

**IN THE SECOND JUDICIAL CIRCUIT  
OF FLORIDA**

**OFFICE OF THE CHIEF JUDGE**

**ADMINISTRATIVE ORDER 2023-02  
(rescinding AO 2013-09 and AO 2014-02)**

**IN RE: SECOND JUDICIAL CIRCUIT PROFESSIONALISM PANEL**

**WHEREAS**, the bench and bar of the Second Judicial Circuit have historically endeavored to encourage, promote, and maintain a high standard of professionalism in the Circuit; and

**WHEREAS**, the “Tallahassee Bar Association – Code of Professional Courtesy” was endorsed by the judiciary of the Second Judicial Circuit by Administrative Order 90-26; and

**WHEREAS**, pursuant to the directive of former Chief Justice Gerald Kogan of The Supreme Court of Florida, the Second Judicial Circuit Professionalism Committee was established by Administrative Order 2003-12 to assess the status and conditions of professionalism and to encourage and promote professionalism and ethics within the Second Judicial Circuit; and

**WHEREAS**, in an effort to address professionalism complaints on an informal basis, and to enhance communication, constructive problem solving, respect and courtesy between judges and lawyers of the Second Judicial Circuit, and pursuant to Amended Administrative Order of The Supreme Court of Florida, the Second Judicial Circuit Bench/Bar Committee was formally established by Administrative Order 2003-09 to replace the informal bench/bar committee that had been productively functioning for many years prior to such formal order; and

**WHEREAS**, The Supreme Court of Florida issued its opinion entitled “In Re: Code for Resolving Professionalism Complaints” [116 So.3d 280 (Fla. June 6, 2013)] which required the Chief Judge of every Circuit “to create a Local Professionalism Panel to receive and resolve professionalism complaints informally, if possible”; and

**WHEREAS**, the Second Judicial Circuit re-constituted the professionalism committee as the Second Judicial Circuit Professionalism Panel (“Panel”), and updated the requirements of the Panel in Administrative Order No. 2013-09 and established procedures for processing professionalism complaints in Administrative Order No. 2014-02; and

**WHEREAS**, on July 6, 2023, the Florida Supreme Court issued Opinion No. SC23-0884, adopting a revised Code for Resolving Professionalism Referrals to replace the 2013 Code for Resolving Professionalism Complaints; and

**WHEREAS**, The Supreme Court of Florida states that the informal, peer-to-peer mentoring approach offered by local professionalism panels can materially improve professionalism among Florida lawyers; and

**WHEREAS**, the Panel of the Second Judicial Circuit must abide by the guidelines and procedures of the recently adopted Opinion No. SC23-0884; and

**WHEREAS**, this Court previously entered Administrative Orders 2013-09 and 2014-02, which are both now outdated and must be amended to conform to current processes and procedures.

**NOW THEREFORE**, in accordance with Rule 2.215, Florida Rules of General Practice and Judicial Administration, it is

**ORDERED** that:

**1. PROFESSIONALISM PANEL**

The Second Judicial Circuit's Local Professionalism Panel shall provide a voluntary 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 mentoring process does not replace the Florida Rules of Professional Conduct for the formal disciplinary process when a violation of those rules as set out in the Rules Regulating the Florida Bar occurs. The Panel shall follow the guidelines set forth herein:

- (a) **Formation:** The Chief Judge shall create and maintain in continuous operation a Local Professionalism Panel. The Chief Judge determines the number of members to serve on the Panel, appoints the members as well as the Chairperson of the Panel, and appoints members to fill vacancies on the Panel.
- (b) **Panel Members:** The Chief Judge appoints the Panel, which must include judges (current or senior), 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 five (5) years. Representatives of local bar organizations within the Circuit are encouraged to suggest names of appropriate representatives for future Panel membership. The Chief Judge shall appoint a Chairperson. The list of Panel members shall be posted on the Second Judicial Circuit webpage.
- (c) **Panel Members' Terms:** All Panel members will serve staggered three (3)-year terms. A member may be reappointed to serve one (1) additional three (3)-year term, not to exceed six (6) consecutive years. Each term begins on July 1 and ends June 30 of the third year. All members serve at the discretion of the Chief Judge.

- (d) **Immunity:** The members of the Panel, 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 for Resolving Professionalism Referrals.
- (e) **Education:** The Chief Judge must facilitate the promotion and education of the lawyers in the Second Judicial Circuit about the Panel through a Continuing Legal Education program about the role of the Panel. Panel members shall undergo training by experienced lawyers involved in The Florida Bar's disciplinary process prior to serving on the Panel.
- (f) **Required Statewide Meeting:** Every other year, beginning in 2023, the chairperson of the Panel must meet in person or through remote conferencing to review the Code for Resolving Professionalism Referrals to discuss the policies and procedures used by the circuit, to recommend changes to the Florida Supreme Court, and to review the forms used by the circuits to maintain uniformity of the forms among the circuits.
- (g) **Reporting:** Each Panel must file a written report with the Chief Judge, 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. 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.
- The reports must not include identifying information for the respondent or the party who submitted the referral.

(h) **Publishing Reports.** The Florida Bar will publish on its website the Panel's biannual reports. The Chief Judge, or designee, will publish on the Second Judicial Circuit's webpage the Panel's biannual reports from the circuit.

## **2. PURPOSE OF THE PROFESSIONALISM PANEL**

The panel shall be independent of The Florida Bar and shall informally resolve referrals of claims of unprofessional conduct by lawyers practicing in the Second Judicial Circuit. The process is voluntary and respondent attorneys are to be addressed in a peer-to-peer mentoring approach in an informal, non-punitive, educational, and constructive

manner. Claims of unprofessional conduct addressed by the Panel are separate and apart from instances of misconduct that require a formal grievance process.

The Panel 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, the Panel shall receive, screen, and act on referrals of unprofessional conduct and address those referrals informally, if possible, or refer those cases to The Florida Bar for a formal investigation. Unprofessional conduct means a violation of the Standards of Professionalism 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.

### **3. PROCEDURES OF THE PANEL**

Any person may initiate an unprofessional conduct referral against a member of the Florida Bar through the Panel as follows:

#### **(a) Initiation of a Complaint:**

1. The form required for initiation of a complaint shall be made available on the Second Judicial Circuit website.
2. Any person may initiate a professionalism complaint against a member of the Florida Bar through the Panel. The Panel may also accept referrals sent by the Attorney Consumer Assistance Program (“ACAP”) at the Florida Bar.
3. 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) Procedure for Review and Processing Complaints:**

1. Upon receiving the complaint, the Chairperson of the Panel at the initial review of the Complaint, may determine that the conduct is too severe to be handled by the Panel and may refer the Complaint to ACAP at The Florida Bar. If the Chairperson does not refer the Complaint to ACAP, the Chairperson shall create a “Complaint Resolution Sub-Panel” to receive and review the complaint to determine if any action should be taken. The “Complaint Resolution Sub-Panel” shall be comprised of members of the Panel designated by the Chair on a per complaint rotating basis.

2. The Complaint Resolution Sub-Panel may decide, by majority, at the initial review of the Complaint that the conduct is too severe to be handled by the Panel and may determine to refer the Complaint to ACAP at The Florida Bar.

3. If, by majority, the Complaint Resolution Sub-Panel determines that the complaint may be resolved by a telephone consultation with the attorney who is the subject of the complaint, or by an informal meeting, the matter may be resolved informally by such means.

4. In the event the complaint is not resolved by an informal telephone call, and a meeting (formal or informal) is required, the attorney who is the subject of the complaint will be furnished with a letter enclosing a copy of the complaint and providing the subject attorney with an opportunity to submit a written response. The subject attorney shall be advised that participation with the Panel is voluntary and intended to avoid further formal action being taken against the subject attorney through the Florida Bar.

5. Any letter sent by the Panel to the subject attorney requesting that the subject attorney appear before the Panel, shall identify the conduct alleged to be inconsistent with the Standards of Professionalism. The letter shall also advise the subject attorney that the Panel meeting is a non-disciplinary proceeding. A complete reference to the citations of the Standards of Professionalism shall be included in the letter. The letter shall also advise the subject attorney that if he or she fails to appear before the Panel without being excused beforehand then the Panel will proceed with its meeting and decide whether to address the request or refer it to the ACAP at the Florida Bar for resolution.

6. If, by majority, the Complaint Resolution Sub-Panel determines that the complaint presents a serious violation, then the panel will contact the referring party and the attorney who is the subject of the complaint and schedule a formal hearing. At said hearing, each party will have an opportunity to attend and present their positions. The hearing may be conducted with both the referring party and the attorney subject to the complaint present, in a mediation format, or in such other format as the panel deems appropriate.

7. Upon conclusion of a formal hearing, the panel will issue a written decision and submit it to the Chief Judge. Copies will be provided to both the referring party and the attorney who is the subject of the complaint. Among other things, the committee may refer the subject attorney to a professionalism or ethics seminar authorized by the Florida Bar, refer the subject attorney to a mentor, and/or to Florida Lawyers Assistance, Inc., or issue the subject attorney a letter of advice. Failure to follow the recommendations of the Panel may be a basis for referral to ACAP at the Florida Bar.

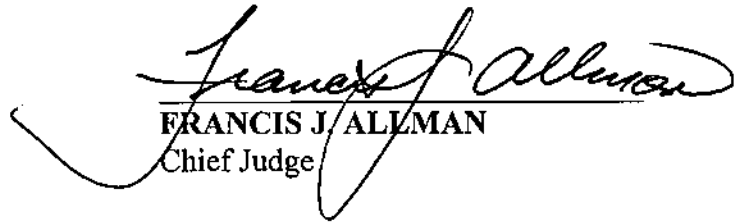
8. The Panel should strive to resolve all referrals within forty-five (45) days of receipt of the request.

9. **Records Retention:** All records related to each complaint will be destroyed within thirty (30) days of the conclusion of the Panel's resolution of the referral and after the subject attorney has completed all of the Panel's recommendations.

(c) **Confidentiality:** Rule 3-7.1 of the Rules Regulating the Florida Bar sets out the guidelines for confidentiality in disciplinary investigations and proceedings. All Panel members, the referring party, and the subject attorney shall sign a statement acknowledging that all information disclosed during the Panel process is confidential and shall not be disclosed to anyone except other Panel members, the referring party, and the subject attorney.

This Administrative Order shall take effect immediately and remain in full force, and effect unless and until otherwise ordered by the Court. Administrative Orders 2013-90 and 2014-02, including any amendments thereto are hereby superseded and vacated by this Administrative Order.

**ORDERED** in chambers in Tallahassee, Leon County, Florida, this 13 day of December 2023.

  
FRANCIS J. ALLMAN  
Chief Judge

- Copies furnished to:
- All Circuit and County Judges, Second Judicial Circuit
- All Clerks of Court, Second Judicial Circuit
- Tallahassee Bar Association
- All Members of the Second Judicial Circuit Professionalism Panel
- Public Defender, Second Judicial Circuit
- State Attorney, Second Judicial Circuit
- Office of Court Administration, Second Judicial Circuit



UNOFFICIAL DOCUMENT