

ADMINISTRATIVE ORDER  
NO. 2014-07-01

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN  
AND FOR ORANGE AND  
OSCEOLA COUNTIES, FLORIDA

**AMENDED ADMINISTRATIVE ORDER ESTABLISHING THE NINTH  
JUDICIAL CIRCUIT COURT LOCAL PROFESSIONALISM PANEL**

**WHEREAS**, pursuant to Article V, Section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

**WHEREAS**, to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

**WHEREAS**, the Supreme Court of Florida issued Administrative Order No. SC13-688, on June 6, 2013, in which it adopted the Code for Resolving Professionalism Complaints and directed the Chief Judge of each circuit in Florida to create a local professionalism panel to receive, screen and act upon complaints of unprofessional conduct and to resolve those complaints informally, if possible, or refer them to The Florida Bar if necessary; and

**WHEREAS**, in accordance with AOSC13-688, this Order establishes the Ninth Judicial Circuit Professionalism Panel and sets forth guidelines, policies and procedures for the Professionalism Panel;

**NOW, THEREFORE, I**, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, to foster the highest standards of professionalism throughout the Ninth Judicial Circuit, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order, **effective immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent, and in accordance with AOSC13-688, that the Ninth Judicial Circuit Court Local Professionalism Panel and governing guidelines, policies and procedures are established under the following:

1. **ESTABLISHMENT OF LOCAL PROFESSIONALISM PANEL**

A. The Ninth Judicial Circuit Local Professionalism Panel (“Local Professionalism Panel”) is hereby established in accordance with AOSC13-688.

B. **Panel Members:** The Local Professionalism Panel shall be composed of the Chairperson, to be appointed by the Chief Judge, with a Vice-Chairman and all subsequent Chairpersons to be elected by the Local Professionalism Panel, and further comprised of the following members: one (1) member from the Central Florida Association for Women Lawyers; one (1) member from the Paul C. Perkins Bar Association; one (1) member from the Hispanic Bar Association of Central Florida; one (1) member from the American Board of Trial Advocates; one (1) member from the Orange County Bar Association Young Lawyers Division; one (1) member from the George C. Young Inns of Court; one (1) member from the Central Florida Family Law American Inn of Court; two (2) members from the Osceola County Bar Association; one (1) member from the Greater Orlando Asian American Bar Association; three (3) members from the Orange County Bar Association Professionalism Committee; and three (3) at-large members to be appointed by the Chief Judge. All members must meet the

approval of the Chief Judge, who may consult with the Administrative Judges in the Ninth Judicial Circuit. The Chief Judge may participate as a Local Professionalism Panel member at his or her discretion.

C. The Panel Members' term limits, subject to the discretion of the Chief Judge are as follows: six (6) Panel Members' terms will be one year; six (6) Panel Members' terms will be two years; and six (6) Panel Members' terms will be three years. Unless ordered otherwise by the Chief Judge the maximum amount of time any Panel Member may serve on the Local Professionalism Panel is six years.

D. The Local Professionalism Panel will screen and work to resolve individual referrals and cases in rotating groups of three (3) Panel Members to be selected by the Chairperson.

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

The purpose of the Local Professionalism Panel is to receive, screen, evaluate and act upon such reasonable complaints of unprofessional conduct as may be referred to the Panel asserting improper behavior of attorneys who may have conducted themselves in contravention or disregard of the standards of professionalism as set forth in the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, The Florida Bar Ideals and Goals of Professionalism, the Rules Regulating The Florida Bar, the decisions and administrative directives of the Florida Supreme Court, professional standards of the Osceola County Bar Association and the Orange County Bar Association's Professionalism Guidelines – all of which are hereinafter referred to collectively as "*Ideals and Standards*," and resolve those complaints informally, if possible, or refer the complaints to The Florida Bar, if appropriate or necessary. The conduct of the attorneys who are the subject of such complaints shall be reviewed and addressed in a prompt, informal, respectful, non-punitive, educational and constructive manner, as may be appropriate.

### 3. **PROCEDURES**

The Local Professionalism Panel shall generally follow these procedures:

#### A. **Referrals from Judicial Officers or Quasi Judicial Officers:**

i. When any Judicial Officer or Quasi Judicial Officer within the Ninth Judicial Circuit determines in good faith that an attorney has engaged in conduct inconsistent with the *Ideals and Standards*, the matter may be referred to the Local Professionalism Panel by completing the Referral Form, attached hereto as “Exhibit A” and submitting it to the Chief Judge of the Ninth Judicial Circuit for referral to the Panel.

ii. **Process:** The Chairperson of the Local Professionalism Panel may address a letter on behalf of such Panel to the Respondent Attorney inviting that attorney to meet with a designated three-person subgroup of the Local Professionalism Panel on a date and time specified to review, discuss, and endeavor to resolve the matter.

#### B. **Referrals from Attorneys and Non-Attorneys:**

i. **By an Attorney:** If an attorney observes conduct on the part of another attorney that he or she believes, in good faith, is inconsistent with the applicable *Ideals and Standards*, the referring attorney may request the Local Professionalism Panel consider the matter by completing the Referral Form and submitting it to the Chief Judge of the Ninth Judicial Circuit for referral to the Panel.

ii. **By a Non-Attorney:** If a non-attorney person is directly and adversely affected by conduct of an attorney that is inconsistent with the applicable *Ideals and Standards*, that person may request that the Local Professionalism Panel consider the matter by completing the Referral Form and submitting it to the Chief Judge of the Ninth Judicial Circuit for referral to the Panel.

#### iii. **Page Limits for Referral from Attorney and Non-Attorney:**

The Complaint shall be completed on the form attached hereto as “Exhibit A” and limited to two (2) pages, exclusive of the exhibits.

**C. Referrals from the Florida Bar’s Attorney Consumer Assistance Program (ACAP):**

The Local Professionalism Panel may accept referrals from ACAP through the office of the Chief Judge of the Ninth Judicial Circuit.

**D. Processing Referrals from Attorneys, Non-Attorneys and ACAP:**

Upon receipt of a referral by an attorney, non-attorney, or ACAP, the Chairperson of the Local Professionalism Panel shall review the request, may consult with the other Local Professionalism Panel members and, if the matter is accepted for review by the Local Professionalism Panel, the Chairperson shall address a letter by e-mail and hard copy, certified mail, to the Respondent Attorney that:

- i. notifies the Respondent Attorney of the referral;
- ii. may request a response; and
- iii. may invite the Respondent Attorney to meet in person with a

designated three-person subgroup of the Local Professionalism Panel on a date and time specified.

**4. GENERAL MATTERS**

**A. Letters Sent by Local Professionalism Panel:**

Any correspondence sent by the Local Professionalism Panel to a Respondent Attorney requesting that the Respondent Attorney appear before the Panel shall identify in general terms the conduct alleged to be inconsistent with or in disregard of the *Ideals and Standards*. The correspondence shall also advise the Respondent Attorney that the Local Professionalism Panel meeting is a non-disciplinary proceeding. The request may also include general references to the *Ideals and Standards* alleged to have been breached. The letter shall also advise the Respondent Attorney that if he or she fails to appear before the Local Professionalism Panel without being excused beforehand then

the Local Professionalism Panel will proceed with its meeting and decide whether to address the request or refer it to ACAP for resolution.

**B. Panel Meetings:**

The Chairperson and the Local Professionalism Panel members may meet with the Respondent Attorney at the date and time specified in the letter. The purpose of the meeting is to discuss with the Respondent Attorney the conduct alleged to be inconsistent with the *Ideal and Standards* and attempt to resolve the alleged inconsistent conduct or behavior. The Chairperson may send a letter summarizing the Local Professionalism Panel's discussions and suggestions to the Respondent Attorney.

If the Respondent Attorney fails to appear for the meeting, the Local Professionalism Panel members present shall discuss the conduct or behavior alleged to be inconsistent with the *Ideals and Standards*, and may summarize the Local Professionalism Panel's discussions by letter to the Respondent Attorney. Consistent with the provisions of paragraph 4.A of this Order, the Local Professionalism Panel may consider the Respondent Attorney's failure to appear in determining whether referral of the matter to ACAP is appropriate.

**C. Forty-Five (45) Days to Resolve:**

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

**D. Resolution:**

Upon conferring with each other and conducting an appropriate review and investigation, the Local Professionalism Panel members may resolve the issues in any one or more of the following non-punitive, educational and constructive ways to provide the Respondent Attorney with proper incentives for professional-improvement:

- i. The Chairperson may issue an oral or written decision to the Respondent Attorney;

ii. The Local Professionalism Panel, in its discretion, may refer the Respondent Attorney to the Orange County Bar Association's Mentorship program or may communicate with an assisting mentor of the Respondent Attorney;

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

iv. The Local Professionalism Panel may provide the Respondent Attorney with specific recommendations or guidelines that will assist the attorney in the future;

v. The Local Professionalism Panel, in appropriate circumstances, may refer the Respondent Attorney to "Florida Lawyers Assistance," or other similar, appropriate program(s), for assistance with drug, alcohol and/or emotional problems;

vi. Pursuant to Section 2.1 of AOSC13-688, the Local Professionalism Panel has the discretion to direct any referrals to ACAP, depending upon the nature and severity of the referral or in the event the Respondent Attorney fails or refuses to meet with the Panel upon proper request; or

vii. The Local Professionalism Panel may recommend any other solution it deems to be appropriate or necessary.

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

**E. Confidentiality:**

All records regarding referrals to the Local Professionalism Panel shall be handled in the manner set forth in AOSC13-688 and as outlined in Rule 3-7.1, The Rules Regulating the Florida Bar, regarding the confidentiality of disciplinary investigations and proceedings.

F. **Indemnity:**

All members of the Local Professionalism Panel acting within the scope of their duties under this Order shall be entitled to protections and immunities to the same extent and under the same privileges accorded mediators and arbitrators pursuant to sections 44.106 and 44.107, Florida Statutes.

Administrative Order 2014-07 is vacated and set aside and has been incorporated and/or amended herein. Vacating an Administrative Order that vacates a prior Order does not revive the prior Order.

**DONE AND ORDERED** at Orlando, Florida, this 18<sup>th</sup> day of August, 2016.

\_\_\_\_\_/s/\_\_\_\_\_  
Frederick J. Lauten  
Chief Judge

Copies provided to:

Clerk of Court, Orange County  
Clerk of Court, Osceola County  
General E-Mail Distribution List  
<http://www.ninthcircuit.org>

“Exhibit A”

NINTH JUDICIAL CIRCUIT PROFESSIONALISM PANEL

COMPLAINT REFERRAL FORM

**Please submit the completed form, together with any supporting documents by hand delivery or U.S. Mail to Chief Judge, Ninth Judicial Circuit, Orange County Courthouse, 425 N. Orange Avenue, Orlando, Florida 32801.**

**Your name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Lawyer’s Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

COMPLAINT

**Complaints cannot be made against a firm. You must name an individual lawyer or lawyers. Please describe your connection to the lawyer and state in no more than 2 pages what the lawyer did or failed to do that you feel was unprofessional. You may also attach copies of any documents that would help explain or support your complaint:**

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**Signature**

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**Date**