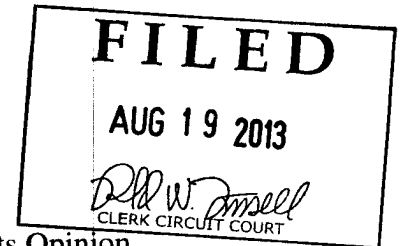


**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL, CLAY AND NASSAU COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2013-09

**RE: ESTABLISHMENT OF THE
LOCAL PROFESSIONALISM PANEL**



WHEREAS, on June 6, 2013, the Supreme Court of Florida issued its Opinion SC13-688, in which it adopted the Code for Resolving Professionalism Complaints and directed the Chief Judge of each circuit in Florida to create a local professionalism panel to receive, screen and act upon complaints of unprofessional conduct and to resolve those complaints informally, if possible, or refer them to The Florida Bar if necessary;

WHEREAS, on April 29, 1998, Chief Justice Gerald Kogan entered an Amended Administrative Order of the Supreme Court of Florida, directing the chief judge of each Circuit in Florida to establish a local bench/bar committee as well as a committee on professionalism with an intended purpose to “enhance communication, constructive problem solving, respect, and courtesy between judges and lawyers” as well as to improve the administration of justice;

WHEREAS, on July 6, 1998, the Fourth Judicial Circuit entered Administrative Order No. 98-9, establishing the joint Professionalism and Bench/Bar Committee;

WHEREAS, in or about 2001, the Professionalism Committee formed the Professionalism Review Program that created a Panel which involved an informal process that would review referrals and, in essence, encourage attorneys to comply with the “Ideals and Standards of Professionalism” promulgated by The Florida Bar and The Jacksonville Bar Association’s “Professionalism Guidelines” in an informal, non-punitive, educational and constructive manner;

WHEREAS, for more than a decade, the Professionalism Committee, The Jacksonville Bar Association, and the Fourth Judicial Circuit have worked together to maintain an active Professionalism Committee and to assist in counseling members of the Bar who engage in conduct inconsistent with the Ideals and Standards or with the Professionalism Guidelines;

WHEREAS, in accordance with the Supreme Court of Florida Opinion SC13-688, which was recently issued on June 6, 2013, this Court sets forth new guidelines and procedures for the

Professionalism Panel to follow.

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED:

A) ESTABLISHMENT OF LOCAL PROFESSIONALISM PANEL

The Professionalism Review Program is reconstituted as the "Fourth Judicial Circuit's Local Professionalism Panel" ("Local Professionalism Panel") in accordance with the Supreme Court of Florida Opinion SC13-688.

(1) **Panel Members**: The Local Professionalism Panel shall be composed of the Chairperson (who will contemporaneously serve as the Chairperson of the Professionalism Committee) and up to five (5) members of the Jacksonville Bar Association (JBA), who shall be selected by the Local Professionalism Panel's Chairperson and the President of the JBA with the approval of the Chief Judge, after consultation with the Administrative Judges in the Fourth Judicial Circuit. The Chief Judge may participate as a Local Professionalism Panel member as well.

The Chairperson may designate a substitute from the JBA's Professionalism Committee when necessary.

B) PURPOSE OF LOCAL PROFESSIONALISM PANEL

The purpose of the Local Professionalism Panel is to address attorneys who have conducted themselves in a way that is inconsistent with the standards of professionalism (as 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, the decisions of the Florida Supreme Court, and The Jacksonville Bar Association's "Professionalism Guidelines" - hereinafter, *Ideals and Standards*). The attorneys are to be addressed in an informal, non-punitive, educational and constructive manner.

C) PROCEDURES

The Local Professionalism Panel shall generally follow these procedures:

(1) Referrals from Judicial Officers or Quasi Judicial Officers:

(a) When any Judge, Magistrate or Traffic Hearing Officer within the Fourth Judicial Circuit determines that an attorney has engaged in conduct inconsistent with the *Ideals and Standards*, the matter may be referred to the Local Professionalism Panel through the Chief Judge.

(b) **Process:** The Chairperson of the Local Professionalism Panel may address a letter on behalf of such Panel, to the Respondent attorney, inviting that attorney to meet with the Local Professionalism Panel on a date and time specified.

(2) Referrals from Attorney & Non-Attorney:

(a) **By an Attorney:** If an attorney observes conduct on the part of another attorney that he or she believes, in good faith, is inconsistent with the *Ideals and Standards*, the (Referral) attorney may request that the Local Professionalism Panel consider the matter by completing the Referral Form and submitting it to the Local Professionalism Panel's Chairperson through The JBA.

(b) **By a Non-Attorney:** 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 Local Professionalism Panel consider the matter by completing the Referral Form and submitting it to the Local Professionalism Panel's Chairperson through The JBA.

(c) **Page Limits for Referral from Attorney & Non-Attorney:** The request shall be limited to two (2) pages, exclusive of the exhibits.

(3) Referrals from The Florida Bar's Attorney Consumer Assistance Program (ACAP)

The Local Professionalism Panel may accept referrals sent by ACAP.

(4) Process for Referrals from Attorneys, Non-Attorneys and ACAP

Upon receipt of a referral by an attorney, non-attorney, or ACAP, the Chairperson of the Local Professionalism Panel:

- shall review the request, may consult with the other Local Professionalism Panel members and,

if the matter is referred to the Local Professionalism Panel, the Chairperson shall address a letter to the Respondent attorney that:

- (a) notifies the Respondent attorney of the referral;
- (b) may request a response; and
- (c) may invite the Respondent attorney to meet with the Local Professionalism Panel on a date and time specified.

D. GENERAL MATTERS

(1) Letters Sent by Local Professionalism Panel: Any letter sent by the Local Professionalism Panel to a Respondent attorney, requesting that an attorney appear before the Panel, shall identify the conduct alleged to be inconsistent with the *Ideals and Standards*. The letter shall also advise the Respondent attorney that the Local Professionalism Panel meeting is a non-disciplinary proceeding. A complete reference to the citations of the *Ideals and Standards* (provided above) shall be included in the letter.

(2) Panel Meetings: The Chairperson alone or the Chairperson together with the Local Professionalism Panel members may meet with the Respondent attorney at the date and time specified in the letter. The purpose of the meeting shall be to discuss with the attorney the conduct and ways the attorney should act in the future, if necessary, to be consistent with the *Ideals and Standards*. The Chairperson may send a letter summarizing the Local Professionalism Panel's discussions to the Respondent attorney.

(3) Forty-Five (45) Days to Resolve: Local Professionalism Panel members should endeavor to resolve all referrals within forty-five (45) days of receipt from The JBA.

(4) Resolution: Upon conferring with each other and conducting an investigation, the Local Professionalism Panel members involved may proceed and resolve the issues in the following non-punitive, educational and constructive manner to provide the Respondent with an incentive for self-improvement:

(a) the Chairperson may issue an oral or written decision to the Respondent;

(b) the Local Professionalism Panel, in its discretion, may also refer the Respondent to The Jacksonville Bar Association's Mentorship program or may communicate with an assisting mentor of the Respondent;

(c) the Local Professionalism Panel may refer the Respondent to "The Florida Bar's Ethics School", which is an eight (8) hour ethics course, or any other course(s) deemed appropriate;

(d) the Local Professionalism Panel may advise the Respondent attorney with recommendations that will assist the attorney in the future;

(e) the Local Professionalism Panel, in appropriate circumstances, may refer the Respondent to "Fla, Inc." or other similar, appropriate program(s), for assistance with drug, alcohol and/or emotional problems;

(f) pursuant to Section 2.1 of the Supreme Court Opinion SC13-688, the Local Professionalism Panel has the discretion to direct any referrals to The Florida Bar Attorney Consumer Assistance Program (ACAP) depending upon the nature and severity of the referral; or

(g) the Local Professionalism Panel may form any other such solutions that the Panel may deem as appropriate or necessary.

Depending upon the circumstances involved, Respondent's failure to follow the recommendations of the Local Professionalism Panel may be a basis for its referral to ACAP.

(5) **Confidentiality:** All records regarding referrals to the Local Professionalism Panel will be handled in the same manner as set forth in the Supreme Court Opinion SC13-688 and as outlined in Rule 3-7.1 of *The Rules Regulating the Florida Bar* regarding the confidentiality of disciplinary investigations and proceedings.

(a) **Records Retention:** All records will be destroyed within thirty (30) days of the conclusion of the process and after the Respondent has completed all of the Local Professionalism Panel's recommendations.

(b) **Statement of Confidentiality:** all Local Professionalism Panel members, the referring attorney, and the Respondent shall be required to sign a statement acknowledging that:

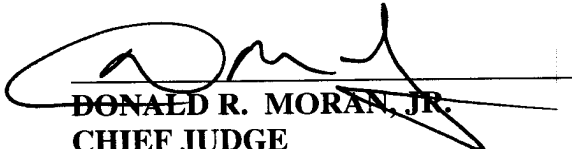
1. all information disclosed during the Local Professionalism Panel process is confidential and shall not be disclosed to anyone except other Local Professionalism Panel members, the referring attorney, or the Respondent; and

2. the Local Professionalism Panel is a voluntary, informal program which is intended to be non-punitive, educational and constructive; furthermore, participation and successful completion of all recommendations from the Panel shall not result in the imposition of sanctions or discipline.

(6) All other Administrative Orders, including Amended Administrative Order No. 98-12, that have been previously entered, addressing the same subject matter, are hereby vacated and superseded.

(7) This Administrative Order No. 2013-09 shall be recorded by the Clerk of the Court, in the Official Records of Duval County, in the State of Florida, shall take effect immediately, and remain in full force and effect unless and until otherwise ordered by the Court.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this 19 day of August, 2013.


DONALD R. MORAN, JR.
CHIEF JUDGE

cc: All Judges in the Fourth Judicial Circuit
The Honorable Robert M. Foster, Administrative Judge, Nassau County
The Honorable John H. Skinner, Administrative Judge, Clay County
All Magistrates in the Fourth Judicial Circuit
The Honorable Matthew A. Shirk, Esq., Public Defender
The Honorable Angela B. Corey, Esq., State Attorney
The Honorable Ronnie Fussell, Clerk of the Circuit Court, Duval County
The Honorable Tara S. Green, Clerk of the Circuit Court, Clay County
The Honorable John A. Crawford, Clerk of the Circuit Court, Nassau County
The Honorable Cindy Laquidara, Esq., General Counsel
Jim Kowalski, Esq., Executive Director JALA
Charles Bishop, Family Court Manager, Fourth Circuit
Joseph G. Stelma, Jr., Fourth Judicial Circuit Trial Court Administrator
Eve Janocko, Chief Deputy Court Administrator
Caroline C. Emery, Esq., Court Counsel
The Jacksonville Bar Association
Nassau County Bar Association
Clay County Bar Association
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit