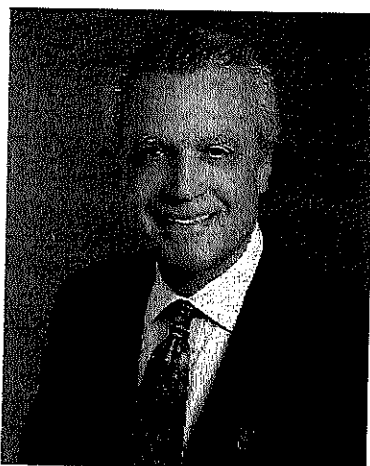
The focus of this article is the Florida Supreme Court's recognition of the importance of local professionalism panels (LPPs). The LPPs operate independent of The Florida Bar and their processes are separate and distinct from the Bar's grievance process. They are charged with informally resolving complaints of unprofessional conduct by lawyers in their circuit.

With the adoption of the Code for Resolving Professionalism Referrals,

the Chief Judge in each circuit was charged with ensuring its implementation with the creation of LPPs to receive, screen, and act on referrals of unprofessional conduct, address the referral informally or refer the referrals to The Florida Bar for investigation.

On September 21, 2023, 17th Circuit Chief Judge Jack Tuter issued the new Administrative Order 2023-29-GEN. The Administrative Order (AO) provides for the establishment of the 17th Circuit LPP; creation of procedures for the proceedings of the

Panel; and the reporting requirements of the LPP. This article summarizes those elements of the new AO, a copy of which is posted on the 17th Circuit website. On September 21, 2023, 17th Circuit Chief Judge Jack Tuter issued the new Administrative Order 2023-29-GEN. The Administrative Order (AO) provides for the establishment of the 17th Circuit LPP creation of procedures for the proceedings of the Panel; and the reporting requirements of the LPP. This article summarizes those elements of the new AO, a copy of which is posted on the 17th Circuit website.



Miles A. McGrane, III, Esq.
LPP Vice-Chairperson

Establishment

Chief Judge Tuter has re-appointed the LPP's Chairperson, Hilary Creary, Esq., and Vice-Chairperson Miles A. McGrane, III, Esq. The Chief Judge has appointed new members to fill vacancies on the previously constituted LPP. The members of the LPP represent a cross-section of the geographic, practice area, and other diversity of the Circuit with due consideration given to the members' discipline record, reputation, or involvement in bar activities. All members of the LPP must be lawyers in good standing with The Florida Bar and

must have practiced for at least 5 years. Each member will serve a staggered three-year term not to exceed two consecutive terms. Each term begins on July 1st and runs through June 30th of the third year. A complete list of the members of the LPP is available on the 17th Circuit's website. Any changes to the membership will be posted on the Circuit's website. The LPP members are currently assigned to one of 5 sub-panels and referrals are assigned in rolling order to one of the sub-panels by the Chairperson or Vice-Chairperson.

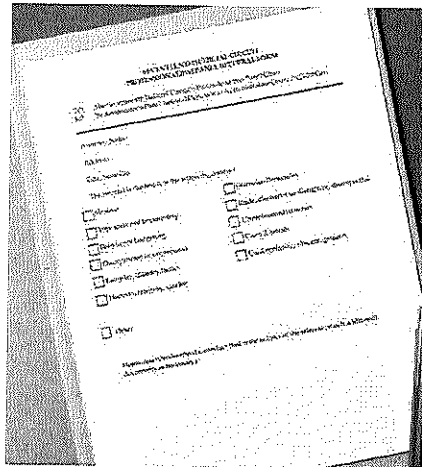
Panel Procedures

Any person, i.e., judge, attorney or client may initiate a referral for unprofessional conduct against a member of The Florida Bar through the LPP by completing a referral form. The referral form which can be found on the Circuit's website is submitted to the Chairperson for review upon completion. The LPP may discuss the referral with the referring party, witnesses, and the Respondent attorney. While the LPP has no authority to compel attendance of the Respondent Attorney at any meeting regarding the referral, or to discipline any attorney, the LPP may counsel attorneys in a mentoring or educational non-punitive approach.

The Chairperson shall review the referral and notify the Respondent Attorney of the referral. The letter from the Panel must identify the conduct alleged and advise the Respondent Attorney that the panel meeting is an informal process and is not part of The Florida Bar's formal grievance process. The Chairperson or any panel members designated by the Chairperson may meet with the Attorney on the date and time

listed in the letter and attempt to resolve the alleged behavior. If the Respondent Attorney does not appear, the Panel may consider the failure to appear in determining whether referral to The Florida Bar is appropriate.

The Panel may also refer the Respondent Attorney to the Broward County Bar Association's Mentorship program or communicate with any mentor already assisting the Respondent; recommend attendance at an appropriate ethics course approved by The Florida Bar; advise the Respondent Attorney with recommendations to assist the attorney in the future; or refer the attorney to Florida Lawyers Assistance of other appropriate program for assistance with drug, alcohol or other emotional problems.



Hilary Creary, Esq. LPP Chairperson

Hilary A. Creary practices family law and is also a Guardian ad Litem as well as a Family Law Mediator. Hilary's philosophy in life is "Tikkun Olam" – the repair of the world." To that end she believes in giving back to the legal community. She is currently a member of the Florida Bar Board of Governors, a member of the Broward County Bar Association Board of Directors, and is the current Chair of the 17th Circuit Professionalism Panel. Hilary can be reached at hilarycreary@hcpalegal.com.

Reporting Requirements

The LPP must file a written report in June and December of each calendar year with the Chief Judge of the Circuit, the Florida Supreme Court, and The Florida Bar identifying all professionalism referrals received. The reports shall include the date of the referral; the circuit; a summary of the behavior alleged in the referral; the relationship of the Respondent to the person submitting the referral; whether or not the Respondent voluntarily participated in the process; the resolution of the referral; and whether there were previous referrals against the Respondent. No identifying information of the Respondent or the person submitting the referral may be included in the report. The

Chief Judge or his designee will publish the LPP reports on the circuit's website.

The newly constituted LPP will be working along with the Broward County Bar Association's Sections and Committees, along with the voluntary bar associations, to educate attorneys about the role of the LPP and the Standards of Professionalism. The activities of the LPP will be posted on the website along with the BCBA website. If you would like the LPP to present at your firm or any voluntary bar association event, please contact the Chairperson or Vice-Chairperson.

17th CIRCUIT PROFESSIONALISM PANEL MEETING

AGENDA

Welcome.....Chairperson

Address by Chief Judge..... Chief Judge Tuter

Introductions.....Panelists

Team Structure.....Chairperson

Administrative Order.....General Counsel

Process from Referral to Assignment.....Chairperson

Reporting Requirements and Format.....Vice-Chairperson

What To Do If: Lessons Learned.....Vice-Chairperson

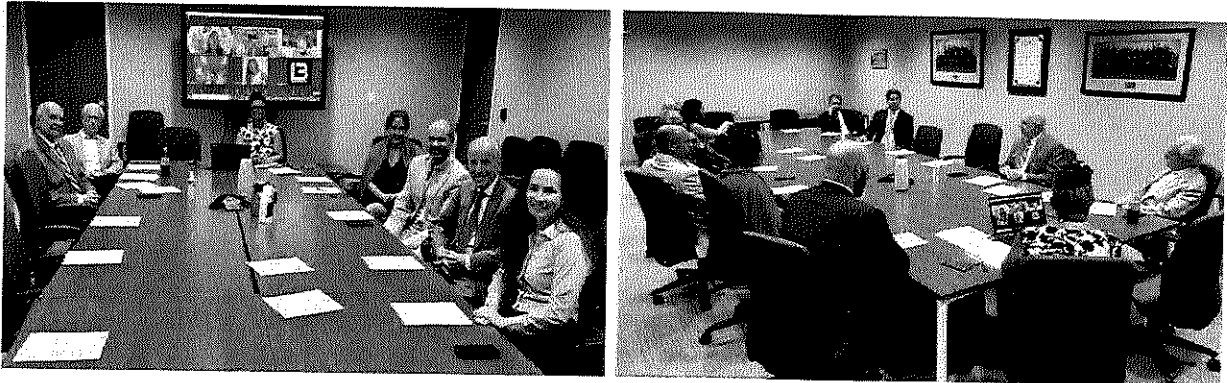
<https://www.17th.flcourts.org/broward-professionalism-panel/>

17th Judicial Circuit Professionalism Panel Procedures

On July 6, 2023, the Florida Supreme Court replaced the 2013 Code for Resolving Professional Complaints and adopted the Code for Resolving Professionalism Referrals 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.

Any judicial officer, attorney, or non-attorney who observes conduct on the part of an attorney that he or she believes is inconsistent with the Standards of Professionalism, may request the Panel to consider the matter by completing a referral form and submitting it to the Chairperson of the Panel. For more information, please refer to 2023-29-GEN. A direct link to the referral form can be found here.

<https://www.17th.flcourts.org/2023/11/17/panelists-meet-at-the-17th-circuit/>



The 17th Circuit's Professionalism Panel met on Tuesday, November 14, 2023. Panelists met in person and remotely with an address given by Chief Judge Jack Tuter. The panel was selected by the chief judge and consists of judicial officers and attorneys.

More information about the Professionalism Panel can be found at the link below:

<https://bit.ly/17cirProPan>