PROMOTING PROFESSIONALISM – A NEW YEAR’S RESOLUTION

By: Starling N. Hendriks, Chair, Standing Committee on Professionalism

I always look forward to the new year and the chance to develop a list of resolutions. This exercise is one that I enjoy because it means a new (or renewed) opportunity to make positive changes in my life, health, and career. There are some resolutions that I always include (i.e., exercise more, eat healthier), but I also add new ones. Promoting professionalism should be on the list of resolutions for all attorneys, as it impacts all of us. Below are suggestions that are directly related to promoting professionalism within The Bar and your practice.

1. **Recognize that professionalism is an expectation, not just an aspiration.**

To shift the focus from professionalism as an aspirational goal to an expectation of all lawyers, several important events have occurred in recent years. In 2011, the Florida Supreme Court amended the Oath of Admission to the Florida Bar to include a Civility Pledge: “...to opposing parties and their counsel, I pledge fairness, integrity and civility, not only in court, but also in all written and oral communications.” Further, in 2015, The Florida Bar adopted the Professionalism Expectations which provide for tougher penalties for inappropriate, unprofessional, and uncivil behavior. In addition, each circuit has a professionalism committee and professionalism panel which is designed to promote professionalism and provide guidance to attorneys.

See “Chair’s Report,” next page

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**Henry Latimer Center for Professionalism**

**Director:** Rebecca Bandy

**Assistant Director:** Adriannette Williams

**Program Coordinator:** Beth Kirkland

**Law Clerk:** Hillary Thornton

**Florida Supreme Court Commission on Professionalism and Civility**

**Chair:** Justice R. Fred Lewis

**The Florida Bar Standing Committee on Professionalism**

**Chair:** Starling Hendriks

**Vice-Chairs:** Kirsten Davis, Ita Neymotin

**Board Liaison:** Steven Davis

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**Upcoming Events:**

**January 16-19, 2019**
The Florida Bar Winter Meeting
Doubletree by Hilton Orlando at SeaWorld
Orlando, FL

**January 16-20, 2019**
Elder Law Section Annual Meeting Update
Loews Portofino Bay Hotel
Orlando, FL

**January 23-29, 2019**
ABA Midyear Meeting
Las Vegas, NV

**February 6-9, 2019**
Board of Governors Meeting
DoubleTree
Tallahassee, FL

**February 21-23, 2019**
International Law Section
iLAW2019
JW Marriott Marquis
Miami, FL

**February 28 – March 3, 2019**
Trial Lawyers Out-of-State Retreat
The Sanctuary at Kiawah Island
Kiawah Island, SC

**March 5-9, 2019**
Board Certification Exams
1st Cycle
Hilton Tampa Airport Westshore
Tampa, FL

**March 6-10**
Real Property, Probate & Trust Law
2019 Construction Law Institute
JW Marriott Orlando Grande Lakes
Orlando, FL

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The Henry Latimer Center for Professionalism is now accepting submissions for the upcoming edition of 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 rbandy@floridabar.org. The articles should pertain to issues of professionalism and be no more than 800 words.
2. Take care of your physical and mental health.
Maintaining good physical and mental health is an essential component of professionalism. The practice of
law can be very rewarding, but also a very stressful occupation. As lawyers, we are problem solvers and sometimes focus more on helping others than ourselves. An individual who is overworked and overstressed may find it difficult to manage daily life. As a result, lawyers have a higher than national average rate of alcoholism, and maintaining good mental health can be challenging for many. Too much work and stress can lead to poor decision making and, in some cases, result in unprofessional communications and interactions with colleagues and opposing counsel.

Take care of your mental health. Find ways to reduce your stress through yoga, meditation, or engaging in a hobby you enjoy. Spend time with family and friends whom you care about and who bring you happiness. In addition, take care of your physical health. Make an appointment for an annual physical with your primary care physician. Get adequate sleep and try to make healthier lifestyle choices.

3. Find a mentor or become a mentor.
Mentoring is one of the most important elements of promoting professionalism. While it is sometimes difficult to quantify, there are hundreds of examples of situations where mentoring has made a positive impact on the professional lives of attorneys within The Bar. Whether you are a mentor providing guidance to a young lawyer, or a mentee who is seeking a trusted advisor, the rewards can be significant and long-term.

Where do you begin to find a mentor? If you are a solo practitioner, becoming active in your local bar association or joining an Inn of Court would be a good first step. In addition, the Young Lawyers Division offers a program called Mentoring Matters which allows you to search for a mentoring program in your area. You can locate information on this resource at www.flayld.org/get-involved/mentoring. Finally, if your local voluntary bar association is considering starting a mentoring program, check out the Mentoring Toolbox available on the Center’s website which provides a series of guides and resources to assist with preparing your mentoring program: www.floridabar.org/prof/pmentor.

4. Familiarize yourself with the resources available at the Henry Latimer Center for Professionalism.
Whether you have questions about a professionalism issue or your local voluntary bar association is planning a CLE event, the staff at the Henry Latimer Center for Professionalism should be your go-to resource. In addition to coordinating the activities of the Standing Committee on Professionalism and the Supreme Court Commission on Professionalism, the Center is a great resource for research and information on a variety of professionalism matters. Further, the Center offers a variety of programs designed to promote and educate members about professionalism throughout the state, including seminars on emotional intelligence, diversity, gender bias, and mental health awareness. Please take a few minutes to review the Center’s website at www.floridabar.org/prof and familiarize yourself with this fantastic resource. The staff at the Center are always happy to assist with answering questions and providing support to members throughout the Bar.

Starling Hendriks, Senior Trust Advisor/Team Leader, joined Northern Trust/Naples in 2006. In her role, she works with clients to understand and achieve their personal estate planning and wealth transfer goals. In addition, she is responsible for estate and trust administration for Northern’s clients. Formerly an attorney in private practice focusing on probate/trust and commercial litigation, Starling has a B.A. from Rollins College and a J.D. from Stetson University College of Law. She is a past president of the Collier County Women’s Bar Association, former 20th Circuit Representative for The Florida Bar Young Lawyers Division Board of Governors, and past director of the Collier County Bar Association. She is a graduate of The Florida Bar Leadership Academy and currently serves as the Collier County representative on the 20th Circuit Professionalism Committee and Professionalism Panel. She is currently chair of the Advisory Board for Legal Aid Services of Collier County. She and her husband, Craig, reside in Naples with their daughters.
The Art of Living Appropriately: Reflections on Professionalism from Justice Lewis

By: Hillary Thornton, FSU Law, 3L

Justice R. Fred Lewis was appointed to the Florida Supreme Court in 1998. He believes that professionalism is undefinable — that it touches on everything that a professional does, everything a lawyer is, and everything that a person should strive to be. It is engrained in interpersonal interactions and communications, in how we react to challenges, and, on its most basic level, how we live our lives.

Justice Lewis has seen many people on their worst days. He tells a story about a trip to a hospital where he saw a little girl without a family. When he asked the nurse about the little girl, he was told that many families are unable to deal with the effects of a sick child, and therefore, leave them to be cared for by the hospital staff. Justice Lewis determined that no child should be left without the things that they need, including care, love, and protection. As a champion for children, education, and mental health reform, he has dedicated much of his career to filling voids in these and other areas that have made an incredible impact on the people and the causes with which he has come into contact. From serving as a member of the Board of Directors of Miami Children’s Hospital to founding Justice Teaching, an organization that dispenses volunteer attorneys and judges to public schools for civic and law-related education, Justice Lewis has spent both his professional and personal lives aiding children in need. He also works tirelessly to champion the rights of those who cannot speak for themselves in the legal system, all while maintaining and championing professionalism. His commitment to these causes led to him being chosen as the 2001 Florida Council “Citizen of the Year.”

His many achievements hang on the walls of his chambers, but the items in his office for which he shows the most pride are the jar of coal from his hometown in West Virginia, the currency used by his parents while employed by the coal mining companies, and the lamp made out of his oldest daughter’s tennis racket.

Justice Lewis credits his successful career to “other people,” including the teachers from his youth who recognized his desire to help others and cultivated his professional outlook; his mentors and colleagues; and, most importantly, his family. He considers himself very lucky to have been surrounded by supportive people in both his professional and personal lives that have helped him along the way. Each age group has different views, something he says he experienced with both the generation before him and the one immediately following his.

Justice Lewis looks at his daily activities on the bench in the same way he did when he was in private practice. He takes things one at a time. Although he is ultimately responsible for the files that come across his desk, his group of hardworking clerks, interns, and his lovely assistant Maria work diligently to prepare the files for his final review. Reading briefs and summaries from both his chambers and others takes up the bulk of his day. When he is not doing that, he unwinds by engaging in his ongoing tradition of daily lunches with his wife, Judith, who he refers to as his “rock.”

When probed, he simply stated that he wants to be remembered as someone who “did his job,” was a decent person, and helped those who needed it. After all, Justice Lewis says, “you can’t do it alone.”

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Justice Lewis credits his successful career to “other people,” including the teachers from his youth who recognized his desire to help others and cultivated his professional outlook; his mentors and colleagues; and, most importantly, his family. He considers himself very lucky to have been surrounded by supportive people in both his professional and personal lives that have helped him along the way. In chambers, he fosters a sense of family and responsibility that provide him the opportunity to produce his best work. He believes that the people with which we surround ourselves can make all the difference in encouraging and nurturing success.

The main idea that Justice Lewis wants to continue to improve upon is the concept of taking an active role in the efforts to maintain high professionalism standards in the legal profession. He emphasizes the necessity of continuing these efforts; he believes the passive allowance of a decline in ethics and professionalism is the biggest threat to the legal profession. As someone who has been involved in the legal profession for close to fifty years, Justice Lewis sees a need to regenerate the expectations and requirements for lawyers, and to restore “fun” to the practice of law.

Justice Lewis warns about the technology shift he sees currently happening, one that he believes will only deepen. Technology, he says, is designed to serve lawyers, not the other way around. He believes that technology, once harnessed, will be a powerful force, but the ease of misuse is too rampant to take a passive view of the impending changes. As society evolves, each age group has different views, something he says he experienced with both the generation before him and the one immediately following his.

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Has the ethical and professional practice of law changed in the technological age? My suggestion to you is that it has not, it should not — and that within the changing technological landscape, ethics may be more important than ever.

In every edition of The Florida Bar Journal, the Oath of Admission to The Florida Bar is printed. The Oath contains the following introductory paragraph:

“The general principles which should ever control the lawyer in the practice of the legal profession are clearly set forth in the following oath of admission to the Bar, which the lawyer is sworn on admission to obey and for the willful violation to which disbarment may be had.” (emphasis added)

Losing the privilege to practice law is the ultimate sanction for violation of the Oath. While each of the Oath’s principles are of utmost importance, two specific principles stand out in this technological age. First, the principle of confidentiality, evidenced by the following phrase contained within the Oath: “I will maintain the confidence and preserve inviolate the secrets of my clients…”

Computers, machines, and even IBM’s artificially-intelligent Watson cannot maintain client confidences and preserve inviolate client secrets. Unfortunately, lawyers often fail to maintain client confidences when utilizing various technological tools. This oversight is not intentional, but merely a lack of understanding as to how to keep client data confidential both in its transmission, and when housed by law firms.

In addition to concerns about protecting client confidentiality in an increasingly digital marketplace, we face other technological challenges, such as: maintaining necessary technological competencies, 24/7 client access, and challenges from non-traditional, frequently web-based, legal service providers.

The intention of these alternative legal service providers is not to aid and encourage access to the legal system for those who cannot afford it. Rather, it is to target those who can pay, but are not adequately served by the options currently available in the traditional legal marketplace. These companies do not have to comply with lawyer regulations; including The Rules Regulating The Florida Bar or the Oath of Admission.

This environment places unnecessary pressures on lawyers to compete in a marketplace where we have inadvertently disadvantaged ourselves from a competitive standpoint. Existing regulations governing lawyers have made it harder to reach consumers and clients through advertising; standards to which non-lawyer competitors are not subject. Existing regulations, or their interpretations, have made it harder on lawyers to enter into fee arrangements that clients may prefer. Regulations on legal practice have also made it difficult for businesses outside of our profession to refer consumers in need of legal assistance. These impediments come at a time when large numbers of lawyers are either unemployed or under-employed. The demand for legal services and ample supply of lawyers to deliver those services has not been corrected by market forces. Instead, increased and unregulated competition has made it more challenging for lawyers to act within the bounds of professionalism while keeping their firms in business.

As technology advances, we, as practitioners and as a profession, struggle to move forward or keep up. We have technology that performs legal or lawyer-related work. We have increasing and necessary integration of technology into law offices. Contemporaneously, we have the integration of technology into our court systems and courtrooms.

I do not believe this is a zero-sum game. Lawyers with technology are greater than either lawyers or technology alone. The general public, whom we serve as clients and to whom The Florida Bar owes the duty of protection, needs lawyers to continue to be involved in the provision of the majority of legal services. We must distinguish ourselves from alternative legal solutions when required, as well as embrace and collaborate with technological solutions when it protects and serves the public good. We must strive to connect clients who need lawyers to lawyers who need work. In so doing, we can teach lawyers to deliver legal services to a larger segment of our population by utilizing technology. This will also allow lawyers to service this burgeoning marketplace by delivering legal services at a price point consumers can afford, while ensuring the lawyer earns fees sufficient to make a living.

We must look to protect the fundamental core values of our profession, while ensuring that we are meeting the needs of Florida’s citizens. The Florida Bar has some of the strictest advertising rules in the country, but they may be disadvantaging us in our ability to reach consumers who need and can afford our services. We must look at issues concerning fee-sharing and fee structures that consumers prefer, which our current rule structure may prohibit. We should consider collaborating with or allowing para-professionals, such as technology providers, to move forward or keep up. We have technology that performs legal or lawyer-related work. We have increasing and necessary integration of technology into law offices. Contemporaneously, we have the integration of technology into our court systems and courtrooms.

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as the Florida Registered Paralegal Program and other non-lawyer legal service providers, to help us bridge the access-to-justice gap. In return, we must request that alternative service providers meet certain necessary requirements set by The Florida Bar for protection of the public. This process will allow the citizens of Florida to find affordable legal solutions while allowing lawyers to best utilize their education and training for its highest and best uses.

The public understands the fundamental tenets of the attorney-client privilege, and our obligation to keep client confidences stands above almost all that we as attorneys do for our clients. We must re-double our efforts to ensure we maintain these confidences to both protect the public and distinguish ourselves from the avalanche of technology-based legal service providers existing in the legal marketplace.

The second principle in the Oath that stands out during this technological age states as follows:

“To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications,”

Lawyers must maintain the highest standards of professionalism and civility. Lawyers, not computers or advanced technology, can be empathic, sympathetic, and civil in their dealings with the consumers of our legal services, with each other, and with our judicial officers. A client’s legal solutions aren’t solved by an algorithmic equation. Often times, clients need to simply air their grievances. Clients need to be heard through the civil discourse that must be provided by lawyers and the judicial system.

Enhanced civility is a challenge that we face in this technological age. We can send an e-mail or a text message to the Court, a client, or opposing counsel in an instant, often as an emotional reaction that we may later regret had we taken the time to think through a response. Our communications in this format are not only instantaneous but are often too casual and cavalier to meet professional standards.

Meanwhile, society is increasingly rancorous. We are so distant and remote from one another, from our judges, and our clients in so many ways, yet, technologically we are always at their beckoning call – whether in the office or on vacation with family or friends. Often, the more technologically connected we become, the more personally detached we feel. Although professionalism requires that our behavior is governed by The Rules Regulating The Florida Bar day and night, inside the office or otherwise, this fact does not require that we must always be technologically tethered to work. In fact, we need to find time to disconnect, and to take care of our mental and physical well-being so we can better serve our clients. Only in this way can we maintain the highest level of professionalism and civility in the sea of incivility that surrounds us.

I find that this quote from John William Davis, who served as solicitor General of United States under President Woodrow Wilson, is my favorite expression of the meaning of lawyers, judges, and the rule of law within a civilized society, and it is as applicable today as when it was first spoken in 1946:

“True, we build no bridges. We raise no towers. We construct no engines. We paint no pictures unless as amateurs for our own principal amusement. There is little of all that we do which the eye of man can see. But we smooth out difficulties; we relieve stress; we correct mistakes; we take up other men’s burdens and by our efforts we make possible the peaceful life of men in a peaceful state.”

We must look at civility and professionalism through the current lens of our practice while understanding that civility is the foundation by which our society and our freedoms remain peaceful and cooperative. We must provide greater access to justice while striving to protect the public. We must take care of ourselves to take care of our clients. Advancing civility and confidentiality in the practice of law is not only required by our Oath but distinguishes us as lawyers and our profession – especially in the technological age.

John M. Stewart is a Partner at Rossway Swan and a third generation Florida lawyer. Mr. Stewart was elected to the Young Lawyers Division Board of Governors of The Florida Bar in 1999 and was elected its President for the 2006-2007 Bar Year. Mr. Stewart served from 2007 as the 19th Circuit’s Representative on The Florida Bar’s Board of Governors and sworn in as President-Elect of The Florida Bar in June 2018. In 2013, Mr. Stewart received The Florida Bar’s President’s Award of Merit. Mr. Stewart was selected as Chair of the Technology Subcommittee for The Florida Bar’s three (3) year study on the future of the practice of law. On July 1, 2014, Mr. Stewart was appointed by Chief Justice Jorge Labarga to serve on the Supreme Court of Florida’s Florida Courts Technology Commission and was reappointed to serve and additional three (3) year term by the Chief Justice on June 29, 2017. Mr. Stewart serves on The Florida Bar’s Executive Committee and chairs The Florida Bar’s Strategic Planning Committee and the Special Committee on Technology Affecting the Practice of Law. In 2016, Mr. Stewart was selected to the Fastcase 50 honoring the law’s “smartest, most courageous innovators, techies, visionaries and leaders”. Mr. Stewart speaks regularly on technology and the law including multiple sessions at the 2016 & 2017 ABA TECHSHOW and in June of 2018 received the Judge Walter S. Crumbly Award presented by The Florida Bar Solo and Small Firm Section for his outstanding contribution in the area of Practice Management.

Endnote
1 Amended September 12, 2011 to add civility pledge.
Ali Sackett is currently in a period of transition, moving from her old position as Chief Branch Disciplinary Counsel of the Tallahassee Branch office to her new position as the Associate Director of Lawyer Regulation. While change can be challenging, Ali sees the transition as a positive experience.

After starting out as Bar Counsel, she was promoted to Chief Branch Disciplinary Counsel in January 2015. Then, in April 2018, Ali began her transition into the role of Assistant Director of Lawyer Regulation. In all of her roles at the Bar, she handles cases in which attorney discipline is necessary. In her current role, she and her colleagues follow the discipline process all the way through post-discipline to ensure conformance. She acts as a liaison to other bar staff, the branches, and the public in situations of discipline and matters surrounding lawyer regulation.

On a daily basis, Ali wears many hats in the work that she performs. She spends her time answering emails and phone calls; coordinating with the remote staff counsel; answering questions about regulation and issues; providing HR support; overseeing her staff; and reviewing pleadings, orders to show cause and other documents from cases being handled in the department. Additionally, she can be found negotiating probation extensions, overseeing monitor compliance, or meeting with colleagues.

The best part about working at The Florida Bar, according to Ali, is the fact that she still looks forward to doing her job every day. She stressed the importance of enjoying the work that she performs. A problem-solver by nature, Ali enjoys the opportunity to solve problems and get answers, while still learning daily. She appreciates the challenge to solve problems in a way that benefits both parties, The Florida Bar, and the legal profession.

Ali regularly deals with difficult situations, so professionalism is extremely important to her. Professionalism means transparency and openness, communication, kindness, motivation, inspiration, and creating a positive work environment. One of the most effective things a person can do to be professional, Ali says, is to attempt to be in control of tone and mannerisms in difficult situations. Whether in an in-person meeting, talking on the phone, or communicating via email, Ali believes that a professional tone and manner are paramount to reaching a favorable conclusion.

While doing the right thing in a difficult situation can often be challenging, Ali believes that taking a step back and gathering composure are imperative in maintaining a professional demeanor. To her, patience, listening, and kindness in the face of these situations can help reduce tension, increase participation, and maintain professionalism.

A fun fact about Ali is that she has a dry erase board on her door where she likes to leave inspirational or fun quotes for all to read and enjoy. She hopes that when others take the time to read it, that it brings a smile and adds a little positivity to their day!
For Want of a Knock on the Door – A Few Thoughts About Loneliness and the Law

By: Don Blackwell

When I was a boy, after school knocks on the front door and neighborhood friends’ invitations to “come out and play” were part of my daily routine. They were as predictable, warm and welcoming as the sunrise — a daily reminder that I was wanted, that I mattered, that there was someone in the world who enjoyed my company enough to take the initiative to ask for it. I am quite certain none of that occurred to me at the time, let alone to the friends who I am sure assigned no significance at all to their knocking, but it became a lot more obvious to me over time, as did the critical role those simple knocks likely played in preserving my emotional well-being and in subconsciously bolstering my increasingly fragile self-esteem. That eventual awareness stemmed from the fact that my children grew up in a much less intimate, more impersonal world — a world in which knocks on the door were replaced with text and instant messages, where social media not only became the principal, but the preferred means by which they and their peers communicated with one another — and still do today.

Their’s was a world in which words, indeed entire sentences, were replaced with acronyms, where often complex thoughts and feelings were reduced to what could fit into 142 characters, and where smiles and emojis were substituted, in the name of expediency, if not emotional laziness, for a warm embrace, a radiant in-person smile, the self-reflection seen in another’s loving eyes, and the tender touch of a friend or lover. Smart phones, tablets and laptops became their lifeline to the outside world, a world they no longer were forced to leave their bedrooms to explore — and often did not. For many, the virtual world became their world, a world where almost everything they needed was just a few key strokes away — everything of course but true friendship and physical companionship, the most fundamental needs of the human heart. Perhaps it is little wonder then that so many in my children’s generation report feeling lonely, disillusioned, disconnected or, worse yet, undesirable.

Several months ago, a young friend of mine — a contemporary of my children — died unexpectedly. Her death shook me to my core, in part for that reason and because I know that, despite her infectious smile, her effervescent personality and her playful and engaging spirit, she often felt very much alone. In the days after her death, someone who knew I was struggling wrote to ask if I was seeing “the outpouring of love and support for [our mutual friend] on Facebook” thinking, I am sure, that it would comfort me. “I have been watching,” I replied not intending the words that followed to sound as harsh as I knew they would, “but the outpouring is not for my friend. My friend is dead. It is about her.” And then I wondered, not wanting to be judgmental or to assign blame: how many of the beautiful, affirming and soul-healing words I would read were spoken to my friend in life when she at least had a chance to hear them. I wondered whether in the days, weeks and months leading up to her death those same people had taken the initiative to call or stop by her apartment for no particular reason other than just to see how she was doing or offer their support.

I wondered when my friend had last heard her phone actually ring, rather than chime at the news of another incoming text, so that she could answer it and hear the sound and tone of a fellow human being’s voice on the other end. I wondered whether anyone had ever knocked on her door as a child or as a young adult and asked if “she could come out and play” — and, if not, why not? Was it because they were too busy — because they thought she was too busy? Was it because, knowing her struggles, they were afraid that she wouldn’t answer or if she did that she would not come out or they would not know the “right thing” to say? Were they counting on her to take the initiative to call or visit them or perhaps simply tired of taking it themselves? Was it because they felt that an occasional text message, tweet or Facebook post was enough to let her know that she mattered, that they cared? Were they simply misled by her often-cheerful disposition into believing that “she was fine” when, in fact, she was anything but? Did they just not fully appreciate the gravity of the situation or the depth of her loneliness?

What, you may be asking, does all of this have to do with me and the practice of law?

In a recent study on loneliness in the Harvard Business Review, the authors surveyed a diverse population of 1,624 full-time employees and reached some rather disturbing and thought-provoking conclusions. Among them are that: (1) by a considerable factor, graduate degree holders report higher levels of loneliness than those who only completed undergraduate or high school degrees; and (2) holders of law and medical degrees are the loneliest of all. The authors further continued...
concluded that “the more people you have around you in your private life, the better [the chances of] keeping loneliness at bay”. Sounds simple enough, but in an increasingly impersonal, social media and text-driven world it’s really not simple at all. This much, however, is clear: Our need for a “knock on the door” and spontaneous, well-timed invitations to “come out and play” does not diminish as we “adult” and grow in our academic, professional, and community achievements. If anything, it becomes greater than ever! We ignore that truth at our individual and collective peril.

Chances are there is someone in your life right now whose heart would dance if it heard the sound of your voice, a knock on the door or an unsolicited invitation to “come out and play”. Maybe it is an old friend you have fallen a bit out of touch with, a colleague at work, a family member, someone you have recently connected or reconnected with on Social Media, or a member of your church. Maybe that “someone” is you. Trust your instincts. If it is you, honor my young friend by reaching out. Be direct. Share your heart’s longing for company and connection (e.g., “I could really use a friend right now”) and keep reaching until you hear your phone ring or a knock at your door – or both. If it is someone you know, honor my friend, by skipping the text and calling instead (e.g., “I was just thinking about you and thought I would call to see if you’d like to meet for coffee”). Maybe, together, we could start a revolution – one knock, one call and one heart at a time!

Now Accepting Nominations

The Standing Committee on Professionalism is now accepting awards for:

**William M. Hoeveler Judicial Professionalism Award**

**Law Faculty/Administrator Professionalism Award**

**Group Professionalism Award**

Visit [www.floridabar.org/prof/award](http://www.floridabar.org/prof/award) for more information and nominating forms.
REfire Culinary Training Project

By: Hillary Thornton, FSU Law, 3L

Rebecca Kelly-Manders saw a need, and she is now attempting to fill it. Ms. Kelly-Manders is a Tallahasse-see-based small business owner – she owns and operates the popular local Street Chefs Food Truck – and is the founder of the REfire Culinary Training Project. This program allows those with felony convictions to obtain the training necessary for suitable, sustainable employment in the community.

Nationally, the five-year recidivism rate for felons is 76.6 percent, meaning three out of every four individuals will re-offend within five years.1 Ms. Kelly-Manders is on a mission to reduce this percentage by providing training and job placement services for those with felony convictions, whether they occurred in the last twelve months or over twenty years ago. In October 2017, the doors to the REfire Culinary Training Project were opened. Since then, it has received over 110 applications for admission.

In this intensive, eight-week program, students learn the basics of culinary knowledge. They also receive job experience, job placement support, and aid in becoming certified at the state or national level. Ms. Kelly-Manders, a classically-trained chef, develops the curriculum for the program along with local professional chefs and culinary educators.

As an added extension to the program, the Yes Chef! Café was opened on September 7, 2018. The café’s hours are Thursdays, Fridays, and Saturdays from 11 am to 4 pm and on evenings when there are official Railroad Square events. Additionally, you can find their students making delicious foods on First Fridays, when the cafe is open from 5 pm to 10 pm. There are many incredible aspects to this café, including the fact that the revenue from its sales keeps the program tuition free for its students, 58 percent of which are SNAP recipients. It also gives the students of the REfire Culinary Training Project practical experience in a real-world situation, which aids them in their job search. In fact, the café is currently being managed by two graduates of the program, with little assistance from Ms. Kelly-Manders and her team.

When a personal connection meets a societal need, the result is the REfire Culinary Training Project. You can visit their website here to learn more about the program, view the menu for the Yes Chef! Café, or make donation.

Endnote

1 Recidivism, National Institute of Justice, Office of Justice Programs, https://www.nij.gov/topics/corrections/recidivism/Pages/welcome.aspx
I entered the practice of law in 1971. The term “professionalism” was then a mere speck on the horizon of our lexicon. Today we wander through a maze of rules, codes, professionalism expectations, committees, commissions, panels, case decisions, and administrative orders—each designed to promote professionalism and to correct unprofessional conduct.


The first is the law of large numbers. In 1975, there were 18,547 “active members” of The Florida Bar. As of February 1, 2018, there were 88,068 members “eligible to practice.” There have always been some percentage of problem lawyers, those whose reputation for uncivility is well-known among their colleagues. Today, assuming a constant percentage, there are numerically more of them.

The second is a diminution of peer pressure. In the 1970’s, a problem lawyer had to deal almost daily with the same colleagues, and his or her conduct was tempered by the realization that those colleagues could make his or her job more difficult and their professional life more challenging. Today, except in close-knit specialties, a problem lawyer moves from new colleague to new colleague, wreaking unbridled havoc.

The third is diminished judicial intervention. In the 1970’s, there were far fewer judges, and a problem lawyer appeared regularly before the same judges. Those judges—many of whom were educated to believe in high standards of professional demeanor—soon identified problem lawyers and quickly grew tired of their conduct. Sanctions often followed. Today, a problem lawyer may go months without appearing before the same judge. There seems to be greater tolerance on the part of judges because there is less exposure to the irritant. It is now easier for a judge to mistake bad character for an aberration of the moment.

The fourth is the argument culture. We increasingly have become a culture incapable of reasoned debate. Our entertainment on television consists of two talking heads adopting two extreme positions, with no shades of gray, and trying to shout each other into submission. The problem is exacerbated by the increasing polarization of our news and entertainment media. We tend to regularly view, to the exclusion of all others, those broadcasts that reinforce our own bias. It should not be surprising that some lawyers come to emulate the bi-polar, strident culture around them.

The fifth is the increasing speed of technology. Computers and smart phones offer seductive tools for venting our immediate, visceral responses to perceived slights and divergent viewpoints. We have lost the cool reflection that comes with reducing words to paper and then reflecting on them before we send them. Both parties can now get lost in an almost immediate whorl of heated exchanges.

The sixth is increased competitiveness and a win-at-any-cost mentality. We have become a society where the end justifies the means. We see it in our politics, in our business enterprises, and in the doping scandals of our sports. We seem to have lost sight of our legal system as a high calling for the civil and orderly resolution of disputes.

The seventh is a reduction of mentoring available to many new lawyers. Larger law firms provide a significant degree of guidance by means of experienced mentors. Larger law firms have a low tolerance for poor behavior because the firm’s reputation will be affected. Today, we produce new lawyers at a feverish pace. Many cannot find a job within established firms. They open their own offices with few professional exemplars and little mentoring.

The eighth is a general decline in communication skills. This is closely related to the speed and immediacy that technology offers. Communication tends to be bottom-line oriented, and the subtleties of language designed to minimize conflict and prevent the loss of face have become ancient relics.

In short, unprofessionalism is largely the result of societal, educational, and cultural forces. Whether we can put the evil genie back in the bottle is open for debate. Our colleges and law schools may afford the
FSU Law Launches New “Raising the Bar” Professionalism Program

By: Melanie Kalmanson

Yet again, the Florida State University (FSU) College of Law has introduced a program that is the first of its kind—FSU Law’s “Raising the Bar” Professionalism Program. “Raising the Bar” is the brainchild of FSU Law’s Associate Dean for Student Advancement, Nancy Benavides. This transpired from FSU Law Dean Erin O’Connor wanting to provide students with more professionalism programming—something that is often absent from law school curriculum.

Dean Benavides’s first step was to create and meet with an alumni advisory board—Sean Desmond (Dudley, Sellers, Healy, Heath & Desmond, PLLC), Christine Graves (Carlton Fields PA, Tallahassee), and Melanie Kalmanson (Supreme Court of Florida). The board discussed various possible formats for the program, aspects of professionalism with which students often struggle, and topics that would aid employers in considering and hiring students for internships and post-graduate positions.

To address these and other professionalism-related topics, Dean Benavides launched “Raising the Bar.” In addition to the alumni advisory board, the program is advised by a student advisory panel. “Raising the Bar” offers a variety of opportunities for participating law students to learn about and discuss professionalism in the legal field, including lectures, a mentoring program, and a writing competition. As to mentoring, participating 3L students are paired with FSU Law alumni in the “Passing the Torch” mentorship program. Students are encouraged to build a relationship with their mentor and use their mentor as a resource as they transition from law school to the legal profession.

While the program started during the Spring 2018 semester and granted its first award at graduation in May 2018, the 2018-2019 academic year marks the program’s first official year. Jenna Von See, FSU Law Class of 2018, was honored with the 2018 Raising the Bar Professionalism Award this past May.

In Spring 2018, “Raising the Bar” hosted several presentations, including “Professionalism in Clerkship Applications,” where a J.D. Advisor from FSU’s College of Law Career Services Center reviewed etiquette and best practices for students submitting applications for post-graduate judicial clerkships, and “Why Mentoring Matters,” where panel members—Lolia Fernandez (Second Circuit Public Defender’s Office), Anthony Miller (Florida Agency for State Technology), Sean Desmond, Professor Mary Ziegler (FSU College of Law), and Melanie Kalmanson—shared their individual experiences with mentoring along with tips for approaching potential mentors.

In August 2018, a panel comprised of James Parker-Flynn (Carlton Fields, PA, Tallahassee), Adriannette Williams (Assistant Director, The Florida Bar Henry Latimer Center for Professionalism), Judge Ashenafi-Richardson (Florida’s Second Judicial Circuit), and Melanie Kalmanson, and moderated by Rebecca Bandy, Director of The Florida Bar Henry Latimer Center for Professionalism, presented to the class of 2021 at FSU Law 1L Orientation on the importance of professionalism throughout one’s legal career. The panelists then facilitated small group interactive sessions with the new students in which they discussed various ethical scenarios students may encounter in law school and in practice. Future presentations will discuss mental health and wellness, emotional intelligence, technology, and e-professionalism.

This fall, the program kicked-off its annual writing competition. Students were asked to submit entries on a professionalism-based topic. A panel of judges will review the entries and select a winner, and the winning entry will be published in the spring edition of The Professional.

FSU Law’s “Raising the Bar” shows great promise in educating Florida’s future lawyers on the importance of professionalism and providing the skills necessary to ensuring that the future of professionalism is bright.

Endnote
1 FSU Law’s Donald J. Weidner Summer for Undergraduates program was also the first of its kind.
Modern Professionalism for New Lawyers Starts with Online Etiquette

By Jason D. Silver
Chair, Student Education and Admission to the Bar Committee

As law students graduate, take the bar, and enter the legal work force in 2019, many stark differences from past generations stand out as Millennials are changing things in the fast-paced work environment. This means more fusion with social media and work than ever before.

Experts and companies that study the work force are pointing out that for the first time in the nation’s history, four generations are working side by side in the workplace: Traditionalists, Baby Boomers, Generation X, and Generation Y.1

Law firms are quickly realizing the need to reshape corporate culture and embrace millennials’ technology focused, self-confident, and flexible perspectives.

A January, 2018 article from the American Bar Association’s ABA Journal points out and discusses how young lawyers—men and women alike—are thinking of work-life integration and how to live a whole life now more than ever.2

The article points out that young attorneys are redefining how and when they work and discusses how flexibility has shown to be something that leads to more and better work product. This all leads to more e-mailing, texting, and social media correspondence and fusion between the workplace and personal communicating.

What does this changing landscape and fusion mean for law students and young lawyers entering the workforce?

Be a modern professional in 2019, lawyers need to be mindful and aware in text communications, e-mail communication, and aware more than ever of their actions on social media.

Just recently, for example, a Jacksonville attorney was caught texting an anti-Semitic rant about another attorney to a one-time colleague. This egregious behavior, among other bad acts by this attorney, led to a suspension from The Florida Bar.3

A modern professional lawyer in 2019 also should not discuss clients on social media whatsoever. While common sense to most, a lawyer in Iowa made news in November, 2018 because he had to take down a Facebook post in which he called an unnamed client an “idiot” and “terrible criminal” who deserved to be jailed. The Associated Press took a screenshot of the post and the local media picked up the story as well. The lawyer had serious explaining to do at the minimum.4

Facebook is always a sensitive issue, Justice Labarga of the Florida Supreme Court recently urged judges not to have Facebook accounts at all in a concurring opinion in Law Offices of Herssein & Herssein, P.A. v. United Services Auto. Ass’n, 43 Fla. L. Weekly S565 (Fla. Nov. 15, 2018).5

As more attorneys enter the workforce in 2019 and beyond there will more communication via e-mail, text, and social media. As these increases so does the need to keep a focus on modern professionalism—especially where work and social media collide.

Jason D. Silver is an attorney at Greenspoon Marder LLP in Ft. Lauderdale. He practices consumer finance litigation on behalf of large-scale corporations to individual creditors, various commercial and civil litigation matters, and government and municipal law. In addition to his current role as Chair of the Student Education and Admissions to the Bar Committee, he is a past president of The Florida Bar YLD’s Law Student Division and serves on Grievance Committee 17 I.

Endnotes
1 10 Trends Reshaping the Legal Profession Sally Kane - http://www.thebalancecareers.com/trends-reshaping-legal-industry-2164337
2 Millennials Are Forging Their Own Paths—and It’s Wrong To Call Them Lazy Kate Rockwood - http://www.abajournal.com/magazine/article/millennial_stereotypes_these_lawyers_object
5 Judges and Lawyers Can Be Friends - As Long As It’s Just on Facebook, Court Says Jim Saunders - https://www.miamiherald.com/news/state/florida/article221718525.html#storylink=cpy
Rebecca’s Podcast Playlist

#FLBarProfessionalism #DownloadThis #WhatIAmListeningTo

Revisionist History by Malcolm Gladwell


Malcolm Gladwell delves into parapraxis, also known as Freudian slips, and the possible reasons why Elvis Presley continuously flubbed the lyrics of “Are You Lonesome Tonight?” following the death of his mother, return from military service in Germany, and the breakup of his marriage to Priscilla.

TED Talks Business

“My Year of Saying ‘Yes’ to Everything” Shonda Rhimes: https://www.ted.com/talks/shonda_rhimes_my_year_of_saying_yes_to_everything

Media “titan” Shonda Rhimes talks about her book, The Year of Yes: How to Dance It Out, Stand in the Sun and Be Your Own Person, and charmingly tells how playing with her children allowed her to find balance, creativity, and fulfillment in her work and at home.

The Science of Success


Pioneering psychologist, Dr. Paul Ekman, defines emotions and tells why they are useful, identifies the universal emotions, and discusses how to better manage emotions, including the use of journaling to recognize triggers, identify patterns, and prepare for negative emotional experiences.

Buried Truths from WABA 90.1

https://www.npr.org/podcasts/577471834/buried-truths

Pulitzer-Prize winning author, journalist, and Emory University professor, Hank Klibanoff, tells the story of three African American farmers who, in 1948, were intent on voting in rural South Georgia. The podcast follows the events that occurred in tiny Alston before and after the election, looking specifically at the civil rights cases that followed, as white supremacists fought to maintain power.

This podcast is especially compelling to me, because I began my teaching career in 1999 in Montgomery County, Georgia, where Alston is located. Segregation was rampant in the school system even then, as evidenced by segregated proms that occurred until 2015. http://www.slate.com/blogs/behold/2015/05/17/gillian_laub_southern_rites_is_a_photographic_series_and_documentary_about.html; https://www.nytimes.com/2009/05/24/magazine/24prom-t.html.
A friend of mine, a non-attorney, recently called me to discuss the situation with “real lawyers nowadays.” My friend, a professional in her field, was utilizing the services of an attorney for the first time in her life. She described the anxiety over her decision to hire an attorney, the stress of freeing up funds for attorney fees, and the sleepless nights of worry over the underlying situation. When she met the attorney at consultation on a Tuesday morning, the attorney was wearing jeans. At another in-person meeting some months, and a couple thousand dollars, later the attorney was dressed even more casually - in a linen material that seemed to my friend to be more appropriate as beach-wear. The attorney was also overheard commenting to office staff that a member of the local community was “trash.”

My friend told me that the attorney's lackadaisical demeanor and “trash” talk made her upset and frustrated. Although she had never heard anything bad about the attorney, she felt as though the attorney “didn’t even care.” While the attorney kept in contact with her (by way of itemized invoices) and seemed to develop good work product, my friend questioned whether the attorney was competent to handle her situation and worried whether she was wasting her money.

To summarize: after only two face-to-face interactions with one attorney, my friend was calling me to discuss the status of all “real lawyers nowadays.” Her perception of the entire legal profession was dented by one attorney who wore jeans and talked trash.

Professionalism, the essential ingredients of which are character, competence, civility, and commitment, must be prioritized and maintained. Individual prioritization of professionalism is not only important for our own occupational success, but it is imperative for painting a positive landscape of the entire legal community. Maintaining professionalism may mean taking a Wednesday off here and there, finding a mentor or trusted colleague to confide in when things seem overwhelming, or treating yourself to a longer than normal lunch. Think before you speak or act. Remember that your staff is watching, your clients are listening, and your fellow attorneys are counting on you.

While wearing jeans to the office on a Tuesday does not necessarily have professionalism written all over it, professionalism is not a bandstand act or one-time venture. Professionalism is a practice, and it should always be a priority.

Shannon Nash is a member of the Florida Bar’s Standing Committee on Professionalism. She was previously a staff attorney for the Tenth Judicial Circuit and currently works as the Assistant County Attorney for Highlands County, Florida.
MENTORING MATTERS: IT COMES FULL CIRCLE

By: Rebecca Bandy
Director of the Henry Latimer Center for Professionalism

“Show me a successful individual and I’ll show you someone who had real positive influences in his or her life. I don’t care what you do for a living—if you do it well, I’m sure there was someone cheering you on or showing the way. A mentor.” – Denzel Washington

Joe Burgess, Principal of Lawton Chiles High School where I worked for eight years, is my age. Our birthdays are only two weeks apart. Like me, he has an old soul and a historian’s intellect. He also has an incredibly generous spirit. I have seen him literally empty his pockets for causes benefitting needy children and veterans. His charismatic smile and warm spirit are contagious. Mr. Burgess is the consummate gentleman and professional. He sets high expectations and firmly ensures they are met. He is fair, compassionate, and able to inspire students and staff alike. Maya Angelou once wrote, “I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.” These words perfectly describe him. Mr. Burgess makes every person feel special and valued.

He and I were hired at Chiles around the same time. When he learned of my law school education and experience practicing law and teaching, he called me in and we had a conversation about what my short and long-term professional goals were and what I wanted to accomplish in and out of the classroom. From that point on, he let me teach with freedom and creativity seldom allowed in today’s accountability culture. I was never micromanaged, and I always felt supported. He allowed me to flourish and thrive, which in turn allowed my students to do the same. The trust Mr. Burgess placed in me made me proud, but it also motivated me to succeed.

Mr. Burgess would constantly check in with me to see if my goals were being met and how they were evolving. He made sure I was on impactful committees, he sent me to leadership trainings, he allowed me to observe other teachers and to shadow administrators, he introduced me to other leaders, and he provided the resources I needed in and out of the classroom. His door was also open to me and, even when we did not agree, he always listened.

While at Chiles, I lost a close relative suddenly and became a single mom within a year. Work became a haven of routine and stability. Mr. Burgess always made sure I was okay, even when I did not know he was looking out for me and in ways that make my heart swell with gratitude even now. I think what means the most to me was how welcome my two small children were on campus. They were practically raised in my classroom, and they still run to hug “Mr. Joe” when they see him.

When the time came for me to leave my job for The Florida Bar, Mr. Burgess knew it was an incredibly difficult decision for me. Teaching is my calling, and I loved my students dearly. We had several talks about options, and he voiced candid concerns about me being able to have work-life balance in a more traditional job with my parenting demands. He later told me that he called Jacina Haston, the then Director of the Center for Professionalism, to ensure that I would be safe in my new position. He did not want me to fail or struggle excessively as a single mom.

Mr. Burgess is more than a mentor. He is a sponsor, advocating for me constantly; but he is also my hero and my friend. My kids and I think of him as family. However, I could not have been more fortunate in my transition, because Ms. Haston has proven to be his equal. I had huge shoes to fill when she left The Florida Bar, and I am honored to walk in her path. I learn from her, even now, and she always reminds me of the proverb, “As iron sharpens iron, so one person sharpens another.” (Proverbs 27:17)

I do not know what I did to deserve the favor of such excellent professionals, but I am incredibly grateful. I am also committed to passing my knowledge on. I have recently been assigned a mentee through the FSU College of Law Women’s Law Symposium and look forward to building a wonderful relationship with her in the same manner that Mr. Burgess and Ms. Haston invested time, willing ears, compassion, integrity, honest advice, and guidance to me. I am quite certain I will learn even more from her in return.
Gender Bias and Florida Bar Rule 4-8.4(d)

Rebecca Bandy, Director of the Henry Latimer Center for Professionalism

One of my very first court appearances in private practice was in another county. I arrived early and was sitting on one of the benches observing a calendar call when a veteran attorney came over, sat down next to me, and introduced himself. I knew him by reputation and, as we began to converse, he leaned in closer and his hand landed on my knee, touching the bare skin just below my hem line, where it rested for the few seconds before I politely ended the conversation and excused myself.

I have never been a shrinking violet, but the incident made me both nervous and uncertain. Although I was more than prepared for my hearing, I suddenly felt as if I did not belong, like I was not smart enough or experienced enough to be there. I was a former high school teacher accustomed to dressing like a school marm to compensate for my young age; yet, I wondered if the tailored suit that my grandmother would have approved of was, in fact, appropriate for court. I doubted that I would ever be taken seriously, because I suddenly seemed so incredibly small and too blonde.

As brief as that encounter was, when I reflect on my early career, it always enters my mind, even 15 years later. The confidence I had gained being the first college graduate in my family, finishing law school, and passing the bar exam was at least partially replaced with a sense that I had to somehow balance my natural femininity with my intellectual abilities. Not quite sure how to do this, I did not feel comfortable in my own skin. That is, until the day came when I won a hard-fought hearing and the few seconds before I politely ended the conversation and excused myself.

Unfortunately, my experience is not uncommon. As of July 1, 2018, there are 106,095 members of The Florida Bar; 38 percent are women. Yet a highly publicized 2015 survey by the Bar’s Young Lawyers Division called “Women in the Legal Profession” showed that 43 percent of those who responded have experienced gender bias. Seventy-six percent of those responding had been in practice five years or less. A 2016 follow-up survey of 6,000 male and female members of The Florida Bar showed that, of the 1,350 who responded, one out of every 25 male lawyers experienced gender bias, as well.

In my case, I cannot presume the intent of the attorney in question, nor do I know if he understood the impact that his action had on me. In all fairness, I had numerous cases against him throughout my practice, without further incident. In fact, I grew to respect him and learned a great deal from him about the practice of law. Perhaps, the bias was there, and he just did not know it.

One of the last workshops I attended while teaching was on gender bias in the classroom. I was shocked to realize that I was guilty and did not even realize I was doing it—grouping by sex, calling on one sex more often than the other, assigning classroom roles based on traditional stereotypes. Once aware, I quickly integrated strategies into my lessons which made my classroom more safe and open space, while allowing me to model tolerance for my students.

Recognizing the problem is the first step in solving it. Psychologists at Harvard, the University of Virginia, and the University of Washington created the popular “Project Implicit,” which develops Implicit Association Tests (IATs) to measure unconscious biases and which are available online for free. A bias is a tendency to favor one thing over another and can be used by our brains to cope with complex information; however, problems can arise when unconscious biases “influence your behavior and the way you treat others,” according to Tiffany Jana, co-author of, Overcoming Bias: Building Relationships Across Differences.

Though the science behind Implicit Association Tests is somewhat controversial, they open the door to self-examination and reflection, which is always a good thing. The problem is that, all too often, those educating themselves and self-reflecting are individuals who are impacted by negative behavior and not the actual perpetrators. Therefore, it is essential that law students and legal professionals fully understand the stakes.

Gender bias is unprofessional; and, in Florida, professionalism is an expectation. New attorneys are held to the same standards as veteran members of the Bar. Specifically, Rule 4-8.4(d) states: “A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.”

One notable example of how seriously gender bias is taken is Fla. Bar v. Ratiner, 177 So.3d 1274 (Fla. 2015), in which the Bar filed a complaint against Mr. Ratiner, an attorney with previous disciplinary history, for calling opposing counsel a “dominatrix” and stating that she “must enjoy dominating people” during a document review session. These statements were made loudly and to the expert witness and continued...
Gender Bias
from page 16

were found by the Referee and the Florida Supreme Court to serve no other purpose than to embarrass the female attorney. In the Final Report, Referee Thomas Rebull stated, “I find Mr. Ratiner disconcerting and highly offensive. Mr. Ratiner simply fails to recognize that not only were his comments inappropriate and unprofessional, but they were also disrespectful, not only to [opposing counsel] but to women in general.” Mr. Ratiner was suspended for three years and has subsequently been disbarred for continued misconduct. The Florida Bar v. Ratiner, 238 So.3d 117 (Fla. 2018).

In addition, in 2016, the American Bar Association’s Model Rules of Professional Conduct was amended to include the new Rule 8.4(g), which states that it is professional misconduct for a lawyer to: “engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.”

Comment [4] of the new rule makes it clear that “…Conduct related to the practice of law includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business or social activities in connection with the practice of law.”

The rules exist but the reality is that there are no easy solutions for eliminating gender bias, especially when so much of what we do is outside of the walls of a traditional office setting. Professionals can begin initiating social change individually by using gender-neutral words and phrases, using “gender” rather than “sex” to differentiate between men and women in practice, using pronouns and references that include both genders, avoiding the use of “man” or “woman” in job titles, and avoiding describing men by profession and women by physical characteristics.10

This topic puts people on edge. However, the dialogue has begun and must continue. We are strong advocates for our clients. It is time that we are strong advocates for ourselves and for other professionals. When gender bias happens, we must speak up and fight back, even if it means having uncomfortable conversations with friends, colleagues, supervisors, opposing counsel, and judges.11

In 1983, following the nation’s first full-scale study of sexual bias in its courts, New Jersey Chief Justice Robert Wilentz stated the following, “There’s no room for the funny joke and the not-so-funny joke, there’s no room for conscious, inadvertent, sophisticated, clumsy or any other kind of gender bias, and certainly no room for gender bias that affects substantive rights.”12

We are still dealing with these issues thirty-five years later; however, The Florida Bar is committed to eliminating gender bias and instilling the message that it is unprofessional and will not be tolerated. In addition to encouraging women to run for Bar leadership positions, in a recent interview with Forbes, Michelle Suskauer, newly-elected President of The Florida Bar, encouraged victims of gender bias to report bad behavior through the Bar’s discipline system. She promised to provide transparency and clarity about existing rules relating to bias and discrimination and assured members that, “We can and will do a better job implementing the rules we already have.”13

Endnotes
4 Id. at p. 3.
9 Id. at 11
Rebecca’s Reading List
#FLBarProfessionalism #whatiamreading

Tuesdays with Morrie: An Old Man, a Young Man, and Life’s Greatest Lesson by Mitch Albom

This incredible book was recommended to me by a dear friend. In it, Mitch Albom details reconnecting with his college professor and mentor as an adult and meeting with him every Tuesday during the last days of Morrie Schwartz’s life. The lessons taught are a beautiful reminder of what matters most, why mentoring matters, and the powerful and lasting impact a teacher can have on an individual.

Braving the Wilderness by Dr. Brené Brown

I am a big fan of Dr. Brené Brown’s work. Her TED Talks are legendary, and I often refer to her research when preparing for presentations on emotional intelligence and mindfulness. In this book, Dr. Brown explores what it means to be belong to yourself so much that you are okay standing alone when needed in today’s volatile society.

The Mindful Day: Practical Ways to Find Focus, Calm, and Joy from Morning to Evening by Laurie J. Cameron

Ms. Cameron was the facilitator at the Search Inside Yourself Leadership Institute that I attended recently, and I was so impressed with her that I quickly purchased her book. I had the honor of meeting her again recently and was able to share that her work is one of my favorites. It is easy to read, is well-researched, and it provides practical ways to infuse mindfulness and emotional intelligence into each day.

The Sleep Revolution: Transforming Your Life, One Night at a Time by Arianna Huffington

The more I study and learn about mindfulness, emotional intelligence, and general professionalism, the more sleep deprivation comes to the forefront. In this book by Co-founder and editor-in-chief of The Huffington Post, the devastating impact of sleep deprivation on our physical and mental health is explored.
The Business Case for Mentoring

Learn more about mentoring, sponsorships, optimal pairing, and much more!

Earn 1 CLE Credit

CLE is available for purchase at www.floridabar.org/member/cle
The Center for Professionalism conducted multiple workshops to employees of The Florida Bar this Fall, on topics including emotional intelligence (EQ), conflict management, dealing with difficult people, mental health and well-being, and generational bias.

Below, The Florida Bar’s Finance Department in a workshop called, “Living in the Moment.”
Student Education and Admission to the Bar Committee Member John Thomas of University of Florida Law organized and moderated a panel during Mental Health and Wellness Week at the college. SEABC members Deb Cupples and Chair Jason Silver, SCOP member Ita Neymotin, attorney Ron Kozlowski, and Assistant Director of Professionalism Adriannette Williams participated in the panel and break-out discussions with students.

Director of Professionalism Rebecca Bandy opened Mental Health and Wellness Week at FSU Law with a presentation on emotional intelligence.
Assistant Director of Professionalism Adriannette Williams gave the keynote address at Lawton Chiles High School’s Freedom Week Assembly in September.

Adriannette Williams with Lawton Chiles High School SGA students and a representative from the Leon County Supervisor of Elections Office

SCOP Chair Starling Hendriks, President-elect of The Florida Bar John Stewart, and Director of the Center for Professionalism Rebecca Bandy at Fall Meeting

Florida Supreme Court Justice Peggy Quince giving her last address while serving on the bench on Friday, November 2 in Ft. Myers. The event was hosted by the Lee County Bar Association and organized by Ita Neymotin and Henry Lee Paul. She urged attorneys to frequently review their Oath of Admission and the Professionalism Expectations and to keep them framed in their offices as reminders.
The Office of Civil Conflict and Civil Regional Counsel for the Second District Court of Appeal, Henry Lee Paul, Esq., and the Lee County Bar Association recently sponsored a CLE in Ft. Myers titled, “Families, Children, Mental Health, Professionalism, and the Courts.” The event featured The Honorable Justice Peggy Quince and President of The Florida Bar Michelle Suskauer.

From Left: Starling Hendriks, Esquire, Chair of the Standing Committee on Professionalism; Honorable Judge Christine Greider, 20th Judicial Circuit of Florida; Dean Kevin Cieply, Ave Maria School of Law; Ita M. Neymotin, Regional Counsel; Kelly Fayer, Esquire, Past President Lee County Bar Association; Rebecca Bandy, Director, Henry T. Latimer Center of Professionalism, The Florida Bar; Henry Lee Paul, Esquire, Member of Florida Bar Standing Committee on Professionalism of The Florida Bar; and John Webb, President-elect, Lee County Bar Association

Attorney Melanie Griffin recently filmed a CLE at Cooley Law School, “The Business Case for Mentoring.” The CLE will be available in the In-Reach Catalogue for purchase.
At Fall Meeting, The Henry Latimer Center for Professionalism and the Standing Committee on Professionalism (SCOP) hosted the first Stakeholders’ Workshop on Law Student Professionalism. The event was created by Tim Chinaris, past Chair of SCOP and current Associate Dean for Information Services at Belmont University College of Law.

Law schools have unique opportunities to provide professionalism instruction at a formative time in students’ career development. The Workshop brought together law school personnel who work on the “front lines” of law student professionalism together with judges, Bar leaders, members of the Board of Bar Examiners, and lawyers who regularly represent bar applicants. The attendees were placed into groups and asked to discuss hypotheticals designed to elicit the exchange of information and ideas about how to most effectively enhance professionalism among today’s law students.

The Honorable Chief Justice of the Florida Supreme Court Charles Canady gave the opening remarks at Workshop, reminding attendees that professionalism is an expectation, even for newly sworn-in attorneys. “Law students need to understand that their work product has to be accurate, it needs to reflect thoroughness, it needs to be well-presented, and it needs to be appropriate for the purpose. That kind of pride in being able to succinctly well present what you need to present is critical for being a good lawyer.”

President-elect of The Florida Bar John Stewart and Michele Gavagni, Executive Director of the Florida Board of Bar Examiners also spoke about The Bar’s high standards of professionalism and what is required of law students as they apply for membership and prepare to sit for the bar exam. Other speakers included Scott Baena, Chair of the Board of Bar Examiners, and Starling Hendriks, current SCOP Chair.

After reviewing the hypotheticals at roundtables, the entire group had an open discussion about the issues currently facing law schools, law students, and The Florida Bar. The well-attended Workshop allowed for brainstorming, collaboration, and frank discussion about how to continue to promote professionalism at all levels.
Welcome, Beth Kirkland!

Beth Kirkland is the new Program Coordinator for The Center of Professionalism at The Florida Bar. Prior to joining The Florida Bar, Ms. Kirkland was involved in housing and real estate development throughout the Tallahassee area. She is currently attending Florida State University where she is obtaining a degree in Finance and Economics. She is an active member of the Tallahassee Network of Young Professionals and volunteers time to different organizations such as the Second Harvest Big Bend Association, Salvation Army Angel Tree Project, House of Ruth, and various Adult Day Service programs. A native of Alabama, she enjoys reading, travelling, and watching the Alabama Crimson Tide.
COUNSELORS AND CHAINSAWS: HELPING AFTER HURRICANE MICHAEL

By: Beth Kirkland, Program Coordinator, Center for Professionalism

What started as a personal connection and a few friends has grown into regular trips and a brigade of power tools. Six weeks and thousands of donations later, Tallahassee attorney Christine Thurman is continuing to do what she can to help those affected by Hurricane Michael.

Hurricane Michael developed at a devastatingly dangerous pace. After it hit Panama City and the surrounding areas, live power lines were in the streets, limbs and debris were scattered for miles, and contact with loved ones was limited. This brought Ms. Thurman and fellow attorney Alenna Trusik together to provide aid in any way possible. Both natives of the Bay County area and both affected personally by the storm, they joined forces to hold a supply drive for the most necessary supplies, such as food, water, and baby wipes.

For the first two weeks after the storm, Ms. Thurman was traveling to the panhandle every other day to deliver donated supplies to the devastated areas.

After the shelters were stocked, Ms. Thurman noticed that many homes were surrounded by downed trees, causing the residents of those homes to remain trapped on their property. This brought the “Chainsaw Brigade,” originally formed as a small group of friends and now consisting of approximately 35 people with matching t-shirts. Ms. Thurman, along with numerous volunteers, has travelled to the Panhandle every weekend dedicating time to cut up trees and limbs, remove debris from people’s homes, and reassure the community that help is on its way.

The thing that has amazed Ms. Thurman the most about this experience is seeing total strangers come together to help those in need. She tells a story about a large group of volunteers who arrived in Panama City to serve Thanksgiving dinner to the residents. These individuals had come from Texas, Georgia, Alabama, and other places in Florida. When they arrived, they did not know each other. When they left, they were friends who were able to bond over the desire to serve those in need.

The Chainsaw Brigade recently cleaned up St. Philip AME Church Cemetery in Bradfordville, on the north side of Tallahassee. There, they found trees and debris covering the graves, including those of veterans.

Over the past six weeks, Ms. Thurman has been able to successfully hold numerous supply drives and give back to the community in which she was raised. Most recently, she was able to donate 3,000 pairs of shoes to Bay County, all thanks to the generous donations of people, both in Tallahassee and the surrounding areas. As the temperatures drop, Ms. Thurman is currently asking for donations of blankets, jackets, and gift cards to give to families that have lost everything and are sleeping in tents in a Sam’s Club parking lot this winter.

As the holidays approach, Ms. Thurman is also holding a toy drive, called Toys for Joy, which has raised nearly $17,000. Those who are interested in participating can donate an unwrapped toy to children who might otherwise not have a proper Christmas due to the devastation of the storm. She is accepting donated toys until December 21st, and the toys will be delivered to the affected communities on December 22nd.

All donations, including the blankets, jackets, unwrapped toys, or other supplies, are being accepted at Thurman Law Firm, located at 241 East Sixth Avenue, Tallahassee, Florida, 32303.

D. Christine Thurman was born and raised in North Florida. She attended Tallahassee Community College and graduated from Florida State University in 1999 with a Bachelor’s in Interdisciplinary Social Science and Business. In 2004, she graduated from the University of Memphis Cecil C. Humphreys School of Law and was the recipient of the Memphis Bar Irvin Bogatin Social Justice Award from the Memphis Bar Association. After graduation, Christine returned to Tallahassee and focused her law career in the areas of adoption, business and civil litigation, as well as family law and estate planning. Personally, Christine is an active member of Tallahassee Bible Church. Christine spends most of her free time with her family, friends and her dogs, horses, and cat. She enjoys traveling, horseback riding, and wine tastings.

continued...
Counselors and Chainsaws
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The Tallahassee Chainsaw Brigade

Attorney Christine Thurman and the Tallahassee Chainsaw Brigade

Members of the Tallahassee Chainsaw Brigade

Toys for Joy Drive

Thanksgiving Dinner in Panama City Provided by Attorney Thurman and Members of the Tallahassee Chainsaw Brigade

Words to the Wise

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“A professional is someone who can do his best work when he doesn’t feel like it.” — Alistair Cooke

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“Professionalism is an attitude, not a time commitment.” — Deb Bixler

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“Professionalism is knowing how to do it, when to do it, and doing it.” — Frank Tyger

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