

THE PROFESSIONAL

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HENRY LATIMER CENTER FOR PROFESSIONALISM



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www.floridabar.org/professionalism

Fall 2014

Upcoming Events:

September 11 – 12, 2014
Practicing with Professionalism
Tampa

September 26, 2014
First Judicial Circuit Bench &
Bar Professionalism Symposium
Navarre

September 26, 2014
Practicing with Professionalism
Tallahassee

October 3, 2014
Professionalism in the New
Digital Age
GPSSF Ethics CLE
Tampa

October 3, 2014
Practicing with Professionalism
West Palm Beach

October 8, 2014
Dade County Defense Bar
Ethics Seminar
Hyatt Regency Miami

October 16, 2014
10:00 – 12:00 p.m.
Standing Committee on
Professionalism Meeting
Tampa Airport Marriott

October 30, 2014
Practicing with Professionalism
Fort Lauderdale

November 5, 2014
Practicing with Professionalism
Jacksonville

December 11, 2014
Practicing with Professionalism
Bonita Springs

January 8, 2015
Clearwater Bar Professionalism
Symposium
Clearwater

January 22 – 24, 2015
The Florida Bar Winter Meeting
Hilton Orlando Lake Buena Vista

January 22, 2015
Standing Committee on
Professionalism Meeting
Hilton Orlando Lake Buena Vista

Henry Latimer Center for Professionalism

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Linda Calvert Hanson

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Florida Supreme Court Commission on Professionalism

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Justice R. Fred Lewis

The Florida Bar Standing Committee on Professionalism

Chair:

Michael Schneider

Vice-Chairs:

Donise Brown

Caroline Johnson Levine

Board Liaison:

Jay Cohen

From the Chair

Challenges in Professionalism

By Michael Schneider,
Chair of Standing Committee on Professionalism

The Law. In the 50s it was a calling; in the 70s it was a profession; in the 80s it became a business, and if we don't watch out, it will become a racket.¹

The world has changed and the legal profession with it.

Professionalism in the legal community has been a major concern for over twenty years. That is nothing new. In 1776, while Thomas Jefferson and others were drafting the Declaration of Independence, Timothy Dwight gave the graduation address to the Yale Law School decrying the greed of lawyers and exhorting the graduates to shun the legal profession like "death or infamy."

What is new is that the legal profession has taken steps to address the perceived erosion of professionalism. Florida has been in the forefront of addressing these concerns. In surveys commissioned by The Florida Bar, members reported that the lack of professionalism was the most serious problem faced by lawyers. In response, in 1996 The Florida Bar Center for Professionalism (now the Henry Latimer Center for Professionalism) was established. The

Bar also established a Standing Committee on Professionalism, and the Florida Supreme Court established the Commission on Professionalism. These entities have been working to enhance professionalism in the legal community.

The American Bar Association concurrently studied the causes in the decline in professionalism. Its Professionalism Committee concluded factors that contributed to the collapse of collegiality included:

- (a) The loss of an understanding of the practice of law as a "calling."
- (b) Changes in economics of the practice of law that has converted law practice from a profession to a business.
- (c) The perceived excesses of the adversarial process, including the loss of civility, permitted by existing rules governing litigation.
- (d) An undermining of the traditional counseling role of lawyers.
- (e) Concerns about the competency of lawyers and their compliance with applicable ethical codes.

FROM THE CHAIR

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These concerns have only exacerbated by the change in the experience of young lawyers entering the profession. More and more lawyers are graduating to find fewer and fewer jobs in traditional law firms. Those firms provided an atmosphere of economic stability and insulation from the tyranny of client demands that allowed young practitioners to be exposed to the “art” of the practice of law. Our newest lawyers are also graduating with a staggering load of student loan debt, further aggravating the competitiveness that is inherent in our adversarial legal system.

Much like baseball, there are unwritten rules that undergird the profession, and their violation fall into the category of, “that’s not how it’s done around here.” Unseemly language by lawyers is no more tolerated than the excessive celebration after a home run. It shows a lack of respect for the profession, or the game.

Unfortunately, reported decisions

continue to reveal “the rather evident lack of civility displayed by the lawyers in the case.” One case even observed “the behavior of counsel in this case as ‘Beavis and Butt-head’ like, or to put it in milder terms, uncivilized.”

Local voluntary bar associations and the Inns of Court movement have acted to provide the mentoring that no longer exists in the present legal environment.

In 2013, the Supreme Court adopted a Code for Resolving Professionalism Complaints to provide a structured method to address professionalism complaints at a local level and to provide a learning opportunity by creating Local Professionalism Panels.

The newest and most challenging change in the legal world is the advent of modern technology. In the near past, a fax machine was considered cutting edge. No longer. Smart phones, social media, emails, texts, and electronic transfer and filing of documents have arrived and are the norm.

This new technology has the curious effect of bringing lawyers, litigants, and judges in more immediate contact while at the same time making

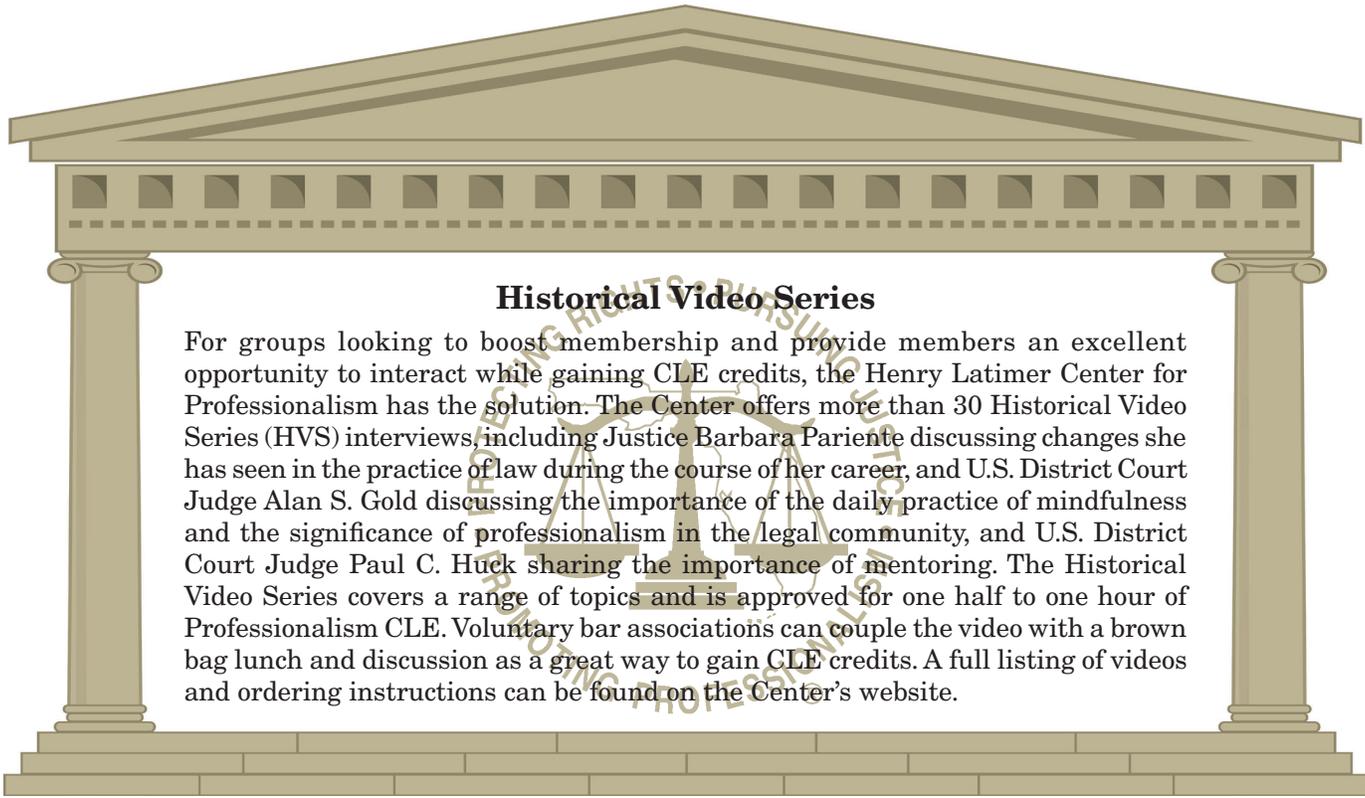
the interactions more impersonal or anonymous. This immediacy has also created a nearly 24-hour perceived availability. It goes without saying that technology has profoundly affected the practice of law and the concurrent perceptions of what constitutes acceptable behavior. The era of dictating a blistering letter and then deciding not to send it upon calmer later reflection is now past. Emailing and texting no longer provide that luxury of time to reflect and reconsider.

At the direction of The Florida Bar President Greg Coleman, the Standing Committee on Professionalism has undertaken to integrate the issues created by the new electronic frontier with the traditional concepts of professionalism. The idea is to create a guide to provide the profession with expectations of professional behavior.

It is hoped that with the efforts of all, we can emulate what Shakespeare described in the Taming of the Shrew, “do as adversaries do in law - strive mightily, but eat and drink as friends.”

Endnotes

1 Celia Johnstone, President, Canadian Bar Association, August 1992.



Historical Video Series

For groups looking to boost membership and provide members an excellent opportunity to interact while gaining CLE credits, the Henry Latimer Center for Professionalism has the solution. The Center offers more than 30 Historical Video Series (HVS) interviews, including Justice Barbara Pariente discussing changes she has seen in the practice of law during the course of her career, and U.S. District Court Judge Alan S. Gold discussing the importance of the daily practice of mindfulness and the significance of professionalism in the legal community, and U.S. District Court Judge Paul C. Huck sharing the importance of mentoring. The Historical Video Series covers a range of topics and is approved for one half to one hour of Professionalism CLE. Voluntary bar associations can couple the video with a brown bag lunch and discussion as a great way to gain CLE credits. A full listing of videos and ordering instructions can be found on the Center’s website.

From the Director

Professionalism: An Expectation in Florida

By Linda Calvert Hanson, Director of the Henry Latimer Center for Professionalism

Professionalism within the practice of law is a topic that continues to garner enhanced focus throughout Florida. It is being heralded by the courts, The Florida Bar, and local bar associations. A review of various efforts, initiatives, and cases reveals a demonstrable shift from professionalism merely being a principle one should aspire to emulate to professionalism being an expectation in Florida.

As background, in response to a perceived decline in lawyer professionalism and to raise the aspirational goals of all lawyers within Florida by defining a professionalism program and dedicating resources, in 1996 the Supreme Court ordered the creation of the Supreme Court Commission on Professionalism, The Florida Bar Standing Committee on Professionalism (SCOP) and the Center for Professionalism (subsequently renamed “The Henry Latimer Center for Professionalism” in 2005). The three interrelated entities launched numerous efforts over the years including collaborating on the crafting of The Florida Bar SCOP’s working definition of professionalism that reads, “[p]rofessionalism 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, civility, and commitment.”

To begin, a brief review of disciplinary case dispositions is helpful to observe how the Florida Supreme Court has resolved cases involving unprofessional conduct over time. A review of cases from seventeen years ago suggests that similar unprofessional conduct today would be dealt with more severely. Starting with The Florida Bar v. Martocci, 699 So.2d 1357 (Fla. 1997), the Court pointed out that conduct was “patently unprofessional” for the

“childish and demeaning conduct” which took place during a deposition in which the attorney poked another in the chest and used profane language. Although the referee recommended no discipline and the Court agreed, it ordered a published opinion so all attorneys would “benefit and realize an attorney’s obligation to adhere to the highest professional standards of conduct...” Id. at 1360.

Four years later in a family law case, the referee concluded that the same Mr. Martocci insulted the opposing counsel and her client. The Florida Bar v. Martocci, 791 So.2d 1074 (Fla. 2001), reh. den. (2001). Among other statements, he called the opposing counsel a “stupid idiot,” stated that “she needed to go back to law school,” and that she should “go back to Puerto Rico.” Id. at 1075. Additionally, he made “demeaning facial gestures” and stuck out his tongue at the deposition, stated that depositions were not going to be conducted under “girl’s rules” and threatened to beat up the opposing party’s dad. Id. at 1076-77. The Court wrote, “[t]he entire record is replete with evidence of Martocci’s verbal assaults and sexist, racial, and ethnic insults supporting the referee’s conclusion that Martocci engaged in patently unethical behavior designed to belittle and humiliate [opposing counsel], [her client and her dad].... We previously have admonished members of the Bar to refrain from offensive conduct. See Martocci, 699 So.2d at 1360.” Id. at 1077. The Court approved the referee’s recommendation of a public reprimand and two years of probation with conditions. Id. at 1078.

The oft cited case of The Florida Bar v. Ratiner, 46 So.3d 35 (Fla. 2010), was handed down nine years after the second Martocci decision. During the course of the videotaped deposition, Ratiner can be observed standing up and speaking forcefully towards opposing counsel, forcefully

leaning over the deposition table, and at one point he is viewed attempting to go around the table towards opposing counsel. Id. at 37. The lawyer’s own consultant can be heard to say, “calm down - take a Xanax” and the court reporter can be heard to say, “I can’t work like this!” Id. The referee concluded that Ratiner’s conduct “was outrageous, disruptive, and intimidating to the witness, opposing counsel, and other persons present during the deposition and otherwise prejudicial to the administration of justice.” Id. The Court agreed with the recommendation of a public reprimand and 60 days suspension. Id. at 41.

In a subsequent case against Mr. Ratiner, the Referee issued a report on November 13, 2013, wherein it was recommended that Mr. Ratiner be suspended for three years followed by two years of probation. The referee found that Ratiner “unabashedly ignored all civility, decorum, and professionalism by creating an atmosphere of intimidation, bullying, and abuse, as well as an unprofessional environment...” Ratiner has requested a re-hearing. The Florida Bar v. Ratiner, SC12-393, TFB No. 2010-71,265(11E).

Also last fall, the Supreme Court handed down an opinion in the case of The Florida Bar v. Norkin, 132 So.3d 77 (Fla. 2013). The case detailed numerous instances of unprofessional conduct, including engaging in “tirades and antagonistic behavior” in exchanges with judges and other attorneys. Id. at 91. In the opinion written by Justice R. Fred Lewis, Chair of the Florida Supreme Court Commission on Professionalism, the Court noted that it is “profoundly concerned with the lack of civility and professionalism demonstrated by some Bar members. The Court has repeatedly ruled that unprofessional behavior is unacceptable. See generally Fla. Bar v. Ratiner, 46 So.3d 35 (Fla.2010); Fla. Bar v. Abramson, 3 So.3d 964

FROM THE DIRECTOR

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(Fla.2009); Fla. Bar v. Martocci, 791 So.2d 1074 (Fla.2001).” Id. at 89. The opinion referenced a previous disciplinary case against Mr. Norkin in 2003 for the same type of rude and unprofessional behavior for which he received a public reprimand before the Board of Governors and was ordered to attend Ethics School. Id. at 91.

The Court concluded, “[t]his Court has been discussing professionalism and civility for years. We do not tolerate unprofessional and discourteous behavior. We do not take any pleasure in sanctioning Norkin, but if we are to have an honored and respected profession, we are required to hold ourselves to a higher standard. Norkin has conducted himself in a manner that is the antithesis of what this Court expects from attorneys. By his unprofessional behavior, he has denigrated lawyers in the eyes of the public.... His unprofessional conduct is an embarrassment to all members of The Florida Bar.” Id. at 92-93. The referee recommended a 90-day suspension, followed by an 18-month period of probation while The Bar recommended a one-year suspension and public reprimand. Id. at 79. The Court doubled the suspension term and ordered two-years, plus 18-month period of probation, and a public reprimand before the Supreme Court. Id. at 93.

Norkin’s public reprimand was administered in front of the full Supreme Court by former Chief Justice Ricky Polston on February 6, 2014. During Mr. Norkin’s admonishment, which can be seen and read [here](#), Justice Polston indicated that, “[i]t’s very unusual for any lawyer to be reprimanded in person before the Supreme Court. That fact alone underscores the gravity of your situation. The effectiveness of our legal system ultimately rests on the trust and confidence that the people confer upon the attorneys who practice in our courts. And that trust and confidence is seriously undermined by the grossly unprofessional actions you have exhibited. That is

why we have ordered you to appear today for a public reprimand that’s being broadcast throughout the state. It is one way we can assure the public that we take the lack of professionalism by a lawyer very seriously and that we will not hesitate to punish errant attorneys in a most public way.” Clearly, unprofessional behavior now is being disciplined more harshly in Florida cases.

Beyond the disciplinary cases that emphatically stress the need for professionalism and civility, the Florida Supreme Court has taken additional actions. On September 12, 2011, the Florida Supreme Court added the civility pledge to the Oath of Admission to the Florida Bar. In re: Oath of Admission to The Florida Bar, SC11-1702 (Sept. 12, 2011).

Two years later on June 6, 2013, the Court entered SC13-688, In re: Code for Resolving Unprofessional Conduct, 116 So. 3d 280 (Fla. 2013). The Code, authored by Justice R. Fred Lewis, outlines the professionalism efforts in Florida over the years before stating that “[m]embers of The Florida Bar shall not engage in unprofessional conduct.” (emphasis added, Exhibit A). Additionally, the Court adopted the creation of a “structure for affirmatively addressing unacceptable professional conduct...designed to firmly encourage better behavior...utiliz[ing] a wide range of interventions from mere conversations to written communications to more severe sanctions.” Id. at 281.

Further, the new code requires each judicial circuit to create a Local Professionalism Panel (LPP) to act independent of The Florida Bar. Id. at 282. Each LPP is empowered to receive, screen, and act upon incidents of unprofessional conduct. Id. While the LPPs are able to resolve professionalism complaints informally without The Florida Bar’s involvement, complaints can still be referred directly to The Bar through the Attorney Consumer Assistance Program (ACAP) as well. The Center has been tracking the enactment of the LPPs in each circuit and just recently the last of Florida’s twenty judicial circuits entered its order, however, a number of circuits are still fleshing out the implementation

process. Information regarding each circuit’s LPP can be found on the Henry Latimer Center for Professionalism’s webpage under “Regulating Professionalism” and there has been a recent series of articles in *The Florida Bar News*.

The Florida Bar has been implementing additional professionalism initiatives as well. Last spring then President-elect Greg Coleman, longtime professionalism advocate, asked Bar staff to draft an E-Guide on “Best Practices for Effective Electronic Communications” to address technological and professionalism issues. A comprehensive draft document was created covering topics such as hostility via the telephone, responding to an angry e-mail, cyber security, rules for email discussion groups, laptop/tablet usage in public, social media and networking issues, and establishing reasonable expectations.

Further, in May, President Coleman charged SCOP with the responsibility to: a) review the E-Guide and make recommendations b) on a statewide basis, review all existing professionalism Ideals, Goals, Guidelines, Principles, and Rules and c) draft new uniform professionalism guidelines integrating the E-Guide for adoption by The Florida Bar. The SCOP created a special working group to accomplish this assignment. The draft document preliminarily entitled, “Professionalism Expectations,” is scheduled to be submitted to the full Standing Committee in October, and it is anticipated that this professionalism guide will be released in late spring 2015.

Harkening back to SCOP’s definition that “[p]rofessionalism is the pursuit and practice of the highest ideals and tenets of the legal profession” reinforces the need for the steps that have been taken to realize this goal. The more recent cases, coupled with the enactment of the Code resulting in the formation of the LPPs, along with the creation of the E-Guide and new professionalism expectations all deliver a clear message – we place a premium on professionalism in the practice of law and professionalism is an expectation in Florida.

The Standing Committee on Professionalism: On the Move

After a year of many tasks and accomplishments, the Center and the Standing Committee on Professionalism (SCOP) thanked David Hallman for his service as committee chair for 2013-2014 as he passed the gavel to Michael Schneider to take charge for the upcoming year. The SCOP's next meeting is scheduled for October 16, in Tampa from 10:00 – 12:00 p.m. Listed below are the projects and tasks that have been assigned to each working group:

Awards Working Group

The Awards Working Group, chaired by Donise Brown, is creating a marketing plan to bolster the number of submissions that the committee receives for this year's Professionalism Awards, which are: the William M. Hoeveler Judicial Professionalism Award, the Law Faculty/Administrator Professionalism Award, and the Group Professionalism Award. In addition, this working group in conjunction with the Young Lawyers Working Group promotes the Law Student Essay Contest at each of the twelve law schools. Upon the respective application deadlines, the group then reviews the applications and makes a recommendation of awards recipients for 2015.

Circuit Professionalism Working Group

Given a tight deadline for reporting their efforts, the Circuit Professionalism Working Group, chaired by Carrie Roane, hit the ground running to collect information regarding the local professionalism panels (LPP) within each circuit. The LPP information collected includes how complaints are filed with contact information, the complaint forms, and record retention policies. In addition, this group will collect the Circuit Professionalism Reports from each circuit due February 2, 2015, and assist with compiling a report that will appear in *The Professional* in the spring and on the Center's website.

Young Lawyers Working Group

To better prepare law students for the daily practice of law, this working group, chaired by Rachel Greenstein, has devised a plan to offer the "Balancing Life and Law Program" at each of the twelve law schools. This working group, along with the full committee, provides speakers with different employment backgrounds and perspectives to offer their wisdom to law students this fall. The Center and this working group are launching a new program in the spring entitled, "The Winning Edge," that will help law students gain skills to distinguish themselves in the profession. Topics for "The Winning Edge" include professional identity, professionalism in the legal profession, common pitfalls associated with social media, the benefits of mentors and sponsors, and networking. In addition, this working group will be launching a "Professionalism YouTube Skit Contest" in the spring for law students to participate in for a cash prize.

Publicity and Communications Working Group

This working group, chaired by Richard Lawson, has been charged with assisting the Center with marketing efforts and with articles for *The Professional*. In addition to the articles being used for *The Professional*, they will also be used for inclusion in the Center's joint clearinghouse project with Florida International University College of Law. A long standing project of the Center is to

create a more user friendly website that is readily accessible to members of the bar; this working group will assist with these efforts. Lastly, this working group is reviewing the "Best Practices for Effective Electronic Communication" (E-guide), an assignment provided by President Greg Coleman.

Education and Resource Working Group

As assigned by the Supreme Court Commission on Professionalism, this working group, chaired by Judge Frances Perrone, prepared a one page notice to clients to advise them of the availability of the LPP in each circuit. The document includes LPP contact list compiled by the Circuit Professionalism Working Group. Upon completion of this task by the working group, the notice was provided to Justice R. Fred Lewis and the Commission.

Standards Working Group

Chaired by Caroline Johnson Levine, this working group was developed to complete a special assignment that was requested by President Greg Coleman. The working group has been tasked with reviewing the Ideals and Goals of Professionalism, the Guidelines for Professional Conduct, and all other existing professionalism guides. Upon completion of the review, the working group must develop uniform professionalism expectations including electronic communications for statewide distribution that references portions of the E-guide.



The Henry Latimer Center for Professionalism is now accepting submissions for the upcoming edition of the legal publication *The Professional*. If you or any legal organization you are a member of would like to submit an article for consideration please email your submissions to jhaston@flabar.org with "article submission" in the subject line. The articles should pertain to issues of professionalism and be inspirational and/or motivational in content. Please use Microsoft Word and limit submissions to no more than 800 words (12 point font, double spaced).

SCOP MEMBERS – TERMED OFF

DAVID A. HALLMAN, IMMEDIATE PAST CHAIR

MOUSA M. BAJALIA

JOHN C. CLOUGH

DENISE B. D'APRILE

SEAN T. DESMOND

HERBERT WALTER FISS, JR.

ANDREW V. TRAMONT

STEPHEN H. ECHSNER, IMMEDIATE PAST BOG LIASISON

GREGORY J. HOAG, IMMEDIATE PAST YLD REPRESENTATIVE



David Hallman and Sean Desmond, both served for 8 years and as chair of the Standing Committee on Professionalism.

NEW SCOP MEMBERS

MARTIN P. BLAYA

JOHN P. CARDILLO

ROBERT D. CRITTON, JR.

KIRSTEN K. DAVIS

MARYELLEN M. FARRELL

HONORABLE PHYLLIS D. KOTEY

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HONORABLE SARAH I. ZABEL

JAY COHEN, BOG LIAISON

JEREMY S. KORCH, YLD REPRESENTATIVE

Seeking Professionalism CLE?

Are you or an organization you are involved with interested in offering a professionalism CLE program? Well, the Henry Latimer Center for Professionalism has several options that may meet your needs. Presentations include (not all programs offer CLE credit):

Professionalism Matters (CLE)

Professionalism in the New Digital Age (CLE)

Professionalism Adds to Work Life Fulfillment (CLE)

Professionalism: An Expectation in Florida (CLE)

Harnessing the Power of Relationships: Mentoring, Sponsoring, and Networking (CLE)

Empowering Across Generations (CLE)

Mentors in Training: Building Effective Leaders

The Winning Edge

The Benefits of Mentoring for an Organization

If you or your organization is interested in offering any of the listed programs, please contact the Henry Latimer Center for Professionalism to discuss and schedule your program at (850) 561-5747 or cfp@flabar.org. We look forward to hearing from you!

Professionalism Award Recipients

Each year at The Florida Bar's Annual Convention, the Standing Committee on Professionalism presents the Professionalism Awards to the recipients during the Judicial Luncheon. The Professionalism Awards consist of three very distinguished awards: the William M. Hoeveler Judicial Award, the Law Faculty and Administrator Professionalism Award, and the Group Professionalism Award.

The **William M. Hoeveler Judicial Professionalism Award** recognizes a judge who best exemplifies strength of character, service, and competence as a jurist, lawyer, and public servant. Nominees for this award are judges who have communicated their pledge to the ideas of justice and diligence in inspiring others to the mission of professionalism.

This year, with Judge Hoeveler in attendance, David Hallman, then Chair of The Florida Bar's Standing Committee on Professionalism, presented the **Honorable Claudia Rickert Isom**, Circuit Judge for the Thirteenth Judicial Circuit, in Hillsborough County, with the 2014 William M. Hoeveler Judicial Award.

Judge Isom is a graduate of the Florida State University College of Law and has been a member of the judiciary for more than 20 years serving in every division. Judge Isom is

highly respected in the community as fair, intelligent, and an ethical jurist. Her dedication is not only evident by the care she takes to familiarize herself with her cases but also the commitment she displays to follow the rules of professionalism. Since 2000, Judge Isom has served as a judicial mentor, a role where she strives to instill the ideals of professionalism and justice in new judges transitioning from practice.

The **Law Faculty and Administrator Professionalism Award** is presented to a single faculty member or administrator of one of Florida's accredited law schools who through teaching, scholarship, and service to the profession best supports or exemplifies the mission of the Standing Committee on Professionalism.

The recipient of the 2014 Law Faculty Professionalism Award was **Professor Amy R. Mashburn** of the University of Florida Levin College of Law. Professor Mashburn was assigned to Chair an Ad Hoc Committee to explore integrating professionalism into the curriculum, and then serving as Chair of the Strategic Planning Committee, her work led to the unanimous adoption of a new Mission Statement, which addressed not only professionalism but instruction in core competencies and legal skills.

The **Group Professionalism Award** highlights a group with an

innovative program that can be implemented by other organizations to promote and encourage professionalism within the legal community. The Standing Committee on Professionalism chose the **Probate and Guardianship Committee of the Dade County Bar Association** as this year's recipient. The Probate and Guardianship Committee implemented forms and procedures to help the Clerk's Office to efficiently process and manage the administration of guardianship and probate cases. In addition, the Committee facilitated and promoted pro bono representation through multiple initiatives with Dade Legal Aid and the Put Something Back program.

The Standing Committee on Professionalism believes that the annual Professionalism Awards continue to promote the fundamental ideals and values of the justice system and the legal profession, and will instill those ideals in persons serving and seeking to serve in a system that operates on honor, integrity, and fair play. The deadline for nominations for the next William M. Hoeveler Judicial Award is February 2, 2015, and the Law Faculty and Administrator and Group Professionalism Awards is February 16, 2015. Full details are available on the Center's website at <http://www.floridabar.org/professionalism>.



Judge Claudia Isom received the William M. Hoeveler Judicial Professionalism Award from David Hallman.



Professor Amy Mashburn received the Law Faculty/Administrator Professionalism Award from David Hallman.



Rosa Moreno accepted the Group Professionalism Award on behalf of the Probate and Guardianship Committee on the Dade County Bar Association.

Results of the 2014 Law Student Essay Contest

Congratulations to Kevin Crews, a May 2014 graduate of Stetson University College of Law, for his winning essay, "The Door to a Virtual Law Practice is Always Open: And the Proper Use of Technology Can Keep it that Way." Kevin's article was published in the June 2014 issue of The Florida Bar Journal. He received a \$750 cash prize, a complimentary ticket to attend the Judicial Luncheon at Annual Convention with the Center for Professionalism, and complimentary registration to the GPSSF's 2015 Solo & Small Firm Conference with one night hotel.

Honorable mention was awarded to Carolay Vargas, a second year student from Thomas M. Cooley Law School. Her submission entitled, "The Practice of Law in the Virtual Realm," will be published in the upcoming edition of the *GPSSF LINK*, and she has received a cash prize of \$350.

The essay contest was co-sponsored by The Florida Bar Young Lawyers Division, Florida Lawyers Mutual Insurance Company, The Florida Bar's General Practice, Solo & Small Firm Section and The Florida Bar's Henry Latimer Center for Professionalism.



Nancy Stuparich, FLMIC Risk Manager, Linda Calvert Hanson, Director of Center for Professionalism, Kevin Crews, Carolay Vargas, Kevin Johnson, Chair GPSSF, and Melanie Griffin, President YLD

Coming Soon...

**THE LAW SCHOOL PROFESSIONALIS
YOU TUBE SKIT CONTEST**

You Tube™





2015

FLORIDA LAW STUDENT ESSAY CONTEST

Co-Sponsored by

The Florida Bar Young Lawyers Division • Florida Lawyers Mutual Insurance Company
General Practice, Solo & Small Firm Section (GPSSF) • The Henry Latimer Center for Professionalism



William E. Loucks
President, FLMIC



Michael Fox Orr
President, YLD



Teresa Byrd Morgan
Chair, GPSSF



Linda Calvert Hanson
Director, Henry Latimer
Center for Professionalism



Kevin Crews
2014 Essay Winner



Carolay Vargas
2014 Hon. Mention



Celeste Thacker
President, YLD Law
Student Division

Topic: Using Social Media to Improve Your Law Practice While Avoiding Potential Malpractice and Discipline

- \$1,000 awarded to the winner and complimentary registration to 9th Annual Solo & Small Firm Conference and hotel accommodations
- \$500 honorable mention

This contest is open to all Florida law students. For more information about contest rules and guidelines, speak with your school's Young Lawyers Division Law Student Division representative or visit a sponsors' website.



DEADLINE: APRIL 1, 2015 BY 5 P.M.

Around the Circuits: Creative Marketing Efforts for SC13-688

The Center for Professionalism compiled a list with links to each circuit's Administrative Orders creating its local professionalism panel (LPP) that appears on the Center's webpage. Next, a Standing Committee on Professionalism Working Group, chaired by Carrie Roane, contacted each circuit to obtain more specific information regarding the operation of the LPP's. The survey questions included the complaint form, the contact information for filing a complaint, the identity of panel participants, the record retention policy and the circuits' efforts to market the availability of the LPP's. The surveys were provided to Justice Lewis and they also appear on the Center's webpage under "Regulating Professionalism" to serve as a resource for other circuits.

Several of the 20 circuits around the state have come up with novel promotional ideas to alert consumers, attorneys, and judges about the availability of the LPPs. Here are a few selected examples of how some circuits are choosing to market their LPP:

2nd Circuit

Has an appointed education chair charged with encouraging and developing education programs and activities to promote the Code and availability of the LPP. Several workshops have been held to date.

4th Circuit

Publicity appears on the Jacksonville Bar Association's website.

5th Circuit

Along with information appearing on the Professionalism Committee's website, presentations are conducted and email blasts are sent out.

6th Circuit

Standards of Professionalism booklets are dispersed by the judges in the circuit, the information is on the circuit's website, and the topic is discussed at CLEs and in publications of local bar associations.

7th Circuit

The information is showcased on the circuit's website and highlighted at the circuit's Professionalism and Ethics Seminar. During the seminar written materials are provided to participants discussing the LPP.

8th Circuit

The information regarding the LPP is on the clerk's website for consumers to view. In addition, EJCHA has promoted the LPP to the circuit through email blasts, newsletters, and the Annual Professionalism Seminar.

9th Circuit

Information is provided to each of the local bar organizations that in turn provide nominees to participate on the panel. Lastly, the circuit did a press release to advise the community on the availability of the LPP.

10th Circuit

Along with a copy of the Administrative Order, the news of the LPP is posted on the circuit's website.

11th Circuit

On the Eleventh Circuit's website there is a dedicated section that details the LPP. Also, two articles have appeared in the Daily Business Review, one seeking attorneys to serve on the panel and the other discussing the LPP and civility efforts in the South Florida legal community.

12th Circuit

Similar to many of the other circuits who have begun a marketing plan this circuit also publishes information on its website, posts articles in local bar newsletters, distributes email blasts, and makes announcements at local bar and section meetings. Additionally, this circuit displays a public written announcement in the circuit's courthouses.

13th Circuit

This circuit did an extensive process of conducting trainings for members of the LPP and to alert those in the legal community about the professionalism goals for the circuit. The circuit also provides articles to

the local bar associations for publication in their newsletter regarding the process and the availability of the LPP. In addition, literature has been created to disseminate at local bar association functions to provide notice to the circuit's legal community.

15th Circuit

The Professionalism Committee in the circuit has been charged with publicizing the panels. As a result a pamphlet was created by the group to distribute to the judges, local bar associations, and the clerk's office regarding the process of the LPP.

16th Circuit

Quarterly meetings are conducted with the Professionalism Committee to keep the synergy and marketing going about the LPP.

17th Circuit

The primary marketing that is presently taking place in this circuit is via the circuit court's website. Members of the panel also market the LPP at local bar association meetings to get the word out.

19th Circuit

Local bar associations, Inns of Court, and newsletters promote the LPP in this circuit.

20th Circuit

Emails, local bar association articles, and the web are the primary ways this circuit markets its LPP.

In addition to these ideas, the Standing Committee on Professionalism was tasked with creating a one page notice that could be provided to consumers regarding the availability of the LPPs in each circuit. Upon approval of the notice by Justice R. Fred Lewis and the Supreme Court Commission on Professionalism, this notice will be available to each circuit for distribution to consumers, providing another avenue for promoting the availability of the LPP in each circuit.

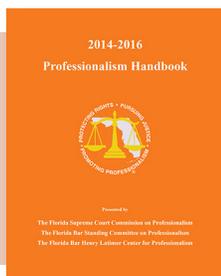
**LOCAL PROFESSIONALISM PANEL CONTACT INFORMATION FOR MAKING COMPLAINTS
(UPDATED AUGUST 26, 2014)**

CIRCUIT	COMPLAINT CONTACT INFORMATION AND WEBSITE
1st	Escambia/Santa Rosa Counties: Judge Ross Goodman, judge.rgoodman@flcourts1.gov Okaloosa/Walton Counties: Judge Patricia Grinsted, judge.grinsted@flcourts1.gov, www.firstjudicialcircuit.org
2nd	Larry Simpson, (850) 222-6040, lsimpson@readyfortrial.com Paula Watkins, (850) 577-4422, www.2ndcircuit.leoncountyfl.gov
3rd	Tina Seifert, (386) 243-8247, tseifert@seifertlaw.net, www.jud3.flcourts.org
4th	The Jacksonville Bar, (904) 399-4486, www.jaxbar.org
5th	Judge Sue Robbins, (352) 401-7820, srobbins@circuit5.org Grace Fagan, (352) 754-4860 or (352) 253-1615, gfagan@circuit5.org, www.circuit5.org
6th	Pinellas Co. N.: Robert Dillinger, (727) 464-6516, Pd6@wearethethehope.org or Andrew Sasso, (727) 725-4829, lexsba@aol.com Pinellas Co. S.: Lee Rightmyer, (727) 821-7000, lrightmyer@cfjblaw.com Pasco Co. W.: Larry Hart, (727) 847-2737, lhart@carlsonmeissner.com Pasco Co. E.: Chip Mander, (352) 567-0411, Arm4law@manderlawgroup.com, www.jud6.org
7th	Flagler Co. Bar President: Douglas Williams, (386) 258-6700, dwilliams@24hourlegalline.com Putnam Co. Bar President: Garry Wood, (386) 326-3993, garrywood2011@hotmail.com St. Johns Co. Bar President: Stephen Albert Faustini, (904) 829-9066, safaustini@ubulaw.com Volusia Co. Bar President: R. Brooks Casey, (386) 428-3311, bcasey@surfcoastlaw.com, www.circuit7.org
8th	Raymond F. Brady, (352) 373-4141, rbrady1959@gmail.com, http://circuit8.org
9th	Lisandra Acosta, (407) 843-8880, www.ninthcircuit.org
10th	K.C. Bouchillon, (863) 533-5525, kc@loblawyers.com, www.jud10.flcourts.org
11th	Alexandra Camp, (305) 349-7001, professionalismpanel@jud11.flcourts, www.jud11.flcourts.org
12th	Office of Court Admin. - Sarasota County, (941) 861-7800, www.jud12.flcourts.org
13th	Judge Ashley B. Moody, (850) 276-2089 William Kalish, Chair, (813) 223-2837, william.kalish@akerman.com, www.fjud13.org
14th	Chief Judge James B. Fensom, (850) 914-6485, www.jud14.flcourts.org
15th	Joanne O'Connor, (561) 659-3000, www.15thcircuit.co.palm-beach.fl.us or www.palmbeachbar.org
16th	Holly Elomina, (305) 295-3644, www.keyscourts.net
17th	Kenneth Joyce, Ken.Joyce@lewisbrisbois.com, www.17th.Flcourts.org
18th	Chief Judge John Harris, (321) 617-7287, http://brevardclerk.us
19th	George W. Bush, Jr., (772) 287-4444, gw bush@foxwackeen.com Thomas Genung, (772) 807-4370, genungt@circuit19.org, www.circuit19.org
20th	Michael Randolph, (239) 598-3601, michael.randolph@gray-robinson.com, www.ca.cjis20.org

RECENT PUBLICATIONS AND DECISIONS

- Gary Blankenship, Professionalism panels are active, but use is still sparse, The Florida Bar News (August 1, 2014).
- Gary Blankenship, Professionalism standards letter for distribution to clients in the works, The Florida Bar News (August 1, 2014).
- Gary Blankenship, How are local professionalism panels working?, The Florida Bar News (August 15, 2014).
- Gary Blankenship, Contact info for local professionalism committees is now available, The Florida Bar News (September 1, 2014).
- Joan R. Bullock, Failure: It's How You Define It, ABA Law Practice Today (July 2014). Available at: <http://www.lawpracticetoday.org/article/failure-define/>
- Warren R. Trazenfeld, Timothy P. Chinaris, & Robert M. Jarvis, Florida Legal Malpractice and Attorney Ethics, Daily Business Review Books (2014).
- Rush v. Burdge, __ So.3d __ (Fla. 2d DCA, No. 2D13-1175, 7/11/2014). *
 - Although lawyer's behavior was "not professional," trial court abused discretion in imposing sanctions for creating "atmosphere of anxiety and hostility" that disrupted a compulsory medical exam.
- Michaels v. Loftus, __ So.3d __ (Fla. 3d DCA, No. 3D13-1294, 4/2/2014). *
 - Mumbling profanities in foreign language nets lawyer contempt conviction in case where "counsel for neither party distinguished himself by his conduct."

*As reported by sunEthics, a site that digests cases and articles regarding professionalism, legal ethics, judicial ethics in Florida and nationally, at <http://www.sunethics.com/>. SunEthics is maintained by Associate Dean for Academic Affairs and Professor of Law at Belmont University College of Law in Nashville, Timothy P. Chinaris.



The 2014-2016 Professionalism Handbook was recently distributed to all Florida law schools for dissemination to students enrolled in Professional Responsibility. Among other information, the handbook includes the Oath of Admission to The Florida Bar, Ideals and Goals of Professionalism, Guidelines for Professional Conduct, Code for Resolving Professionalism Complaints, and Rules Regulating The Florida Bar. An online version of the handbook is also available at <http://www.floridabar.org/professionalism>.



THE FLORIDA BAR

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A Word To The Wise

Prejudice is a burden that confuses the past, threatens the future, and renders the present inaccessible.

-Maya Angelou

* * *

Courage is not simply one of the virtues, but the form of every virtue at the testing point.

-C. S. Lewis

* * *

Character cannot be developed in ease and quiet. Only through experience of trial and suffering can the soul be strengthened, ambition inspired, and success achieved.

-Helen Keller