

**IN THE CIRCUIT COURT OF FLORIDA, SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES**

RE: ESTABLISHMENT OF LOCAL PROFESSIONALISM PANEL REF: P-2013-188

WHEREAS, on June 6, 2013 the Florida Supreme Court issued its decision In re: Code for Resolving Professionalism Complaints, 113 So. 3d 280, (Fla. 2013), directing the Chief Judge of each circuit to create a local professionalism panel to receive, screen and act upon complaints of unprofessional conduct and resolve those complaints informally, if possible, or refer them to The Florida Bar if necessary, and

WHEREAS, the Chief Justice of the Florida Supreme Court has a long established goal of improving professionalism, ethical conduct, and civility amongst the membership of the Bar, and

WHEREAS, the judges of the Seventh Judicial Circuit recognize that there is a public perception that the level of professionalism and civility of attorneys must be improved, and

WHEREAS the judges of the Seventh Judicial Circuit and the voluntary bar associations of Flagler, Putnam, St. Johns and Volusia counties recognize that it is incumbent upon attorneys to resolve any alleged professionalism violations in a constructive, non-punitive fashion, and

WHEREAS, the judges of the Seventh Judicial Circuit and the voluntary bar associations in 2003 established a Peer Review Program to address professional conduct violations which may not constitute grievable offenses under the Florida Rules of Professional Conduct, but otherwise fall below the standards of professional courtesy and the expectations of judges and attorneys in the circuit, and

WHEREAS, the Dunn-Blount Inns of Court has fostered professionalism in our circuit since its inception in 2001;

NOW THEREFORE, I, TERENCE R. PERKINS, Chief Judge of the Seventh Judicial Circuit of Florida, hereby order the establishment of a Local Professionalism Panel in the Seventh Judicial Circuit to address certain alleged violations of professional conduct amongst members of the Bar.

IT IS FURTHER ORDERED that:

Local Professionalism Panels consisting of respected attorneys in the community will be used to address alleged instances of improper conduct and will conduct proceedings in a constructive, non-punitive fashion.

1. Participation by attorneys on the Local Professionalism Panel is strictly voluntary, but essential for the program to succeed and therefore encouraged.
2. Appearances by attorneys before the Local Professionalism Panels are also strictly voluntary.

3. The judges of the Seventh Judicial Circuit may refer cases of perceived improper attorney conduct to a panel for resolution, but are not obligated to make such referrals.
4. The Seventh Judicial Circuit Local Professionalism Panel will otherwise be governed by the internal operating procedures attached hereto as "Attachment A".

TO BE RECORDED in Flagler, Putnam, St. Johns and Volusia counties.

DONE AND ORDERED in Daytona Beach, Volusia County, FL this 30th day of October 2013.

/s/ Terence R. Perkins
TERENCE R. PERKINS
CHIEF JUDGE

cc: Circuit and County Judges
Court Administration
Clerks of Court
County Bar Associations
Sandra Upchurch

(Attachment A)

SEVENTH JUDICIAL CIRCUIT PROFESSIONALISM COMMITTEE

LOCAL PROFESSIONALISM PROGRAM

I. Standards and Purpose:

The purpose of the Local Professionalism Program is to create a process in the Seventh Judicial Circuit that will enhance professionalism among members of the Florida Bar practicing in this circuit. This program recognizes that the Rules Regulating the Florida Bar identify a minimal level of conduct and ethical standards for members of the Bar, failing which members may be subject to discipline. The Local Professionalism Program is not intended to address conduct that may violate these Rules. It is designed to encourage compliance with aspirational goals identified in:

- a. “Ideals and Standards of Professionalism” promulgated by The Florida Bar;
- b. “Guidelines for Professional Conduct” promulgated by The Trial Lawyers Section of The Florida Bar; and
- c. Professionalism guidelines developed by the voluntary bar associations within the Seventh Judicial Circuit.

II. Initiation of a Complaint:

- a. Attorneys may initiate a written complaint, signed by the attorney who observes the alleged conduct in question. Attorneys are encouraged, prior to referring conduct to the panel, to discuss the situation with the other attorney involved in an effort to reach an amicable resolution consistent with the above-referenced professionalism standards and guidelines.
- b. Judges, at their discretion, may also refer conduct for consideration by the Local Professionalism Panel by initiating a signed, written complaint. Alternatively, Judges may directly respond and/or provide advice with regard to conduct observed by the Judge that the Judge believes may be inconsistent with the above-referenced professionalism standards and guidelines.
- c. The form required for initiation of a Complaint is attached as Exhibit “A.”

III. Procedure to Form Panel:

Complaints will be considered by a Local Professionalism Panel of three members appointed by the Chief Judge from a panel appointed annually by the Boards of

Directors of the county bar associations within the Seventh Judicial Circuit. One such member shall volunteer to act as chairperson of the committee. The review committee must include at least one member who practices within the same field of specialty as the individual who is the subject of the complaint.

IV. Review:

- a. All complaints must be made in writing and submitted to the panel via the president of the appropriate county voluntary bar association.
- b. Upon receipt, complaints will be forwarded by the county bar association president to the Chief Judge. The Chief Judge will refer the complaint, on a rotating basis, to one of the members of the panel who will review the complaint and consult with two other members of the committee to determine if any action should be taken. If, by majority, the committee determines that the complaint may be resolved by a telephone consultation with the lawyer who is the subject of the complaint, or by an informal meeting, the matter may be resolved informally by such means.
- c. In the event the complaint is not resolved by an informal telephone call, and a meeting (formal or informal) is required, the lawyer who is the subject of the complaint will be furnished with a copy of the complaint and provided an opportunity to submit a written response.
- d. If, by majority, the panel determines that the complaint presents a serious violation, then the panel will invoke the following procedure for consideration of the matter. The panel will contact the referring lawyer and the lawyer who is the subject of the complaint and schedule a formal hearing, at which time each party will have an opportunity to attend and present their positions. The hearing may be conducted with both the referring lawyer and the lawyer subject to the complaint present, in a mediation format, or in such other format as the panel deems appropriate.
- e. Upon conclusion of a formal hearing, the panel will issue a written decision and file it with the Chief Judge. Copies will be provided to both the referring lawyer and the lawyer who is the subject of the complaint. Among other things, the committee may refer the subject lawyer to a mentor, and/or to Florida Lawyers Assistance, Inc., or The Florida Bar's Attorney Consumer Assistance Program.

V. Records:

A written record including the complaint, responses (if any), formal decision (if any), and memo outlining the resolution of the complaint, will be maintained by

the Chief Judge for a period of sixty (60) days, after which said record will be destroyed. The Chief Judge shall maintain program records, in docket form, identifying the complaint file number, the date the complaint was made, the manner in which the complaint was resolved, and the date of the resolution. These program records will not include the names of the referring or subject lawyers, but will be maintained in accordance with Rule 2.076, Florida Rules of Judicial Administration.

VI. Confidentiality:

All committee members, referring lawyers, and subject lawyers will be required to sign statements acknowledging:

- a. Information disclosed during the panel process is confidential and shall not be disclosed to anyone except other panel members, the referring lawyer, or the subject lawyer; and
- b. The Local Professionalism Panel is a voluntary, informal program intended to be non-punitive, educational and constructive. It will not result in the imposition of sanctions or discipline.

Oct., 2013

