

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2.105-11/23\*+

IN RE: FIFTEENTH CIRCUIT PROFESSIONALISM PANEL

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*History of Promoting Professionalism in Fifteenth Judicial Circuit*

In May of 1990, The Florida Bar Board of Governors approved Ideals and Goals of Professionalism, hereinafter referred to as the "*Ideals*." In June of 1990, the Palm Beach County Bar Association Board of Directors approved Standards of Professional Courtesy ("*1990 Standards*") to educate attorneys unfamiliar with the customary practices in Palm Beach County. The *1990 Standards* were endorsed by the Judges of the Fifteenth Judicial Circuit.

In 1997, the Chief Judge of the Fifteenth Judicial Circuit by administrative order created a Professionalism Council to meet with and counsel attorneys whose conduct appeared to violate the *Ideals* and/or the *1990 Standards*. The Professionalism Council was the precursor to the entity subsequently ordered by the Florida Supreme Court to be created, now known as the "Local Professionalism Panel" or "LPP."

*Florida Supreme Court's Order Emphasizing Professionalism and Fifteenth Judicial Circuit's Continued Adherence to Professionalism*

On June 11, 1998, the Chief Justice of the Florida Supreme Court issued an administrative order directing the Chief Judge of each circuit to create and maintain in continuous operation a Circuit Committee on Professionalism. The Chief Judge of the Fifteenth Judicial Circuit designated the Professionalism Committee of the Palm Beach County Bar Association as the Circuit Professionalism Committee.

In September 2007, the Board of Directors of the Palm Beach County Bar Association approved revised Standards of Professional Courtesy ("*2007 Standards*"). In October 2007, the judges of the Fifteenth Judicial Circuit and Palm Beach County voted and approved the *2007 Standards*.

In September 2011, the Florida Supreme Court added the civility provision in the Oath of Admission to the Florida Bar. *In re Oath of Admission to The Florida Bar*, 73 So.3d 149 (Fla. 2011).

*Florida Supreme Court's 2013 Opinion Adopting a Code for Professionalism Complaints*

On June 6, 2013, the Supreme Court of Florida adopted a Code for Resolving

Professionalism Complaints, which the Court adopted in 2013 and later amended twice. *See In re Code for Resolving Professionalism Complaints*, 116 So. 3d 280 (Fla. 2013); *In re Amend. Code for Resolving Professionalism Complaints*, 156 So. 3d 1034 (Fla. 2015); *In re Amend. Code for Resolving Professionalism Complaints*, 174 So. 3d 995 (Fla. 2015). In June of 2013, the Fifteenth Judicial Circuit amended its Administrative Order to reconstitute the Professionalism Council as the Professionalism Panel.

*Florida Supreme Court's 2023 Opinion Adopting a Code for Professionalism Referrals*

In May 2021, The Florida Bar created the Special Committee for the Review of Professionalism in Florida (“Special Committee”). The Special Committee’s key focus was the 2013 Code as amended in 2015. As a result of the Special Committee’s work and proposals to the Florida Supreme Court, on July 6, 2023, the Florida Supreme Court replaced the 2013 Code with a new code, the Code for Resolving Professionalism Referrals (“2023 Code”). *In Re: Code for Resolving Professionalism Referrals and Amendments to Rule Regulating the Florida Bar 6-10.3*, 367 So. 3d 1184 (Fla. 2023). In addition to replacing the 2013 Code, the Florida Supreme Court amended the Professionalism Expectations and Bar Rule 6-10.3(b).

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of General Practice & Judicial Administration 2.215, and in compliance with the Florida Supreme Court’s 2023 Opinion adopting the *2023 Code*, it is **ORDERED** as follows:

1. **LPP Creation:** The Fifteenth Judicial Circuit Local Professionalism Panel (“LPP”) is hereby created and will be maintained in continuous operation to receive, screen, and act on any referrals of claimed unprofessional conduct and to resolve those referrals informally, if possible, or refer them to The Florida Bar, if necessary.
2. **LPP Purpose:** The LPP is an entity independent of The Florida Bar for the purpose of informally resolving referrals of claimed unprofessional conduct by lawyers practicing in this circuit, including appellate and transactional practice. The Florida Supreme Court states that the informal, peer-to-peer mentoring offered by LPPs can materially improve professionalism among Florida lawyers.
3. **LPP Composition:** The Chief Judge appoints the panel, which must include judges (current or senior, trial or appellate) and local attorneys who are in good standing with The Florida Bar and eligible to practice law from diverse areas of practice with varying levels of experience, but must have practiced law at least 5 years. The Chief Judge appoints the LPP Chair. The Chief Judge also appoints members as necessary to fill LPP vacancies.

As the Florida Supreme Court yielded to the Chief Judge the determination of number of members to serve on the LPP, the Fifteenth Judicial Circuit LPP will consist of nine (9) members, including the Chairperson. The current list of LPP members will be noticed on Circuit’s website and distributed to the Palm Beach County Bar Association.

4. **LPP Terms:** LPP members shall serve staggered 3-year terms. Each term begins on July 1 and runs through June 30 of the third year.

In order to facilitate staggered 3-year terms, the members of the first panel appointed under this administrative order will be appointed as follows:

- 3 members appointed with a term ending June 30, 2024
- 3 members appointed with a term ending June 30, 2025
- 2 members and the Chairperson appointed with a term ending in June 30, 2026

A member may be reappointed to serve 1 additional 3-year term, not to exceed 6 consecutive years.

5. **LPP Chair:** The Chairperson, or a member of the panel designated by the chair, shall attend any meetings as required and organized by The Florida Bar to discuss matters related to the LPP and the *2023 Code*.
6. **Solicitation for Interested Qualified Persons:** In order to comply with the *2023 Code*, Chief Judge or the Chief Judge's designee will solicit for interested, qualified persons to submit their name for consideration each year between June 1 and June 25 with the following information:

- Name and Florida Bar Number
- Statement of having practiced law at least 5 years
- Area of practice or specialty
- Identify past LPP service and/or professionalism training experience.

The Chief Judge or the Chief Judge's designee may seek input on the membership of the panel from the Palm Beach County Bar Association's Professionalism Committee. From those qualified to serve, the Chief Judge will select persons to fill any available position on the LPP.

7. **Education:** The Chief Judge will facilitate the promotion and education of the lawyers in the Fifteenth Judicial Circuit about the LPP through a Continuing Legal Education program about the role of the LPP. The members of the LPP will undergo training by experienced lawyers involved in The Florida Bar disciplinary process prior to serving on the panel.
8. **Meetings:** Meetings may be called by the Chairperson, the Chief Judge, or a majority of LPP panel membership. Notice of any meeting shall be given to each Panel member in such a manner deemed appropriate by the Chairperson. As such, e-mail or telephonic notice is specifically approved. Meetings may be held in person or by use of audio-video communication technology. A meeting may not be held unless at least five (5) members, including the chair, are in attendance.
9. **LPP Function:** This Administrative Order acknowledges and adopts the *2023 Code's* Sections Pertaining to Initiating Referrals, Processing Referrals, Immunity, Education,

Required Meetings, Confidentiality, Reporting, and Publishing Reports as set forth in the *2023 Code's* Sections 3.0 through 3.8.

10. **Amended Professionalism Expectations**: This Administrative Order appends the *2023 Code's* Appendix B, noting by underline the amendments to the Professionalism Expectations.
11. **Amended Rule 6-10.3**: This Administrative Order appends the *2023 Code's* Appendix C, noting by underline the amendments to Rule 6-10.3 pertaining to continuing legal education standards.
12. **Appendices**: The *2023 Code*, the amended Professionalism Expectations, and amended Rule Regulating The Florida Bar 6-10.3 attached hereto in Appendices A, B, and C, 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.
13. **Procedures**: The following procedures shall govern the proceedings of the LPP:
  - a. Any person may initiate an unprofessional conduct referral against a member of The Florida Bar through the Fifteenth Judicial Circuit's Local Professionalism Panel. The person initiating the referral shall complete a referral form and e-mail the completed form to the **Chairperson of the LPP**. **The e-mail shall not consist of more than 10 pages inclusive of exhibits.**
  - b. The Chairperson of the LPP shall review the referral and notify the Respondent Attorney of the referral. The Chairperson shall notify the Respondent Attorney that the LPP is established for the purpose of informally resolving referrals of claimed unprofessional conduct by lawyers practicing in the Fifteenth Judicial Circuit. The Respondent Attorney shall also be advised that the role of the LPP is independent of The Florida Bar. The Chairperson of the LLP may request a response from the Respondent Attorney and may discuss the referral with the referring party/witnesses.
  - c. If the Chairperson finds that the matter justifies referral to the LPP, then the Chairperson shall invite the Respondent Attorney in writing to meet at a time and place specified. The purpose of the meeting will be to act on the referral of unprofessional conduct and to attempt to resolve the conduct or behavior alleged to be unprofessional. The LPP may consider recommendations of ethics classes, Florida Lawyers Assistance, mentoring opportunities, or other non-punitive or educational programs that may assist Respondent Attorney. However, the LPP shall have no authority to discipline Respondent Attorney.
  - d. If the LPP finds that Respondent Attorney engaged in substantial or repeated unprofessional conduct, the LPP may refer to The Florida Bar for a disciplinary investigation.

14. **Confidentiality:** Rule 3-7.1 of the *Rules Regulating the Florida Bar* provides the guidelines for confidentiality in disciplinary investigations and proceedings.

**DONE AND ORDERED** in Chambers, West Palm Beach, Palm Beach County, Florida on this 9 day of November 2023.



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Glenn D. Kelley, Chief Judge

\*Supersedes Administrative Order 2.105-11/16

+Due to substantial revisions to prior administrative order, changes are not bolded

## Appendix A

### **The Code for Resolving Professionalism Referrals**

**Purpose:** This code describes an informal peer-to-peer mentoring process for addressing instances of unprofessional conduct separate and apart from instances of misconduct that require the formal grievance process. This process does not replace the Florida Rules of Professional Conduct or the formal disciplinary process for a violation of those rules as set out in Chapter 3 of the Rules Regulating The Florida Bar. Rather, this code establishes local professionalism panels (LPPs) in each judicial circuit that will 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.

#### **1.0 Unprofessional Conduct and the Standards of Professionalism**

**1.1 Definition of Unprofessional Conduct.** Members of The Florida Bar must not engage in unprofessional conduct. “Unprofessional Conduct” means a violation of the Standards of Professionalism. The Standards of Professionalism are found in the *Oath of Admission to The Florida Bar*, *The Florida Bar Creed of Professionalism*, the *Professionalism Expectations*, and the *Rules Regulating The Florida Bar*.

**1.2 Referrals to The Florida Bar.** Minor or isolated instances of unprofessional conduct may be addressed through the informal process described in this code. However, when unprofessional conduct is substantial or repeated, that conduct may be referred to The Florida Bar for a disciplinary investigation into whether the formal disciplinary process should be initiated. In particular, Rule 4-8.4(d) of the Rules Regulating The Florida Bar has been the basis for imposing discipline in these instances. *See e.g., The Florida Bar v. Norkin*, 132 So. 3d 77 (Fla. 2013) (holding that lawyer’s unprofessional behavior at numerous hearings violated Rule Reg. Fla. Bar 4- 3.5(c) and inappropriate emails and outbursts violated Rule Reg. Fla. Bar 4-8.4(d); *The Florida Bar v. Ratiner*, 46 So. 3d 35

(Fla. 2010) (holding that lawyer’s unprofessional deposition conduct violated Rules Reg. Fla. Bar 3-4.3, 3-4.4, 4-3.5, 4-4.4(a), 4-8.4(b), and 4-8.4(d)); *The Florida Bar v. Abramson*, 3 So. 3d 964 (Fla. 2009) (holding that lawyer’s disrespectful and confrontational conduct toward a judge and jury violated Rules Reg. Fla. Bar 4-3.5(a), 4-3.5(c), 4-8.2(a), 4-8.4(d)); and *The Florida Bar v. Martocci*, 791 So. 2d 1074 (Fla. 2001) (holding that lawyer’s disparaging and profane remarks to opposing party and counsel violated Rule Reg. Fla. Bar 4-8.4(d)). The bar must refer conduct that an LPP referred to the bar, but for which the bar determines prosecution through the disciplinary process is not warranted, to the LPP for the appropriate circuit for handling through the informal process described in this code.

## **2.0 Process for Addressing Unprofessional Conduct Referrals**

**2.1 Initiating Referrals.** Any person may initiate an unprofessional conduct referral against a member of The Florida Bar through the appropriate judicial circuit’s local professionalism panel as described in Section 3.0.

## **3.0 Processing Referrals of Unprofessional Conduct through a Local Professionalism Panel**

**3.1 Formation.** The chief judge of each judicial circuit will create and maintain in continuous operation a local professionalism panel (“LPP” or “panel”) to receive, screen, and act on any referrals of claimed unprofessional conduct and to resolve those referrals informally, if possible, or refer them to The Florida Bar, if necessary. The LPPs are entities independent of The Florida Bar, established in each circuit for the purpose of informally resolving referrals of claimed unprofessional conduct by lawyers practicing in that circuit, including appellate practice and transactional practice.

The chief judge appoints the panel, which must include judges (current or senior, trial or appellate) and local attorneys that are in good standing with The Florida Bar and eligible to practice law from diverse areas of practice with varying levels of experience, but must have practiced law at least 5 years. The chief judge appoints the



LPP Chair. The chief judge or the chief judge's designee also appoints members as necessary to fill LPP vacancies. The chief judge determines the number of members to serve on the LPP.

**3.2 Terms.** LPP members serve staggered 3-year terms. A member may be reappointed to serve 1 additional 3-year term, not to exceed 6 consecutive years. Each term begins on July 1 and runs through June 30 of the third year.

**3.3 Immunity.** 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 this code.

**3.4 Education.** The chief judges must facilitate the promotion and education of the lawyers in their respective circuits about the LPPs through local, circuit-wide, CLE program about the role of the LPPs. The members of the LPPs must undergo training by experienced lawyers involved in the The Florida Bar disciplinary process prior to serving on the panels.

**3.5 Required Meetings.** Every other year, beginning in 2023, the chairs, or the member of the panel designated by the chair of each LPP, must meet in person or through the use of remote conferencing to review this code and make any recommendations for change to the Florida Supreme Court, review the forms used by the circuits to maintain uniformity of the forms (allowing for each circuit to modify the forms to meet the needs of the individual circuits), and review the procedures used by the circuits to maintain uniformity of procedures (allowing for each circuit to modify procedures to meet the needs of the individual circuits). The LPPs also must discuss the policies and procedures of the circuits to facilitate continued enhancement of the program. The Florida Bar will organize the biannual conferences.

**3.6 Confidentiality.** Documents and records provided to, and proceedings before, each LPP are confidential. LPP referrals to the



bar do not remain confidential under Rule Regulating The Florida Bar 3-7.1.

### **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 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 respondent or the party who submitted the referral.

**3.8 Publishing Reports.** 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.

## Appendix B

### Professionalism Expectations

“Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients of professionalism are character, competence, commitment, and civility.”

-The Florida Bar Standing Committee on Professionalism

#### Preamble:

The professionalism standards in Florida are set forth in (1) these Professionalism Expectations; (2) the Rules Regulating The Florida Bar; (3) The Florida Bar Creed of Professionalism; and (4) the Oath of Admission to The Florida Bar. The Florida Supreme Court adopted this integrated standard of professionalism to identify the professional behavior expected of lawyers practicing law in Florida. As The Florida Bar grows, it becomes more important to articulate the Bar’s professionalism expectations and for Florida lawyers to demonstrate these expectations in practice. The guidance provided in these Professionalism Expectations originates both from (1) the ethical duties established by the Florida Supreme Court in the Rules Regulating The Florida Bar and (2) the long-standing customs of fair, civil, and honorable legal practice in Florida. Where a Professionalism Expectation is coextensive with a lawyer’s ethical duty, the expectation is stated as an imperative, cast in the terms of “must” or “must not.” Where a Professionalism Expectation is drawn from a professional custom that is not directly provided for in the Rules Regulating The Florida Bar, the expectation is stated as a recommendation of correct action, cast in terms of “should” or “should not.” To the Florida Supreme Court and The Florida Bar, lawyer professionalism is:

1. embracing a commitment to serve others;

2. dedicating to properly using knowledge and skills to promote a fair and just result;
3. endeavoring to enhance knowledge, skills, and competence;
4. ensuring that concern for a client's desired result does not subvert the lawyer's fairness, honesty, civility, respect, and courtesy during interactions with fellow professionals, clients, opponents, public officials, members of the judiciary, or the public;
5. contributing skill, knowledge, and influence to further the profession's commitment to service and the public good, including efforts to provide all persons, regardless of their means or popularity of their causes, with access to the law and the judicial system;
6. enhancing the legal system's reputation by educating the public about the profession's capabilities and limits, specifically about what the legal system can achieve and the appropriate methods of obtaining those results; and
7. accepting responsibility for one's own professional conduct and the conduct of others in the profession, including encouraging other lawyers to meet these civility and Professionalism Expectations and fostering peer regulation to ensure that each lawyer is competent and public-spirited.

To reinforce and communicate its expectations of lawyer professionalism among our members, the Florida Supreme Court and The Florida Bar adopt the following Professionalism Expectations:

**1. Commitment to Equal Justice Under the Law and to the Public Good**

A license to practice law is a privilege that gives the lawyer a special position of trust, power, and influence in our society. This privilege requires a lawyer to use that position to promote the

public good and to foster the reputation of the legal profession while protecting our system of equal justice under the law.

**Expectations:**

1.1 A lawyer should avoid the appearance of impropriety.

1.2 A lawyer should counsel and encourage other lawyers to abide by these Professionalism Expectations.

1.3 A lawyer should promote the public's understanding of the lawyer's role in the legal profession and protect public confidence in a just and fair legal system founded on the rule of law.

1.4 A lawyer should not enter into a lawyer-client relationship when the lawyer cannot provide competent and diligent service to the client throughout the course of the representation.

1.5 A lawyer must not seek clients through the use of misleading or manipulative oral and written representations or advertisements. (See R. Regulating Fla. Bar 4-7.13 and 4-7.14). Contingency fee arrangements must be in writing and follow R. Regulating Fla. Bar 4-1.5(f).

1.6 When employed by a new client, a lawyer should discuss fee and cost arrangements at the outset of the representation and promptly confirm those arrangements in writing.

1.7 A lawyer must place a client's best interest ahead of the lawyer's or another party's interests. (See R. Regulating Fla. Bar 4-1.7(a)(2)).

1.8 A lawyer must maintain and preserve the confidence and private information of clients. (See R. Regulating Fla. Bar 4-1.6).

1.9 In any representation where the fee arrangement is other than a contingent percentage-of-recovery fee or a fixed, flat-sum fee or in which the representation is anticipated to be of more than brief duration, a lawyer should bill clients on a regular, frequent interim basis, and avoid charging unnecessary expenses to the client.

1.10 When a fee dispute arises that cannot be amicably resolved, a lawyer should endeavor to utilize an alternative dispute resolution mechanism such as fee arbitration.

1.11 A lawyer must routinely keep clients informed and attempt to resolve client concerns. (See R. Regulating Fla. Bar 4-1.4). In the case of irreconcilable disagreements with a client, the lawyer must provide diligent representation until the lawyer-client relationship is formally dissolved in compliance with the law and the client's best interests. (See R. Regulating Fla. Bar 4-1.16).

1.12 A lawyer must devote professional time and resources and use civic influence to ensure equal access to our system of justice. (See R. Regulating Fla. Bar 4-6.1).

1.13 A lawyer must avoid discriminatory conduct prejudicial to the administration of justice in connection with the practice of law. (See R. Regulating Fla. Bar 4-8.4(d)).

## **2. Honest and Effective Communication**

A lawyer's word is his or her bond. Effective communication requires lawyers to be honest, diligent, civil, and respectful in their interactions with others, including interactions in person and by video conferencing, telephone, text messaging, social media, email, online communications, and all other oral and written communications.

### **Expectations:**

2.1 A lawyer should inform every client what the lawyer expects from the client and what the client can expect from the lawyer during the term of the legal representation.

2.2 Candor and civility must be used in all oral and written communications, including online communications. (See R. Regulating Fla. Bar 4-8.4(c)).

2.3 A lawyer must avoid disparaging personal remarks or acrimony toward opposing parties, opposing counsel, third parties or the court. (See R. Regulating Fla. Bar 4-8.4(d)).

2.4 A lawyer must timely serve all pleadings to prevent prejudice or delay to the opposing party. (See R. Regulating Fla. Bar 4-3.2).

2.5 A lawyer's communications in connection with the practice of law, including communications on social media or other online communications, must not disparage another's character or competence or be used to inappropriately influence or contact others. (See R. Regulating Fla. Bar 4-8.4(d)).

2.6 A lawyer should use formal letters or emails for legal correspondence and should not use text messages to correspond with a client or opposing counsel unless mutually agreed.

2.7 In drafting a proposed letter of intent, the memorialization of an oral agreement, or a written contract reflecting an agreement reached in concept, a lawyer should draft a document that fairly reflects the agreement of the parties.

2.8 In drafting documents, a lawyer should point out to opposing counsel all changes that the lawyer makes or causes to be made from one draft to another.

2.9 A lawyer should not withhold information from a client to serve the lawyer's own interest or convenience.

2.10 A lawyer must not knowingly misstate, misrepresent, or distort any fact or legal authority to the court or to opposing counsel and must not mislead by inaction or silence. Further, the discovery of additional evidence or unintentional misrepresentations must immediately be disclosed or otherwise corrected. (See R. Regulating Fla. Bar 4-3.3 and 4-8.4).

2.11 A lawyer must not inappropriately communicate with a party represented by a lawyer (See R. Regulating Fla. Bar 4-4.2), including not responding "reply all" to emails.

2.12 A lawyer should diligently prepare legal forms and documents to avoid future harm or litigation for the client while ensuring compliance with the requirements of the law.

2.13 Social media must not be used to disparage opposing parties, lawyers, judges, and members of the public. (See R. Regulating Fla. Bar 4-8.2(a) and 4-8.4(d)).

2.14 Social media should not be used to avoid the ethical rules regulating lawyer advertising.

2.15 Social media must not be used to inappropriately contact judges, mediators, jurors, witnesses, or represented parties. (See R. Regulating Fla. Bar 4-3.5 and 4-4.2).

2.16 Social media must not be used for the purpose of influencing adjudicative proceedings. (See R. Regulating Fla. Bar 4-3.6).

2.17 A lawyer must ensure that the use of electronic devices does not impair the attorney-client privilege or confidentiality. (See R. Regulating Fla. Bar 4-1.6).

2.18 A lawyer must diligently respond to calls, correspondences, complaints, and investigations by The Florida Bar. (See R. Regulating Fla. Bar 4-8.4(g)).

### **3. Adherence to a Fundamental Sense of Honor, Integrity, and Fair Play**

Courtesy, cooperation, integrity, fair play, and abiding by a sense of honor are paramount for preserving the integrity of the profession and to ensuring fair, efficient, and effective administration of justice for the public.

#### **Expectations:**

3.1 A lawyer must not engage in dilatory or delay tactics. (See R. Regulating Fla. Bar 4-3.2).



3.2 A lawyer should not make scheduling decisions that limit opposing counsel's opportunity to prepare or respond.

3.3 A lawyer should not unreasonably oppose an adversary's motion.

3.4 A lawyer must not permit non-lawyer personnel to communicate with a judge or judicial officer on any matters pending before the judge or officer or with other court personnel except on scheduling and other ministerial matters. (See R. Regulating Fla Bar 4-3.5(b) and 4-8.4(a)).

3.5 A lawyer must avoid substantive ex parte communications in a pending case with a presiding judge. The lawyer must notify opposing counsel of all communications with the court or other tribunal, except those involving only scheduling or clerical matters. (See R. Regulating Fla. Bar 4-3.5).

3.6 When submitting a written communication to a court or other tribunal, a lawyer should provide opposing counsel with a copy of the document contemporaneously or sufficiently in advance of any related hearing.

3.7 A lawyer must promptly prepare a proposed order, ensure that the order fairly and adequately represents the court's ruling before submitting the order to the court, and advise the court whether opposing counsel has approved the order. (See R. Regulating Fla. Bar 4-3.4(c)).

3.8 A lawyer should only schedule depositions to ascertain relevant facts and not to generate income or harass deponents or opposing counsel.

3.9 A lawyer must not ask a deponent irrelevant personal questions or questions designed to embarrass a deponent. (See R. Regulating Fla. Bar 4-4.4(a)).

3.10 A lawyer should not make improper objections in depositions.

3.11 A lawyer must not prevent a deponent from answering questions unless a legal privilege applies. (See R. Regulating Fla. Bar 4-3.4(c)).

3.12 When scheduling depositions, hearings, and other court proceedings, a lawyer should request an amount of time that permits all parties in the case the opportunity to be fully and fairly heard on the matter.

3.13 A lawyer should immediately provide a scheduling notice for a hearing, deposition, or trial to all opposing parties.

3.14 A lawyer should notify opposing parties and subpoenaed witnesses of a cancelled or rescheduled hearing, deposition, or trial.

3.15 During pre-trial disclosure, a lawyer should make a reasonable, good-faith effort to identify witnesses likely to be called to testify.

3.16 During pre-trial disclosure, a lawyer should make a reasonable, good-faith effort to identify exhibits to be proffered into evidence.

3.17 A lawyer should not mark on or alter exhibits, charts, graphs, or diagrams without opposing counsel's permission or leave of court.

3.18 A lawyer must not threaten opposing parties with sanctions, disciplinary complaints, criminal charges, or additional litigation to gain a tactical advantage. (See R. Regulating Fla. Bar 4-3.4(g) and (h)).

#### **4. Fair and Efficient Administration of Justice**

The just, speedy, and inexpensive determination of every controversy is necessary to preserve our system of justice.

## **Expectations:**

4.1 A lawyer should be familiar with the court's administrative orders, local rules, and each judge's published standing orders, practices, and procedures.

4.2 A lawyer should endeavor to achieve the client's lawful objectives as economically and expeditiously as possible.

4.3 A lawyer should counsel the client concerning the benefits of mediation, arbitration, and other alternative methods of resolving disputes.

4.4 A lawyer should counsel the client to consider settlement in good faith.

4.5 A lawyer should accede to reasonable requests for waivers of procedural formalities when the client's legitimate interests are not adversely affected.

4.6 A lawyer must not invoke a rule for the purpose of creating undue delay, or propose frivolous oral or written arguments which do not have an adequate basis in law nor fact. (See R. Regulating Fla. Bar 4-3.1).

4.7 A lawyer must not use discovery to harass or improperly burden an adversary or cause the adversary to incur unnecessary expense. (See R. Regulating Fla. Bar 4-4.4).

4.8 A lawyer should frame reasonable discovery requests tailored to the matter at hand.

4.9 A lawyer should assure that responses to proper discovery requests are timely, complete, and consistent with the obvious intent of the request. A lawyer should not avoid disclosure unless a legal privilege prevents disclosure.

4.10 A lawyer should not respond to discovery requests in a disorganized, unintelligible, or inappropriate manner, in an attempt to conceal evidence.

4.11 A lawyer should stipulate to all facts and principles of law that are not in dispute and should promptly respond to request for stipulations of fact or law.

4.12 After consulting with the client, a lawyer should voluntarily withdraw claims and defenses that are without merit, superfluous, or cumulative.

4.13 A lawyer should be fully prepared when appearing in court or at hearings.

4.14 A lawyer should not use voir dire to extract promises from or to suggest desired verdicts to jurors.

4.15 A lawyer should abstain from all acts, comments, and attitudes calculated to curry favor with jurors.

4.16 A lawyer should not express bias or personal opinion concerning any matter at issue in opening statements and in arguments to the jury.

4.17 A lawyer should not make offers or requests for a stipulation in front of the jury.

4.18 A lawyer should not use the post-hearing submission of proposed orders as an opportunity to argue or reargue a matter's merits.

4.19 A lawyer must not request rescheduling, cancellations, extensions, and postponements without legitimate reasons or solely for the purpose of delay or obtaining unfair advantage. (See R. Regulating Fla. Bar 4-4.4).

4.20 A lawyer must not criticize or denigrate opposing parties, witnesses, or the court to clients, media, or members of the public. (See R. Regulating Fla. Bar 4-8.2(a) and 4-8.4(d)).

## **5. Decorum and Courtesy**

When lawyers display reverence for the law, the judicial system, and the legal profession by acting with respect, decorum, and courtesy, including interactions in person and by video conferencing, they earn trust of the public and help to preserve faith in the operation of a fair judicial system.

5.1 A lawyer should abstain from rude, disruptive, and disrespectful behavior. The lawyer should encourage clients and support personnel to do the same.

5.2 A lawyer should be civil and courteous in all situations, both professional and personal, and avoid conduct that is degrading to the legal profession. (See R. Regulating Fla. Bar 3-4.3).

5.3 A lawyer must always behave in a courteous and formal manner in hearings, depositions, and trials and should refrain from seeking special consideration from a judge or juror.

5.4 A lawyer should refer to all parties, witnesses, and other counsel by their last names during legal proceedings.

5.5 A lawyer should request permission from the court before approaching the bench or submitting any document.

5.6 A lawyer should state only the legal grounds for an objection unless the court requests further argument or elaboration.

5.7 A lawyer should inform clients and witnesses that approving and disapproving gestures, facial expressions, or audible comments are absolutely prohibited in legal proceedings.

5.8 A lawyer should abstain from conduct that diverts the fact-finder's attention from the relevant facts or causes a fact-finder to make a legally impermissible decision.

5.9 A lawyer should address objections, requests, and observations to the judge.

5.10 A lawyer should attempt to resolve disagreements before requesting a court hearing or filing a motion to compel or for sanctions.

## **6. Respect for the Time and Commitments of Others**

Respecting the time and commitments of others is essential to the efficient and fair resolution of legal matters.

### **Expectations:**

6.1 A lawyer should not impose arbitrary or unreasonable deadlines on others.

6.2 A lawyer should schedule a deposition during a time period sufficient to allow all parties to examine the deponent.

6.3 Unless circumstances compel more expedited scheduling, a lawyer should provide litigants, witnesses, and other affected persons with ample advance notice of hearings, depositions, meetings, and other proceedings, and whenever practical, schedule these events at times convenient for all interested persons.

6.4 A lawyer should accede to all reasonable requests for scheduling, rescheduling, cancellations, extensions, and postponements that do not prejudice the client's opportunity for full, fair, and prompt adjudication.

6.5 A lawyer should promptly agree to a proposed time for a hearing, deposition, meeting or other proceeding or make his or her own counter proposal of time.

6.6 A lawyer should promptly call potential scheduling conflicts or problems to the attention of those affected, including the court or tribunal.

6.7 A lawyer should avoid last-minute cancellations of hearings, depositions, meetings, and other proceedings.

6.8 A lawyer should promptly notify the court or tribunal when a scheduled court appearance becomes unnecessary.

6.9 A lawyer should be punctual in attending all court appearances, depositions, meetings, conferences, and other proceedings.

6.10 A lawyer must respond promptly to inquiries and communications from clients and others. (*See* R. Regulating Fla. Bar 4-1.4.)

## **7. Independence of Judgment**

An enduring value of a lawyer's service is grounded in the lawyer's willingness to exercise independent judgment in practice and while giving the client advice and counsel.

7.1 A lawyer should exercise independent judgment and should not be governed by the client's ulterior motives, ill will, or deceit.

7.2 A lawyer should counsel a client or prospective client, even with respect to a meritorious claim or defense, about the public and private burdens of pursuing the claim as compared with the benefits to be achieved.

7.3 In advising a client, a lawyer should not understate or overstate achievable results or otherwise create unrealistic expectations.

7.4 A lawyer should not permit a client's ill will toward an adversary, witness, or tribunal to become that of the lawyer.

7.5 A lawyer must counsel a client against using tactics designed: (a) to hinder or improperly delay a legal process; or (b) to



embarrass, harass, intimidate, improperly burden, or oppress an adversary, party or any other person and should withdraw from representation if the client insists on such tactics. (See R. Regulating Fla. Bar 4-1.16, 4-3.2, and 4-4.4).

7.6 In contractual and business negotiations, a lawyer should counsel a client concerning what is reasonable and customary under the circumstances.

## Appendix C

### Rules Regulating The Florida Bar, Chapter 6

#### Rule 6-10.3. Minimum Continuing Legal Education Standards

(a) [No Change]

##### (b) Minimum Hourly Continuing Legal Education

**Requirements.** Every member must complete a minimum of 330 credit hours of approved continuing legal education activity every 3 years. At least 3 of the 30 credit hours must be in approved technology programs. At least 5 of the 330 credit hours must be in approved legal ethics, professionalism, ~~bias elimination~~, substance abuse, or mental health and wellness programs, ~~with at least 1 of the 5 hours in an approved professionalism program and at least 3 of the 33 credit hours in approved technology programs.~~; as part of the 5 credit hours, each member must complete, during each reporting cycle, the 2-credit hour Florida Legal Professionalism course produced by The Florida Bar and approved by the Supreme Court of Florida. If a member completes more than 330 credit hours during any reporting cycle, the excess credits cannot be carried over to the next reporting cycle.

(c)-(g) [No Change]