

TO: Michael Tanner, Chair, COVID-19 Recovery Task Force

CC: Dori Foster-Morales, Josh Doyle

FROM: Remote Proceedings Sub-Committee – Jorge Piedra , Amy Farrior, Jeremy Branning and John Agnew

DATE: April 26, 2021

SUBJECT: Final Report: COVID-19 Recovery Task Force Remote Proceedings Sub-Committee

The task of our Covid Task Force Remote Proceedings Sub-Committee (the Subcommittee) was to study and analyze the future of remote proceedings in the *post*-Covid-19 Pandemic era. To that end, we created a survey that included a list of every type of court proceeding in every practice area and asked the survey recipients their thoughts and feelings on whether and which proceedings should continue to be conducted remotely in a post-pandemic world. To best ensure we created an all-inclusive survey of potential court proceedings, we reached out to the applicable committees and sections of The Florida Bar.

Additionally, we studied the changes to Rule 2.530, Fla. R. Jud. Admin., recently proposed by the Rules of Judicial Administration Committee. We also reviewed the applicable administrative rules issued by the Florida Supreme Court through its Supreme Court Workgroup on the Continuity of Court Operations and Proceedings During and After Covid-19.

I. THE SURVEY

A link to an electronic survey was e-mailed to 3,758 Florida Bar members with valid e-mail addresses on January 13, 2021. By the January 27, 2021 deadline, 1,270 completed surveys were received for a response rate of 34%. This was a relatively high response rate in comparison to previous surveys. Of the respondents, 74% were employed in private practice positions, 15% were employed in government practice positions, and 11% were in other positions. This practice position mix is nearly identical relative to previous member surveys with questions divided by practice area. In addition, 61% of the respondents work in firms or legal offices that employ five or fewer attorneys, while 70% of all respondents work in firms of ten or fewer attorneys. Significantly, 80% of all respondents practice, at least occasionally, in court proceedings as part of their overall practice of law.

The survey generally demonstrated that a great majority of practitioners prefer to continue conducting routine and non-evidentiary matters within their practice area via Zoom or other similar virtual platforms. However, practitioners would prefer to return to in-person proceedings for evidentiary hearings and trials. We have attached a summary of the findings as to each practice area as Appendix 1 and the complete survey results as Appendix 2.

The survey also asked whether respondents would favorably view the development of a fully on-line platform for the resolution of civil monetary disputes involving less than \$1,000.00. Nearly three-fourths(73%) of all respondents favored that concept.

II. RULES OF JUDICIAL ADMINISTRATION COMMITTEE

The Rules of Judicial Administration Committee recently undertook a review of Rule 2.530, entitled “Communication Equipment.” The rule currently allows courts the discretion to permit the use of telephonic equipment for motion hearings, pretrial conferences or status conferences. The current rule only allows the use of telephonic testimony with the consent of all parties or if some other rule permits. The current rule permits video conferencing.

The proposed changes to Rule 2.530 expand the definition of communication equipment and add a definition of audio-video equipment. The proposed rule permits the use of audio or audio-video technology on the request of a party or in the court’s discretion for non-evidentiary proceedings. It allows parties to object to the request, but the court may overrule objections in its discretion. The proposed rule also permits the taking of testimony in evidentiary proceedings pursuant to motion and for good cause. The proposed rule sets forth various factors to be considered as “good cause.” Finally, the proposed rule provides for the swearing of witnesses through audio-visual communication.

The proposed changes to Rule 2.530 will be presented to the full Rules of Judicial Administration Committee at its June 2021 meeting for second reading, final review and approval. The proposed rule changes are attached as Appendix 3.

The Sub-committee believes the intent of the proposed rule changes are consistent with the survey results, which generally favor remote proceedings for non-evidentiary matters but disfavor remote proceedings for evidentiary matters. However, we urge the Rules of Judicial Administration Committee to undertake a careful review of any comments or suggestions to the new proposed rule in order to simplify and clarify the proposed changes and make them easier to follow and more consistent with other rules.

III. SUPREME COURT WORK GROUP

On April 21, 2020, Chief Justice Canady issued a new Administrative Order creating a 17-member workgroup whose responsibility is, among other things, to recommend ways for a staged return to full-court operations as the course of the pandemic changes. The workgroup is chaired by Judge Lisa Taylor Munyon of the 9th Judicial Circuit. The workgroup has proposed rule changes to implement their recommendations, and the Supreme Court has issued various Administrative Orders implementing policies and procedures *during* the pandemic. However,

those Administrative Orders focus on emergency operations and procedures in advance of an eventual return to normal operations and, as a result, have not addressed the possible continued use of remote proceedings in a post-pandemic world.

IV. CONCLUSION

As stated above, a substantial majority of Florida Bar members prefer to continue to conduct routine and non-evidentiary matters within their practice areas via Zoom or other similar virtual platforms but prefer in-person proceedings for evidentiary hearings and trials. The intent of the proposed rule change is consistent with the survey results. However, we urge the Rules of Judicial Administration Committee to undertake a careful review of any comments or suggestions to the new proposed rule in order to simplify and clarify the proposed changes and make the new rule easier to follow and more consistent with other rules.

APPENDIX 1

1. CIVIL PROCEEDINGS.

- Of those applicable respondents who participate in civil proceedings, over three-quarters report that Calendar Call/Sounding (85% and Motion Calendar (79%) should continue via Zoom video conference or similar virtual platform.
- Of those applicable respondents who participate in civil proceedings, over two-thirds (68%) report that non-evidentiary special set hearings should continue via Zoom video conference or similar virtual platform.
- Less than a third of the applicable respondents report that bench trials, evidentiary special set, voir dire and jury trials should continue via Zoom video conference or similar platform.

2. TRAFFIC PROCEEDINGS

- Of those applicable respondents who participate in traffic proceedings, over three-quarters (79%) report that pre-trial hearings and arraignments should continue via Zoom video conference or similar virtual platform.
- Of those applicable respondents who participate in traffic proceedings, just over half (51%) report that final hearings or trial should continue via Zoom video conference or similar virtual platform.

3. APPELLATE PROCEEDINGS

- Of those applicable respondents who participate in appellate proceedings, nearly half (47%) report that oral arguments should continue via Zoom video conference or similar virtual platform. Of the group who gave a conditional "yes," most felt the courts should allow a virtual, or live, option, depending on whether the default method is virtual or live. Some thought the virtual option should be available for any party who requests it, others thought it should be available only if all parties agreed, and a few thought it should only be allowed if special circumstances make it difficult for an attorney to participate in person, or if participating in person would unduly delay the case.

4. FAMILY LAW PROCEEDINGS

- Of those applicable respondents who participate in family law proceedings, just over three quarters report that uncontested final hearings (76%) and case management conferences and status conferences and pre-trial conferences (76%) should continue via Zoom video conference or similar virtual platform.

- Of those applicable respondents who participate in family law proceedings, over half report that motion calendar (68%) and non-evidentiary special set hearings (61%) should continue via Zoom video conference or similar virtual platform.
- Of those applicable respondents who participate in family law proceedings, less than half report that temporary relief (40%) and return hearings (33%) and evidentiary special set hearings (24%) should continue via Zoom video conference or similar virtual platform.
- A small percentage of respondents thought virtual proceedings should continue only under certain conditions such as: (1) when the parties all agree; (2) the complexity of the case; and (3) the number of exhibits. On the other hand, others thought that parties would refuse to agree to virtual proceedings as a means to delay and hoped the procedure would permit parties to object only if they can show prejudice. Several respondents were concerned about virtual proceedings when credibility is an issue. As one respondent put it, face-to-face contact is crucial to overcoming local biases because it is harder to look away from victims in that setting.

5. CRIMINAL PROCEEDINGS

- Of those applicable respondents who participate in criminal proceedings, over half report that calendar call/sounding (68%) and arraignment (61%) should continue via Zoom video conference or similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings, with additional respondents (4-6%) favoring the continuance of virtual hearings under certain conditions.
- Of those applicable respondents who participate in criminal proceedings, over half report that non-evidentiary hearings (52%) and bond hearings (52%) should continue via Zoom video conference or similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings, with additional respondents (7-11%) favoring the continuance of such virtual hearings under certain conditions.
- Of those applicable respondents who participate in criminal proceedings, less than one-quarter report that probation violation hearings (23%), bench trials (18%) evidentiary hearings (12%) voire dire (6%) and jury trial (4%) should continue via Zoom video conference or similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings, with a small minority of respondents (3-10%) favoring the continuance of such virtual hearings under certain conditions.

6. JUVENILE PROCEEDINGS

- Of those applicable respondents who participate in juvenile proceedings, about two-thirds (66%) report that calendar call/sounding should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings, with an additional 2% favoring the continuance of such virtual hearings under certain conditions.
- Of those applicable respondents who participate in juvenile proceedings, more than half report that non-evidentiary hearings (53%) and arraignments (52%) should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings, with an additional 2-4% favoring the continuance of such virtual hearings under certain conditions.
- Of those applicable respondents who participate in juvenile proceedings, less than one third report that probation violation (27%), evidentiary hearings (18%), bench trials (18%), voir dire (11%) and jury trials (6%) should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings. with an additional minority (4-8%) favoring the continuance of such virtual hearings under certain conditions.

7. PROBATE PROCEEDINGS

- Of those applicable respondents who participate in probate proceedings, over two-thirds (71%) report that all routine and procedural hearings should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.
- Of those applicable respondents who participate in probate proceedings, over half (60%) report that petitions for approval should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.
- Of those applicable respondents who participate in probate proceedings, less than half report that guardianship appointments (46%) , incapacity hearings (32%) and contested final hearings (20%) should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

8. SMALL CLAIMS PROCEEDINGS

- Of those applicable respondents who participate in small claims proceedings, four-fifths (80%) report that pre-trial conferences should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.
- Of those applicable respondents who participate in small claims proceedings, less than one third (29%) report that trials should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

9. ADMINISTRATIVE PROCEEDINGS

- Of those applicable respondents who participate in administrative proceedings, over three quarters (79%) report that pre-trial conferences should continue via Zoom video conference or similar virtual platform.
- Of those applicable respondents who participate in administrative proceedings, over two thirds (71%) report that motion hearings should continue via Zoom video conference or similar virtual platform.
- Of those applicable respondents who participate in administrative proceedings, less than on third (32%) report that final hearings and trials should continue via Zoom video conference or similar virtual platform.



Results of the 2021 Florida Bar Member Survey

February 2021

Results of the 2021 Florida Bar Member Survey

A link to an electronic survey was e-mailed to 3,758 Florida Bar members with valid email addresses on January 13, 2021. By the January 27, 2021 cut-off date, 1,270 completed surveys were received for a response rate of **34%**.

In reporting the results, all percentages were rounded to the nearest whole percent (example: 34.5% equals 35%). For this reason, totals may vary from 99 to 101 percent.

1. What is your legal occupation or classification?

<u>Private Practice</u>	<u>Percent</u>
Sole practitioner	30
Partner/shareholder	16
Associate	14
Managing partner	7
Practitioner with 1 or more associates	5
Other private practitioner	2
<u>Government Practice</u>	<u>Percent</u>
State government attorney	9
Federal government attorney	2
Local government attorney	2
Judge	2
<u>Other Legal Position</u>	<u>Percent</u>
Corporate counsel	5
Legal aid/legal service	<1
Other	5

- Almost three-quarters (74%) of all respondents are employed in private practice positions, while 15% are employed in government practice positions. The most frequently mentioned responses under the “Other” category are “retired,” and “of counsel”.

1A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – What is your legal occupation or classification?

	2017 Survey Percent	2019 Survey Percent	2021 Survey Percent
<u>Private Practice</u>			
Sole practitioner	30	30	30
Partner/shareholder	15	16	16
Associate	14	14	14
Managing partner	7	7	7
Practitioner with 1 or more associates	6	5	5
Other private practitioner	2	2	2
<u>Government Practice</u>	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
State government attorney	10	9	9
Federal government attorney	2	2	2
Local government attorney	2	2	2
Judge	1	1	2
<u>Other Legal Position</u>	<u>Percent</u>	<u>Percent</u>	<u>Percent</u>
Corporate counsel	5	6	5
Legal aid/legal service	<1	<1	<1
Other	<u>5</u>	<u>5</u>	<u>5</u>
Total Percent	100	100	100

2. What is the total number of attorneys employed in the firm or legal work place where you primarily practice?

<u>Category</u>	<u>Percent</u>
One attorney	35
2 to 5 attorneys	26
6 to 10 attorneys	9
11 to 20 attorneys	10
Over 20 attorneys	20

Median = 3 attorneys
Range = 1 to 2,200 attorneys

- Just over three-fifths (61%) of all respondents work in firms or legal offices that employ five or fewer attorneys. Over two-thirds (70%) of all respondents work in firms or legal offices that employ ten or fewer attorneys.

2A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – What is the total number of attorneys employed in the firm or legal work place where you primarily practice?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
One attorney	34	34	35
2 to 5 attorneys	27	26	26
6 to 10 attorneys	8	9	9
11 to 20 attorneys	10	10	10
Over 20 attorneys	21	21	20

3. Please indicate your primary area(s) of practice: (MULTIPLE RESPONSE QUESTION – RESPONDENTS COULD CHECK UP TO THREE RESPONSES)

<u>Category</u>	<u>Percent</u>
Civil	19
Litigation	17
Real Estate	14
Criminal	12
Family	12
Personal Injury	12
Probate	11
Business	10
Commercial Litigation	10
Estates	10
Government	10
Corporate	9
Insurance	8
Appellate	7
General Practice	6
Labor and Employment	5
Trial	5
Bankruptcy	4
Health	3
Tax	3
Workers' Compensation	3
Environmental and Land Use	2
Juvenile	2
International	1
Small Claims	1
Traffic	<1
Other Area of Practice	12
Retired/Not currently employed	2

4. Please indicate how often you participate in court proceedings as part of your overall practice of law:

<u>Category</u>	<u>Percent</u>
Frequently	46
Occasionally	34
Never	20

- Four-fifths (80%) of all respondents at least occasionally participate in court proceedings as part of their overall practice of law.

4A. Please indicate how often you participate in court proceedings as part of your overall practice of law: – BY Type of Practice

<u>Category</u>	<u>Private Practice Percent</u>	<u>Gov't Practice Percent</u>	<u>Other Legal Position Percent</u>
Frequently	50	54	16
Occasionally	35	26	31
Never	15	20	53

5. CIVIL PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of CIVIL PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY FREQUENTLY OR OCCASIONALLY PARTICIPATE IN ANY TYPE OF COURT PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>	<u>Not Applicable Percent</u>
Calendar Call/Sounding	78	2	7	4	9
Motion Calendar	73	6	9	4	8
Non-Evidentiary Special Set	62	7	15	7	9
Bench Trials	24	10	46	9	11
Evidentiary Special Set	21	13	47	10	9
Voir Dire	5	3	66	12	13
Jury Trials	4	3	74	8	11

5A. CIVIL PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of CIVIL PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? – (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY PARTICIPATE IN CIVIL PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>
Calendar Call/Sounding	85	2	8	5
Motion Calendar	79	7	10	4
Non-Evidentiary Special Set	68	7	16	8
Bench Trials	27	11	52	10
Evidentiary Special Set	23	14	52	11
Voir Dire	6	4	76	14
Jury Trials	4	3	84	9

- Of those applicable respondents who participate in civil proceedings, over three-quarters report that Calendar Call/Sounding (85%) and Motion Calendar (79%) should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

5B. If you checked “Yes, but only under certain conditions” for any of the above, please specify:

- A limited number of people in the courtroom.
- A virtual platform would be acceptable in circumstances where both parties agree to conduct the matter virtually and where there is not a significant amount of evidence to handle. I believe the virtual platform becomes more difficult when there is a large amount of paper or tangible evidence to enter into the proceedings.
- Agreement of all parties and counsel in writing prior to the beginning of case. Case proceeds as normal with just one objection.
- Agreement of both parties to Zoom; otherwise do the in-person.
- Agreement of the parties and counsel.

- ALL non-evidentiary matters should be heard without requiring in-person attendance. It saves significant time and client funds in not having to travel to the courthouse (sometimes across the state), wait to be called, etc. I have saved clients literally 4 hours on a single hearing, by attending via Zoom/Microsoft Teams. That said, very few evidentiary hearings and trials cannot (to my understanding) really be held properly without an in-person discussion/presentation.
- All parties should agree, and the matters should not be complex.
- All social distancing, masks, and all other pandemic precautions to remain in place. Some courthouses are close quarters, not all people elect to receive a vaccine, the risk of continued exposure will remain a concern.
- Any bench trials or evidentiary hearings via Zoom must insure fair cross examination and due process.
- Any hearings requiring the use of documentary evidence would have to have much better and more specific Uniform guidelines set by the courts about how to use those documents with witnesses (i.e. authenticating, etc.) before I would be comfortable doing any such hearings by Zoom. Right now, it's a hodge podge (mess) of loose guidelines (if any) that varies with each judge. They should be set per circuit at least.
- As a general master/fact-finders.
- As to evidentiary special set hearings, I believe that it should only take place by Zoom if there isn't any testimony being taken from witness(es). If testimony is being given by witness(es), then I believe it should be done in person.
- At a minimum, the plaintiff in contested non-jury trials and hearings should be required to appear in person for trials, especially where there are numerous exhibits. I have found Zoom trials and hearing in contested non-jury cases with numerous exhibits to be untenable.
- At the judge's discretion.
- At the lawyers and judge's joint discretion based on the specific issues to be heard.
- Attorneys should have the option to appear in-person in court for motions if they desire. Specially set video non-evidentiary hearings should occur only when all attorneys agree.
- Basic motions - i.e., discovery issues, calendaring issues, etc. - primarily issues where the judge is not presented with a lot of case law.
- Bench trial if the parties agree. Certain issues preferred heard in person if warranted; mental health issues, child testimony, special credibility issues.

- Bench Trials and Motion Calendar. When illness/transmission is an imminent issue/hazard. Jury Trials: hybrid model.
- Bench Trials and Evidentiary Special Set Hearings may proceed via Zoom depending on the amount of evidence to be taken and the ease of which it can be reviewed by the Court. This would be a case-by-case decision of the Judge and/or parties.
- Bench trials only if there is a compelling reason to do so.
- Bench Trials: Optional upon agreement of all parties Calendar Calls: Yes, unless parties request in person motions: Unless one of parties' objects.
- By mutual agreement of counsel. Some types of evidence are more conducive to Zoom presentation than others.
- By stipulation of the parties.
- Calendar Call - beyond a 50-mile radius. Motion Calendar - if the Judge already permitted telephonic. Non-Evidentiary - beyond a 50-mile radius.
- Certain complicated case or cases with voluminous records and witnesses are much more difficult on Zoom.
- Certain proceedings, pro bono and mediation.
- Complex cases.
- Condition would be that testimony of witnesses is not presented, especially lay witnesses.
- Depended on the type of hearing.
- Depending on how effective counsel can present evidence via Zoom. The need for a poster board depicting a scene is not the same thing as a credit card statement.
- Depending on if the witnesses or if the evidence requires in camera review.
- Depending on the complexity and time requirement of the motion.
- Depending on the complexity of the issues being litigated and the number and types of documents involved!
- Depending on the number of cases set and/or issues that need to be dealt with. On a case by case basis it can be determined whether a hearing can be conducted by way of Zoom. One that is document intensive and/or requires live testimony, would less likely be appropriate for Zoom.

- Depending on the preference of the parties, the extent of the material to be presented, and the length of the scheduled hearing.
- Depending on the case, number of attorneys, parties, and witnesses.
- Depending upon the amount of exhibits to be utilized at the hearing.
- Depending upon the nature of the proceeding.
- Depends if hearing is for a criminal case or a civil case.
- Depends on number of witnesses.
- Depends on the nature of the evidence to be presented or challenged. It seems reasonable to be concerned about witness coaching, which in some cases should preclude purely virtual proceedings.
- Depends on the nature of the specific motion or matter.
- Depends on the number of exhibits and witnesses.
- Depends on the special set. Sometimes, for complicated matters, it is more effective to be in person.
- Depends on the type of case, number of witnesses, and type of evidence being presented.
- Depends on the type of hearing. In order to hold the hearing on Zoom, I think it should require both parties to stipulate to it.
- Depends upon how complex, how many documents, and how long the hearing is.
- Depends upon the type of evidence presented. I do not think there should be a limitation if a witness can appear by video Zoom.
- Direct/simplified evidence, pre-hearing submission/coordination, etc.
- Dispositive motions should be argued in person. Procedural motions could be argued via Zoom.
- Documents/exhibits must be provided to all parties in advance.
- Don't know what "special set" means under these circumstances.
- Either attorney should be able to request a live appearance if he or she thinks that it appropriate for the matter.

- Either on stipulation by the parties or, as we continue to gather data about how well such virtual proceedings work, as a default to reduce costs and improve efficiency. Virtual jury trials and voir dire do not appear to save resources compared to conventional ones, but maybe innovation will provide a way forward. On the other hand, if reliable research shows the results of virtual evidentiary hearings/bench trials/jury trials are less reliable than conventional ones, the practice of conducting those proceedings virtually becomes less justifiable.
- Evidence hearing. Some need to be in court when large amount of exhibits.
- Evidentiary proceedings involving only documents and transcripts, not where oral testimony is required.
- Evidentiary Special Set and Motion Calendar could be via Zoom if proposed exhibits are exchanged prior to the hearing. The Court should have a standing order to prevent confusion.
- Evidentiary special set only if short, few exhibits and witnesses.
- Evidentiary Zoom hearings should be an option where the parties are in agreement and certain witnesses may need to travel from out of the jurisdiction, particularly if it enables witnesses to attend who otherwise would be deemed unavailable.
- Exhibit/evidence related procedures should be very specifically outlined for ease of use.
- For all answers, if there are voluminous exhibits, Zoom hearings/trials are difficult.
- For all non-computer users.
- For bench trials and evidentiary hearings that do not involve live witness testimony, there is no downside to doing them by Zoom. If live witnesses are required, then the proceeding should be in-person if the testimony from the witness is on a material matter. If the live witness is not material, like a records custodian, Zoom may still be sufficient.
- For bench trials and evidentiary hearings, parties should agree to remote.
- For bench trials and evidentiary special set hearings, if it is safe to resume in-person hearings, Zoom should be used only if both the parties agree and/or the Court prefers Zoom. The “default” for bench trials and evidentiary hearings should be in-person.
- For evidentiary special set hearings on Zoom, attorneys’ fee motions should always be heard this way. Otherwise, there should be a hearing time limit and witness limit to qualify because it gets unwieldy if the parties are each calling many witnesses.

- For motions and non-evidentiary special set, it would require potential matters of evidence to be stipulated to before to ensure that the court is presented, and all parties are presented with the documents or exhibits in question ahead of time.
- For some evidentiary hearings it would be helpful to be in the courtroom. It's all fact specific.
- Full due process must be available to litigants.
- Generally speaking, I think a lot is lost using Zoom. Jury trials are an absolutely no, and even contested motion hearings of any consequence, like summary judgment or motions in limine, should be heard in-person unless there is good cause. On the other hand, calendaring, ex parte or an unopposed hearing, or motions to set for trial should be Zoom or call-in. Those are vestiges of a time gone by. I believe judges should have plenty of facetime with the Bar. It is essential, but pure calendar settings, such as a motion to set for trial, require attorneys to travel to court, fill the already tight parking lots, appear before the judge, see the judge for a breezy minute, and the judge hands it off immediately to a judicial assistant (sometimes, the judicial assistant is the only one there). These are inefficient and serve only the function of facetime with judge, often by the newest associate.
- I believe these matters can be handled more efficiently and expedient if done in a virtual format.
- I only do bench trials in probate. No jury trials.
- I worry that jury trials lose impact when conducted virtually.
- I would prefer that all proceedings be conducted remotely unless the complexity of the case (nature of action, amount of evidence, witnesses, etc.) would make that unreasonably difficult. I do think that jury trials should be held in-person when it becomes safe to do so again.
- I would still like to see the option for in-person hearings.
- If a party requests a Zoom proceeding and no other party objects.
- If all parties agree. **(9 Responses)**
- If all parties agree and/or if there are special extenuating circumstances that don't allow for a party to be in person. Again, feel strongly about all parties agreeing on the issue if at all possible or finding an agreeable resolution or hybrid.
- If both sides agree after consulting with clients. Clear, consistent, and efficient procedure for providing evidence, caselaw, etc., during a video/virtual proceeding. A procedure

where litigants can “hand” documents to all proceeding participants during the meeting, via email or document sharing, would be ideal.

- If distance is impediment, I would want Zoom used for anything that was previously handled by phone.
- If jurors have access to electronic means and can certify they are not distracted.
- If plaintiff and respondent agree.
- If the hearing involves only limited paper evidence and if all attorneys prefer and agree to appearing virtual.
- If the witnesses’ credibility or claims is not going to be an issue and is more in the realm of custodian or establishing procedural history, then a remote hearing is appropriate.
- If there are significant amounts of evidence, it may be cumbersome on Zoom and easier to handle in person.
- If Voir Dire involves exhibit that needs to be seen up close, then it should not be via Zoom. Parties should all stipulate that the Bench trial may be remote.
- If witnesses better to conduct in person, not via Zoom.
- If Zoom format can actually allow court, staff, parties, and witnesses adequately to access credibility, evidence, and present arguments. Depends on the technological aspects, as well as logistical ones, at individual courts/circuits, regarding above.
- In instances where there is a limited number of witnesses (perhaps no more than 2), and a limited amount of contested documentary evidence.
- It depends on the amount and complexity of document evidence in the case. Zoom is cumbersome if you have to deal with issues that shift frequently or on the fly.
- It depends upon the number of witnesses that may be called.
- It just depends on the evidence (of course). I feel like it would be great if there was an upload location to upload documentation rather than emailing it to the Judicial Assistant, or even case law to the court so we could simultaneously upload so the Judge has it (the evidence, not the case law).
- It will depend on the type of evidence to be presented.
- It would depend on the circumstances of each matter.

- It would depend on the motion. I would not agree with regard to motions to dismiss and motions for summary judgment.
- It would really depend on the number of witnesses that will testify, whether experts are testifying (and the subject of expert testimony) and the number and nature of documents to be used as evidence, as well as the complexity of the issues being addressed. Generally, this can be done by video conference.
- Judicial decision.
- Jury trials and specially set evidentiary hearings are always better in person, especially jury trials. With the current backlog, Zoom trials should be offered as an option.
- Live witnesses and jury trials should not be via Zoom.
- Local witnesses appear in-person.
- Masks or vaccinations.
- Must exchange case law and documents in advance with no exceptions, no springing at any Zoom appearances.
- My experience is limited, but some of the easier/more routine things could easily be done via Zoom. My one experience with a motion hearing on Zoom was a very good one. No problems encountered.
- Need protections to confirm jurors are abiding by protocol's and evidence can be presented efficiently.
- No Zoom hearings where documentary evidence is more than half a dozen documents whose admission into evidence is contested and requires witness testimony to authenticate and discuss.
- No Zoom hearings where witnesses are to be cross-examined.
- Non evidentiary.
- Non evidentiary special set hearings may be inappropriate remotely in hearings involving complex issues.
- Non evidentiary special set would depend on the nature of the case and issues; for example, issues of first impression and summary judgment hearings should be in person.
- On mutual agreement of counsel of record.

- Only by stipulation of both parties.
- Only in contested probate or guardianship cases. Rare.
- Only shorter motions (15 minutes or less).
- Only under a necessity or an emergency; otherwise they should be in-person.
- Only upon the consent of the Court and all counsel.
- Only when there is a declared state of emergency.
- Only where there are limited witnesses, few/no complex issues, the trials/hearings are short in duration, and all parties consent.
- Parties are required to provide all pleadings, memoranda of law, and exhibits to Court and opposing party a reasonable time before the hearing. At least 5-10 days prior to hearing would seem appropriate to obviate gamesmanship.
- Pro bono only.
- Probate and Trust matters.
- Regarding bench trials and/or evidentiary hearings, yes, but only if doing so can be done efficiently and effectively. Such as, cases only requiring testimonial evidence and/or only a limited number of tangible items to be enter into evidence. Otherwise, such matters take more of the courts time than needed, which prevents the court from addressing other cases on its docket.
- Short matter hearings only.
- Should be a case-by-case basis, or only with agreement of the parties.
- So long as they continue to be effectively done with little technical problems.
- Socially distanced even after pandemic is controlled.
- Some dispositive motions involving very complex issues and a lot of back and forth with the court in regard to the record or the law would be more effective in person - especially if you have to provide new case law to respond to OC's arguments that were not reduced to writing.
- Some evidentiary hearings may be handled more efficiently in person. Should be on case by case basis depending on complexity, nature of dispute and the number of witnesses as well as intangibles such as impeachment, level of adversity in the matter and other factors.

- Special restrictions or requirement for in-person appearance in complex matters and/or matters including a large number of exhibits and/or witnesses.
- Stipulation by all parties. **(2 Responses)**
- The judge should determine on a case by case basis.
- The problem has been the admission of evidence, cross-examining witnesses without them being coached or reading documents, etc.
- The type of evidence and exhibits will play a big role. I believe these types of proceedings should be allowed on Zoom/remote platform on an ad hoc basis. The lawyers, parties, and Judge should decide whether it is appropriate for the specific proceeding.
- This depends in the depth and breadth of the issues presented in the motion and response.
- Uniform standards of technology need to be implemented. Such as how exhibits can be shown and marked.
- Unless a live witness is testifying.
- Unless requested in-person, hearings on discovery disputes, CMC's, and other non-complicated, non-evidentiary hearings should be held via Zoom for ease of scheduling and efficiently resolving these issues without delay.
- Upon agreement of the parties as to a process for sharing evidence and witnesses prior to the hearing/trial.
- Upon motion specifying hardship involving in person attendance.
- Use of a centralized Zoom center where transmission issues will be minimized.
- Virtual unless the presentation of evidence is hindered.
- When authorized by the trial judge for county court cases, and where a party or necessary witness that is testifying resides out of the county.
- When evidence or case law is to be presented, in-person hearings should be available.
- While I might have said "yes" to Calendar call, in criminal cases the need to go to court monthly is part of the deterrent effect of the penal system in general and punishment in particular.
- With consent of all parties and with specific arrangements about how to handle evidence and evidentiary issues.

- With consent of the parties.
- With well-crafted policies and procedures to ensure the efficient and effective presentation of evidence.
- Witness testimony is an issue to me. I find Zoom type hearings with several witnesses very cumbersome. If just the parties are testifying, I think that can be fine. When there are multiple witnesses it can be a mess.
- Yes, provided that the parties agree to conduct the hearing remotely.
- Yes, with a small number of witnesses and a limited amount of evidentiary submissions. With a limited number of witnesses, amount of evidence.
- Zoom can work well to resolve hardship issue. On a related note, we have had a complete failure of leadership during this pandemic. We have consistently told the public that jury service is a cornerstone of our democracy, and yet bars are open, but the courts are not. Fear rules the day and democracy is the first casualty.
- Zoom hearings should be available when requested for non-evidentiary special set hearings when scheduling conflicts, family emergencies, etc. arise.
- Zoom trials work, but in-person trials may be required in cases with many exhibits.

6. CRIMINAL PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of CRIMINAL PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY FREQUENTLY OR OCCASIONALLY PARTICIPATE IN ANY TYPE OF COURT PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>	<u>Not Applicable Percent</u>
Calendar Call/Sounding	42	3	9	8	38
Arraignment	34	4	11	8	43
Non-Evidentiary Hearing	32	7	14	9	38
Bond Hearing	32	4	15	10	39
Probation Violation Hearings	14	5	32	10	39
Bench Trial	11	4	36	10	39
Evidentiary Hearing	7	6	38	10	39
Voir Dire	4	2	46	9	39
Jury Trial	2	2	48	9	39

6A. CRIMINAL PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of **CRIMINAL PROCEEDINGS** should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY PARTICIPATE IN **CRIMINAL PROCEEDINGS**)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>
Calendar Call/Sounding	68	4	14	13
Arraignment	61	6	19	14
Non-Evidentiary Hearing	52	11	23	14
Bond Hearing	52	7	25	16
Probation Violation Hearings	23	8	54	15
Bench Trial	18	7	59	16
Evidentiary Hearing	12	10	62	16
Voir Dire	6	3	75	16
Jury Trial	4	3	78	15

- Of those applicable respondents who participate in criminal proceedings, over three-fifths report that Calendar Call/Sounding (68%) and Arraignment (61%) should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

6B. If you checked “Yes, but only under certain conditions” for any of the above, please specify:

- A remote appearance platform should be used only for certain hearings and only if the defendant is in jail.
- All parties need better IT equipment.
- All parties should agree. (4 Responses)
- Arraignment when a change of charge has occurred. Bond hearing on first degree cases when an Arthur hearing is required, or evidence is to be presented. Evidentiary hearing when truthfulness and veracity of the witness is called into question.
- As in civil context, depends on whether Zoom format, and its IT support, can deliver a secure, dependable platform where local courts/staff/parties/witnesses can be accessed for

credibility, adequately present evidence, and otherwise court/staff/ attorneys can do their jobs appropriately. Would likely come down to individual courts /circuits.

- As with civil, if only paper evidence and all parties and counsel agree to proceed virtual.
- At the request of the defendant.
- Attorneys should appear in-person in court for bond hearings if they desire. Specially set video non-evidentiary hearings should occur only when all attorneys agree.
- Bench trials only if there is a compelling reason to do so.
- Certain Proceedings such as Calendar Calls and Soundings are great via Zoom, however, jury trial, probation violations, evidentiary hearings should be done IN PERSON to assure integrity of the process and no witness influence.
- Clients required to be present with defense counsel.
- Complex cases.
- Consistent with the defendant's rights.
- Depends upon the complexity and nature of the hearing.
- First VOPs would be acceptable to have remotely, but not final VOP hearings.
- For most of the standard docket things, Teams and Zoom have been OK. What is missing is the chance to interact with clients "off-podium" and to maybe work out plea deals on the fly. What might work in the future is a two-tiered video link where attorneys/clients have private break-out rooms and can explain pleas and rights off the record. The current "everyone is present and everything on the record" is not conducive to resolving cases. For hearings more common in nature like bond hearings, when testimony is not much of an issue, video works well. Anytime we need to ascertain the truth of testimony, video is lacking. It is easy to put a Word document on the same screen as the camera and read testimony or have someone feed testimony from off-screen. In-person, our human ability to read body language cues and other intangibles is too important to simply waive away.
- For probation violation hearings, those could proceed virtually on stipulation of the parties.
- I am open to Zoom hearings when both sides agree, but if one side disagrees go to in person.
- I have done a jury trial already in Manatee County and it's a joke. No one takes it seriously.
- I have issues with witness testimony via Zoom. I find lots of problems. In most cases an arraignment is straight forward and could be done, but I have also had arraignments where issues come up that can require testimony. Bond hearings if there is only limited testimony.

- I think for significant trials-capital or life felonies with a lot of issues (pre-trial publicity, sign race issue, sexual abuse), Zoom would be beneficial to weed out the cause jurors.
- If all parties agree to a Zoom-style hearing and the judge agrees that it is appropriate, I believe we should do it.
- If both State and defendant agree.
- If the witnesses' credibility or claims is not going to be an issue and is more in the realm of custodian or establishing procedural history, then a remote hearing is appropriate.
- If they don't involve lay witness.
- It depends on the nature of the evidence.
- It would depend on if witnesses are needed to testify or be cross examined, and if so, I do not like Zoom hearings.
- It would depend on the purpose of the hearing.
- Judicial decision.
- Masks or vaccinations.
- Non-Evidentiary hearings and VOP hearings only with defendant's consent.
- Only if the defendant agrees.
- Only if there are no witnesses needed to testify (argument only).
- Only when a client's appearance is not needed at the hearing and all that is being done is a formal waiver of arraignment and setting of case for docket.
- Only where it would not be an issue to conduct the hearing via Zoom. And when presentation of evidence would not be an issue and when jail is not a possibility.
- Only where there are limited witnesses, few/no complex issues, the trials/hearings are short in duration, and all parties consent. Substantive remote proceedings in criminal matters should be reserved for low-level offenses; where someone stands to lose significant rights and liberties, all parties should be required to appear in-person. No prosecutor should be allowed to advocate for, nor should a judge be authorized to sentence an individual to significant incarcerated sentences from the comfort of a remote proceeding.
- Only where/when the defendant's appearance can be made possible without additional hardship, especially when indigent or experiencing hardships.

- Only with consent of defendant.
- Provided defendant has lawyer at arraignment provided defendant has a way to be on Zoom at non-evidentiary hearing.
- Referrals by the Florida Supreme Court to Circuit Court.
- Regarding bench trials and/or evidentiary hearings, yes, but only if doing so can be done efficiently and effectively. Such as, cases only requiring testimonial evidence and/or only a limited number of tangible items to be enter into evidence. Otherwise, such matters take more of the courts time than needed, which prevents the court from addressing other cases on its docket.
- Routine administrative functions only.
- Safe measures like social distancing, rapid testing of everyone in the courtroom including potential jurors, and masks.
- Should be conducted via Zoom only if the defendant consents.
- Some non-evidentiary matters that are complicated could be better followed in person. Possibly upon request could be in person.
- Status hearings should be held via Zoom.
- Stipulation.
- The problem has been the admission of evidence, cross-examining witnesses without them being coached or reading documents, etc.
- VOP hearings could be conducted remotely - unless the defendant wishes to have a contested/evidentiary hearing, whereupon I believe the hearing should be conducted in person, if at all possible, to assure full confrontation rights for the accused.
- When items of physical evidence need to be introduced into evidence.
- Whether a trial or hearing should be Zoom or in person should depend on the issues being tried, the type and volume of evidence needed, the witnesses involved and their computer literacy/access and any other factors that make one method more practical for a given matter.
- With concurrence of counsel for both parties.
- With consent of the parties for all but arraignment. Some people lack access/familiarity with virtual proceedings and should appear in person, especially if the case is to resolve.

- With waiver of in person hearing by a defendant these would be fine to continue via Zoom.
- Zoom trials work, but in person trials may be required in cases with many exhibits.

7. APPELLATE PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of APPELLATE PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY FREQUENTLY OR OCCASIONALLY PARTICIPATE IN ANY TYPE OF COURT PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>	<u>Not Applicable Percent</u>
Oral Argument	32	5	24	8	31

7A. APPELLATE PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of APPELLATE PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY PARTICIPATE IN APPELLATE PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>
Oral Argument	47	8	35	11

- Nearly half (47%) of respondents who participate in appellate proceedings report that oral arguments should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

7B. If you checked “Yes, but only under certain conditions” for any of the above, please specify:

- A Zoom option should be made available to judges and attorneys.
- All social distancing, masks, and all other pandemic precautions to remain in place. Some courthouses are close quarters, not all people elect to receive a vaccine, the risk of continued exposure will remain a concern.
- As the Court deems necessary. Some Courts would allow judges remote access before the pandemic.
- Attorneys located out of jurisdiction.
- Attorneys should be able to request an in-person hearing, as some things are better presented in person.
- By mutual agreement of the attorneys.
- Circuit Court administrative appeals and deliberation have been successful through Microsoft Teams for the judges and litigants.
- Either lawyer could insist on a live appearance.
- I believe the parties should mutually agree. Otherwise, I don't necessarily believe one type over another needs any special consideration re: in-person proceedings.
- I may have the task of monitoring and possibly participating in cases where a Public Employees Relations Commission is appealed to a district court of appeal.
- I think the default should be to hold oral arguments over Zoom, but the rules should allow parties to request in-person arguments just as they can request oral arguments.
- If a participant is in a vulnerable group continue with Zoom.
- If all parties agree. **(6 Responses)**
- If requested by parties, in instances to ameliorate special needs, or to enable access by removing such obstacles as extensive travel and related expenses.
- It would be useful if counsel or parties who are not arguing to be able to appear or observe the proceedings by Zoom.
- Most oral arguments should continue by Zoom, but in banc oral arguments should be done in person.

- Only if special circumstances exist that make it impossible for an attorney to be present and will result in delays.
- Only when requested by one of the parties and authorized by the court for such cases where counsel for a party that is arguing lives/works out of the court's district.
- Remote appearance at oral argument should be an option that an attorney or party can request, but not a requirement.
- The parties should still have the option of live argument.
- Stipulation.
- Upon motion only.
- Upon request from the attorney (which could be due to cost concerns related to travel).
- Upon request should be in person.
- Will handle appeals from time to time for our firm.
- With leave of the court.
- Zoom is perfect for oral argument. I've argued to the Second, Third, Fourth DCAs and Eleventh Circuit appellate panel. Smooth and functional.

8. FAMILY LAW PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of FAMILY LAW PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY FREQUENTLY OR OCCASIONALLY PARTICIPATE IN ANY TYPE OF COURT PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>	<u>Not Applicable Percent</u>
Uncontested Final Hearing	47	1	6	8	38
Case Management Conference/ Status Conference/Pre-Trial Conference	43	2	5	7	43
Motion Calendar	42	4	7	9	38
Non-Evidentiary Special Set	37	4	10	10	39
Temporary Relief Hearing	24	5	21	10	40
Return Hearing (Emergency Orders/Domestic Violence/ Repeat Violence/Dating Violence/Sexual Violence/ Stalking)	20	5	26	10	39
Evidentiary Special Set	14	9	25	13	39

8A. FAMILY LAW PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of FAMILY LAW PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY PARTICIPATE IN FAMILY LAW PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>
Uncontested Final Hearing	76	3	9	12
Case Management Conference/Status Conference/Pre-Trial Conference	76	3	9	12
Motion Calendar	68	6	11	15
Non-Evidentiary Special Set	61	6	16	17
Temporary Relief Hearing	40	9	34	17
Return Hearing (Emergency Orders/Domestic Violence/Repeat Violence/Dating Violence/Sexual Violence/Stalking)	33	8	43	16
Evidentiary Special Set	24	15	41	20

- Of those applicable respondents who participate in family law proceedings, over three-quarters report that Uncontested Final Hearings (76%) and Case Management Conference/Status Conference and Pre-Trial Conference (76%) should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

8B. If you checked “Yes, but only under certain conditions” for any of the above, please specify:

- A limited number of people in the courtroom.
- A virtual platform would be acceptable in circumstances where both parties agree to conduct the matter virtually and where there is not a significant amount of evidence to handle. I believe the virtual platform becomes more difficult when there is a large amount of paper or tangible evidence to enter into the proceedings.
- Again, with so little faith in our institutions in America today which is regrettably justified, reducing important legal matters to a Zoom hearing diminishes the authority of the civil justice system and the public’s respect for it and for the courts/judges.

- All parties should agree.
- All parties should agree to Zoom hearings.
- As to injunctions for protection, which I did for three years in Colombia, Hamilton, and Suwannee counties, I really think it depends on the same factors enumerated above, regarding civil and criminal cases. But, additionally, it is so crucial in these proceedings for judges to be able to assess credibility. Also, it humanizes the victims, and alleged perpetrators, which is an important aspect of them. On the flip side, these cases are many times dangerous and traumatizing to all. So, Zoom helps ameliorate that. So, again, really depends on a balancing of factors. I will tell you, though, that in small town settings, face-to-face contact is crucial to overcoming local biases. It's harder to look away from victims than in a virtual setting.
- Attorney should be allowed to request in person for special set, case management or motion calendar when needed in a case.
- Calendar Call - beyond a 50-mile radius Motion Calendar. If the Judge already permitted telephonic Non-Evidentiary - beyond a 50-mile radius.
- Centralized Zoom centers.
- Depending on the type of evidence that needs to be presented, number of witnesses, and issues to be heard. Also, if someone has a special circumstance why they cannot appear in person would be a factor.
- Depending upon the amount of exhibits to be used.
- Depends on how many exhibits.
- Depends on safety. my clients have expressed feeling safer when they're not in the same room as their abuser.
- Depends on the amount of evidence/witnesses needed or complexity of the case.
- Depends on the nature of the issues. If they are complicated in person may be better and available upon request.
- Dispositive motions should be argued in person. Procedural motions could be argued via Zoom.
- Don't know what "special set" means under these circumstances.
- Evidence must be provided well in advance of hearing by moving party. Although court rules already provide for disclosure, greater time periods should be required since the judges require paper copies of all evidence well in advance of hearing date.

- Evidentiary hearings that are 3-hours or less.
- Evidentiary hearings and hearings where a lot of case law will be presented should be in person.
- Evidentiary hearings should be in person.
- Evidentiary Special Set should be limited based on times maybe 60 minutes and above should be in person. Temporary Relief hearings more than 60 minutes should be in person. The less time of hearing it is fairer for the client as all parties can avoid travel time and maximize their time working on other matters.
- I believe these matters can be handled more efficiently and expedient if done in a virtual format.
- I do pro bono dependency cases.
- If agreed to by all parties and counsel.
- If all parties agree and/or if there are special extenuating circumstances that don't allow for a party to be in person. Again, feel strongly about all parties agreeing on the issue if at all possible or finding an agreeable resolution or hybrid.
- If all parties stipulate.
- If the witnesses' credibility or claims is not going to be an issue and is more in the realm of custodian or establishing procedural history, then a remote hearing is appropriate.
- In family law cases, there is a greater potential for a party to refuse to use Zoom solely for the purposes of delay. I think the procedure should be that the parties can use Zoom by agreement, or on the motion of a party if the opposing party cannot show prejudice.
- It depends on how much evidence is necessary and the nature of the evidence.
- Let the parties decide if their issue can be heard via Zoom based on the particular issues being heard.
- Masks or vaccinations.
- Need a mechanism for rebuttable exhibits.
- OK, due to personal appearance does not necessarily provide necessary input, that could be lost in video conferencing.
- Only if all parties agree. **(5 Responses)**

- Only if short, few exhibits and witnesses.
- Only where only the parties are called as witnesses and minimal exhibits.
- Regarding bench trials and/or evidentiary hearings, yes, but only if doing so can be done efficiently and effectively. Such as, cases only requiring testimonial evidence and/or only a limited number of tangible items to be enter into evidence. Otherwise, such matters take more of the courts time than needed, which prevents the court from addressing other cases on its docket.
- The checked items could be via Zoom if proposed exhibits are exchanged prior to the hearing. The Court should have a standing order to prevent confusion.
- The judge I assist has been successful with bench trials through Microsoft Teams meeting.
- The parties should all agree to use Zoom. Most non-evidentiary matters are easily handled on Zoom and save significant attorneys' fees for the parties. No complex evidentiary matters should be on Zoom.
- The problem has been the admission of evidence, cross-examining witnesses without them being coached or reading documents, etc.
- There needs to be a better (i.e., more efficient and "systematic") method for uploading of documents/records for evidentiary hearings and trials.
- Whether a trial or hearing should be Zoom or in person should depend on the issues being tried, the type and volume of evidence needed, the witnesses involved and their computer literacy/access and any other factors that make one method more practical for a given matter.
- Zoom should be allowable at the agreement of all parties when there is not agreement they should be done in person.

9. JUVENILE PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of JUVENILE PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY FREQUENTLY OR OCCASIONALLY PARTICIPATE IN ANY TYPE OF COURT PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>	<u>Not Applicable Percent</u>
Calendar Call/Sounding	32	1	5	11	51
Non-Evidentiary Hearing	26	2	10	11	51
Arraignment	23	1	10	10	56
Bond Hearing	19	2	13	12	54
Probation Violation Hearings	12	2	20	12	54
Evidentiary Hearing	9	4	25	11	51
Bench Trial	9	3	25	11	52
Voir Dire	4	<1	21	12	62
Jury Trial	2	1	23	12	62

9A. JUVENILE PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of JUVENILE PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY PARTICIPATE IN JUVENILE PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>
Calendar Call/Sounding	66	2	10	22
Non-Evidentiary Hearing	53	4	20	23
Arraignment	52	2	22	23
Bond Hearing	41	4	28	27
Probation Violation Hearings	27	4	44	25
Evidentiary Hearing	18	8	51	23
Bench Trial	18	6	52	23
Voir Dire	11	2	56	31
Jury Trial	6	4	60	30

- Of those applicable respondents who participate in juvenile proceedings, about two-thirds (66%) report that Calendar Call/Sounding should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

9B. If you checked “Yes, but only under certain conditions” for any of the above, please specify:

- As a GAL for 15 years, I can tell you that getting anything actually done for kids in the system requires making all parties appear before the judge in person. The limitations of Zoom hearings would not provide the same opportunity for holding parties accountable for delays etc. since it’s much harder to get a word in on Zoom/telephone calls and they are much more rushed.
- As to injunctions for protection, which I did for three years in Colombia, Hamilton, and Suwannee counties, I really think it depends on the same factors enumerated above, regarding civil and criminal cases. But, additionally, it is so crucial in these proceedings for judges to be able to assess credibility. Also, it humanizes the victims, and alleged perpetrators, which is an important aspect of them. On the flip side, these cases are many times dangerous and traumatizing to all. So, Zoom helps ameliorate that. So, again, really depends on a balancing of factors. I will tell you, though, that in small town settings, face-

to-face contact is crucial to overcoming local biases in way. It's harder to look away from victims than in a virtual setting.

- Certain proceedings such as Calendar Calls and Soundings are great via Zoom, however, jury trial, probation violations, evidentiary hearings should be done in person to assure integrity of the process and no witness influence.
- Depending on the motion. TPR trials, in person.
- Depends on the nature of their evidence.
- For when evidence will not be an issue and when jail or detention is not a possibility.
- Hearings with many exhibits and witnesses.
- If the parties agree. **(4 Responses)**
- If the witnesses' credibility or claims is not going to be an issue and is more in the realm of custodian or establishing procedural history, then a remote hearing is appropriate.
- If there is only testimonial evidence that will go before the court, virtual hearings would be appropriate. If parties intend on putting several exhibits into evidence, would probably be better if held in person.
- Masks or vaccinations.
- No "bond hearing" in juvenile proceedings, but detention hearings are perfect for "Zoom."
- Only if there are no witnesses needed to testify (argument only).
- Only when a client's appearance is not needed at the hearing and all that is being done is a formal waiver of arraignment and setting of case for docket.
- Only where there are limited witnesses, few/no complex issues, the trials/hearings are short in duration, and all parties consent. Substantive remote proceedings in juvenile matters should be reserved for low-level offenses; where a juvenile stand to lose significant rights and liberties, all parties should be required to appear in-person. No prosecutor should be allowed to advocate for, nor should a judge be authorized to sentence a juvenile to a commitment program from the comfort of a remote proceeding.
- Party consent.
- Procedural motions could be argued via Zoom.

- Regarding bench trials and/or evidentiary hearings, yes, but only if doing so can be done efficiently and effectively. Such as, cases only requiring testimonial evidence and/or only a limited number of tangible items to be enter into evidence. Otherwise, such matters take more of the courts time than needed, which prevents the court from addressing other cases on its docket.
- Whether a trial or hearing should be Zoom or in person should depend on the issues being tried, the type and volume of evidence needed, the witnesses involved and their computer literacy/access and any other factors that make one method more practical for a given matter.
- Zoom should be allowable at the agreement of all parties when there is not agreement they should be done in person.

10. PROBATE PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of PROBATE PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY FREQUENTLY OR OCCASIONALLY PARTICIPATE IN ANY TYPE OF COURT PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>	<u>Not Applicable Percent</u>
All Routine/Procedural Hearings	46	5	5	9	35
Petitions for Approval	37	4	9	12	38
Guardianship Appointments	28	4	16	13	39
Incapacity Hearings	19	5	22	14	40
Contested Final Hearings	12	5	30	11	43

10A. PROBATE PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of PROBATE PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY PARTICIPATE IN **PROBATE PROCEEDINGS**)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>
All Routine/Procedural Hearings	71	7	8	14
Petitions for Approval	60	6	15	19
Guardianship Appointments	46	7	26	21
Incapacity Hearings	32	9	36	23
Contested Final Hearings	20	9	52	19

- Of those applicable respondents who participate in probate proceedings, over two-thirds (71%) report that all Routine/Procedural Hearings should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

10B. If you checked “Yes, but only under certain conditions” for any of the above, please specify:

- Again, you are dealing, here, with individual, significant personal and societal interests.
- Again, where hearings are not contested and where there are not extensive documents to review, Zoom hearings would be acceptable.
- All participants should be able to fully participate in a manner that their demeanor can be assessed.
- Alleged incapacitated has opportunity and understanding to appear.
- Any contested proceedings should be in person.
- Condition would be that petitioner is represented by an attorney, not pro se. All pro se should be in person hearings. Condition would be that testimony of witnesses is not being presented.

- Depending on the type of evidence that needs to be presented, number of witnesses, and issues to be heard. Also, if someone has a special circumstance why they cannot appear in person would be a factor.
- Depends on the amount and type of evidence to be presented.
- Depends on the nature of the evidence to be presented or challenged. It seems reasonable to be concerned about witness coaching, which in some cases should preclude purely virtual proceedings.
- Direct/simplified evidence, pre-hearing submission/coordination, etc.
- Evidentiary matters requiring personal testimony where credibility is essential.
- Exhibit/evidence related procedures should be very specifically outlined for ease of use.
- For contested final hearings see my responses as to non-jury trials above. As to incapacity hearings, if the alleged incompetent is going to be there, they should be in person.
- I believe these matters can be handled more efficiently and expedient if done in a virtual format.
- I don't want to go to another hearing until the pandemic is totally over!
- If agreed to by all counsel and parties in writing.
- If appointments are non-contested. If incapacity hearings are simple, capacity really isn't an issue.
- If both sides agree after consulting with clients. Clear, consistent, and efficient procedure for providing evidence, caselaw, etc., during a video/virtual proceeding. A procedure where litigants can "hand" documents to all proceeding participants during the meeting, via email or document sharing, would be ideal.
- If proceeding involves exhibits and defendant must review, it shouldn't be done by Zoom.
- If the witnesses' credibility or claims is not going to be an issue and is more in the realm of custodian or establishing procedural history, then a remote hearing is appropriate.
- If there are no objections to using Zoom, then the parties should be allowed to use Zoom.
- If uncontested, yes.
- Incapacity hearings, if incapacity is being contested, should be in-person.

- Judge to determine on case by case basis.
- Judicial decision.
- Masks or vaccinations.
- Only proceedings where evidence is not being presented and proceedings which are uncontested. All contested proceedings should be held in person.
- Only when uncontested; you cannot adequately question witnesses via Zoom, you cannot see their demeanor or what or who they are talking to when not on the screen; it is unfair to all when it is not in person and is contested.
- Party may request to appear in person.
- Same as if the court allowed telephonic hearings.
- Should be litigant's choice.
- Some evidentiary hearings may be handled more efficiently in person. Should be on case by case basis depending on complexity, nature of dispute and the number of witnesses as well as intangibles such as impeachment, level of adversity in the matter and other factors.
- Stipulation of all parties.
- The noted may proceed via Zoom depending on the amount of evidence to be taken and the ease of which it can be reviewed by the Court. This would be a case-by-case decision of the Judge and/or parties.
- The parties should still have the option of live argument.
- To the extent the parties agree to Zoom hearings or there is an overriding issue which in the opinion of the Court prevents due process being carried out by Zoom hearings.
- Upon the agreement of the parties.
- When approval is determined by documents and only testimony re documents.
- Zoom incapacity hearings should only occur if incapacity is uncontested.
- Zoom should be allowable at the agreement of all parties when there is not agreement they should be done in person.

11. SMALL CLAIMS PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of SMALL CLAIMS PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY FREQUENTLY OR OCCASIONALLY PARTICIPATE IN ANY TYPE OF COURT PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>	<u>Not Applicable Percent</u>
Pre-Trial Conference	56	2	8	4	30
Trial	22	9	36	7	26

11A. SMALL CLAIMS PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of SMALL CLAIMS PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY PARTICIPATE IN SMALL CLAIMS PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>
Pre-Trial Conference	80	3	11	6
Trial	29	12	49	10

- Of those applicable respondents who participate in small claims proceedings, four-fifths (80%) report that Pre-Trial Conferences should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

11B. If you checked “Yes, but only under certain conditions” for any of the above, please specify:

- A limited number of people in the courtroom.
- All parties should agree.
- Assuming there is no demand for jury trial.
- By stipulation of the parties.
- Condition would be that evidence presented is only “paper” not witness, all parties represented by an attorney not acting pro se.
- Depending on the preference of the parties, including the availability of the parties to adequately participate in a virtual hearing, the extent of the material to be presented, and the length of the trial.
- Depends on the nature of the evidence to be presented or challenged. It seems reasonable to be concerned about witness coaching, which in some cases should preclude purely virtual proceedings.
- Depends on the number of exhibits and witnesses.
- Evidence must be provided well in advance of hearing.
- Evidence packets in advance.
- Exhibit/Evidence related procedures should be very specifically outlined for ease of use.
- Generally small claims cases have pro se parties and it may be more difficult for a trial to be via Zoom with pro se parties if evidence needs to be exchanged. Also, small claims cases usually don’t have discovery so it can be more difficult to have all the evidence for a Zoom hearing if the parties aren’t cooperating.
- I have issues with witness testimony. If the case is just involving the parties, I would say in many circumstances it could be done virtually.
- I think trial is appropriate via virtual platform as long as it is not set for a jury trial and as long as the evidence is documentary and easily reviewable in pdf format (i.e. credit card statements and affidavits).
- If agreed to by all parties and counsel in writing.
- If all parties agree. **(2 Responses)**

- If all parties agree to a bench trial.
- If the proceeding is simply for scheduling purposes. Most small claims proceedings are best resolved at the initial “Pretrial Conference” when the parties are given a chance to mediate the issues and seek resolution.
- If the witnesses’ credibility or claims is not going to be an issue and is more in the realm of custodian or establishing procedural history, then a remote hearing is appropriate.
- If there are attorneys on both sides, no need to attend. If there is going to be mediation, mandatory attendance.
- It depends on the amount and complexity of document evidence in the case. Zoom is cumbersome if you have to deal with issues that shift frequently or on the fly.
- Let the parties decide if they want to try the case via Zoom based on the particular matter but give them the options.
- Masks or vaccinations.
- Only if documents to be admitted into evidence are uncontested and do not require witness authentication and further explanation.
- Plaintiff appears live.
- Pro se parties can benefit from in person appearances because of the availability of mediators.
- Regarding bench trials and/or evidentiary hearings, yes, but only if doing so can be done efficiently and effectively. Such as, cases only requiring testimonial evidence and/or only a limited number of tangible items to be enter into evidence. Otherwise, such matters take more of the courts time than needed, which prevents the court from addressing other cases on its docket.
- Sanitized rooms reserved for each party with Judge in separate location all via technology provided by courthouse.
- Should be litigant’s choice.
- Small claims pretrial where there are two corporate entities can proceed via Zoom - i.e., PIP, glass, first-party insurance cases. I think that some pro se litigants may not have access to Zoom.
- Small claims proceedings where neither party is represented by counsel should resume in person.

- Some evidentiary hearings may be handled more efficiently in person. Should be on case by case basis depending on complexity, nature of dispute and the number of witnesses as well as intangibles such as impeachment, level of adversity in the matter and other factors.
- Special restrictions or requirement for in-person appearance in complex matters and/or matters including a large number of exhibits and/or witnesses.
- Stipulation by the parties.
- There should be set guidelines for how documentary evidence will be used with witnesses. Any hearings requiring the use of documentary evidence would have to have much better and more specific UNIFORM guidelines set by the courts about how to use those documents with witnesses (i.e. authenticating, etc.) before I would be comfortable doing any such hearings by Zoom. Right now, it's a hodge podge (mess) of loose guidelines (if any) that varies with each judge. They should be set per circuit at least.
- Trial should be by Zoom unless one of the party's objects.
- Trials can be certainly be conducted remotely - but the parties should also have the opportunity to raise objections to a remote trial, demonstrate any need for an in-person trial.
- Upon agreement of the parties as to evidentiary matters.
- When all parties have access to the technology to conduct video conferencing and will not be limited to telephonic appearance.
- When illness/transmission is an imminent issue.
- When one of the parties or a necessary witness resides out of the county, a request has been made for remote attendance, and the court has authorized the remote attendance.
- With well-crafted policies and procedures to ensure the efficient and effective presentation of evidence.

12. TRAFFIC PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of TRAFFIC PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY FREQUENTLY OR OCCASIONALLY PARTICIPATE IN ANY TYPE OF COURT PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>	<u>Not Applicable Percent</u>
Pre-Trial Hearings/Arraignment	44	1	6	5	44
Final Hearing/Trial	31	4	20	6	39

12A. TRAFFIC PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of TRAFFIC PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY PARTICIPATE IN TRAFFIC PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>
Pre-Trial Hearings/Arraignment	79	2	11	8
Final Hearing/Trial	51	7	33	10

- Of those applicable respondents who participate in traffic proceedings, over three-quarters (79%) report that Pre-Trial Hearings/Arraignments should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

12B. If you checked “Yes, but only under certain conditions” for any of the above, please specify:

- A limited number of people in the courtroom.

- Case dependent. Certain cases with certain fact patterns require an in-person hearing.
- For contested final hearings see my responses as to non-jury trials above. As to incapacity hearings, if the alleged incompetent is going to be there, they should be in-person.
- Give the parties the option.
- If all parties agree. **(2 Responses)**
- If the witnesses' credibility or claims is not going to be an issue and is more in the realm of custodian or establishing procedural history, then a remote hearing is appropriate.
- Need to see police officers in-person to check their paperwork and make sure their paperwork is in order.
- Only when a client's appearance is not needed at the hearing and all that is being done is a formal waiver of arraignment and setting of case for docket.
- Only where there will be no physical evidence for the Court to consider; otherwise in-person.
- Regarding bench trials and/or evidentiary hearings, yes, but only if doing so can be done efficiently and effectively. Such as, cases only requiring testimonial evidence and/or only a limited number of tangible items to be enter into evidence. Otherwise, such matters take more of the courts time than needed, which prevents the court from addressing other cases on its docket.
- Same issues as above for testimony. For defense, video may not be preferable because it makes it easier for law enforcement to be present.
- Some evidentiary hearings may be handled more efficiently in-person. Should be on case by case basis depending on complexity, nature of dispute and the number of witnesses as well as intangibles such as impeachment, level of adversity in the matter and other factors.
- Video final hearings/trial should occur only if the State and the Defense both agree.
- With waiver of in person hearing by defendant only.
- Yes, with a small number of witnesses and a limited amount of evidentiary submissions.

13. ADMINISTRATIVE PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of ADMINISTRATIVE PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY FREQUENTLY OR OCCASIONALLY PARTICIPATE IN ANY TYPE OF COURT PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>	<u>Not Applicable Percent</u>
Pre-Trial Conference	48	1	6	6	39
Motion Hearings	47	3	10	6	34
Final Hearing/Trial	21	7	31	7	34

13A. ADMINISTRATIVE PROCEEDINGS

After the pandemic is under control and it is deemed safe to resume in-person hearings, which of the following types of ADMINISTRATIVE PROCEEDINGS should continue via Zoom video conference or a similar virtual platform? (INCLUDES ONLY THOSE RESPONDENTS WHO INDICATE THEY PARTICIPATE IN ADMINISTRATIVE PROCEEDINGS)

<u>Category</u>	<u>Yes Percent</u>	<u>Yes, but only under certain conditions Percent</u>	<u>No Percent</u>	<u>Not Sure/No Opinion Percent</u>
Pre-Trial Conference	79	2	9	9
Motion Hearings	71	5	15	9
Final Hearing/Trial	32	10	47	11

- Of those applicable respondents who participate in administrative proceedings, over three-quarters (79%) report that Pre-Trial Conferences should continue via Zoom video conference or a similar virtual platform after the pandemic is under control and it is deemed safe to resume in-person hearings.

13B. If you checked “Yes, but only under certain conditions” for any of the above, please specify:

- 1-day hearings or less so long as all parties stipulate to Zoom.
- A limited number of people in the courtroom.
- Again, only when uncontested.
- Agency witness appears live.
- Agreement of the parties and counsel.
- ALJ decision.
- ALJ to determine on case by case basis. My preference is for an evidentiary hearing to be live.
- At the request of either party.
- By agreement of the parties, with all evidence provided to the fact find at least 10 days before the motion hearing or final trial.
- Depends on the number of exhibits and witnesses.
- Dispositive motions should be argued in person. Procedural motions could be argued via Zoom.
- I serve as the hearing officer in administrative proceedings.
- If a party or witness is outside 50 miles of the forum.
- If agreed by all parties and counsel.
- If bias, prejudice or other unfairness is alleged in good faith, all admin proceedings should be held in person per constitutional right to face accuser or government.
- If both parties agree. **(2 Responses)**
- If client unable to travel to hearing site due to distance or transportation issues.
- If there are significant amounts of evidence, it may be cumbersome on Zoom and easier to handle in person.

- In the administrative context, it would be wonderful. Obviously, it depends on the context. Hearings before individual ALJs might, for instance, require in-person hearings. But in larger volume settings, such as DEO's telephone hearings, having the visual capabilities would help very much.
- Masks or vaccinations.
- Mutual agreement of counsel for the parties.
- Only on motion by one of the parties, for good cause shown.
- Some evidentiary hearings may be handled more efficiently in person. Should be on case by case basis depending on complexity, nature of dispute and the number of witnesses as well as intangibles such as impeachment, level of adversity in the matter and other factors.
- The checked items could be via Zoom if proposed exhibits are exchanged prior to the hearing. The Court should have a standing order to prevent confusion.
- Upon agreement among the parties as to evidentiary procedures.
- Upon order of the Judge of Compensation Claims or agreement of the parties.
- Video motion hearings and final hearings/trials should occur only if all attorneys agree.
- Where witness credibility is an issue the testimony should be in person unless the parties agree it need not be in person.
- With consent of the parties. Certain proceeding may require in-person testimony or presentation of documents.
- With opportunity for pro se parties to elect telephone hearings or personal appearance if computer availability is an issue. Many administrative hearings have been conducted for years with the ALJ appearing by telephone or video conference call and the parties together at a set location. Presentation of evidence would need to be addressed in advance as well.
- With showing of good cause, or upon the judge's discretion.
- Yes, as long as it's not a super complicated case with lots of documents and witnesses, in which case in person might be easier.
- Yes, with a small number of witnesses and a limited amount of evidentiary submissions.
- Zoom should be allowable at the agreement of all parties when there is not agreement they should be done in person.

14. What do you believe are the three most serious problems faced by the legal profession today? (MULTIPLE RESPONSE QUESTION – RESPONDENTS COULD CHECK UP TO THREE RESPONSES)

<u>Category</u>	<u>Percent</u>
Lack of ethics/professionalism	32
Too many attorneys	29
Court overload	25
Covid-19 pandemic and recovery	25
Affordability of legal services	23
Frivolous lawsuits	19
Poor public perception	16
Difficult economic times	15
Lawyer advertising	15
Quality of the judiciary	15
Client expectations	14
Lack of appropriate judicial system funding	13
Over-emphasis on billable hours	12
Threat to judicial independence	10
Emergence of online legal service providers	8
Public access to the Courts	7
Quality of beginning attorneys	7
Other	6

- About one-third (32%) of all respondents report that a lack of ethics/professionalism is one of the most serious problems faced by the legal profession today, while 29% report too many attorneys as being one of the most serious problems.
- The most frequently mentioned problem under the “Other” category involves the quality of all attorneys.

14A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – What do you believe are the three most serious problems faced by the legal profession today? (MULTIPLE RESPONSE QUESTION – RESPONDENTS COULD CHECK UP TO THREE RESPONSES)

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
Lack of ethics/professionalism	25	31	32
Too many attorneys	54	44	29
Court overload	19	21	25
Covid-19 pandemic and recovery	--	--	25
Affordability of legal services	19	19	23
Frivolous lawsuits	18	19	19
Poor public perception	28	24	16
Difficult economic times	14	5	15
Lawyer advertising	23	20	15
Quality of the judiciary	15	21	15
Client expectations	15	17	14
Lack of appropriate judicial system funding	14	13	13
Over-emphasis on billable hours	13	15	12
Threat to judicial independence	11	14	10
Emergence of online legal service providers	--	10	8
Public access to the Courts	5	6	7
Quality of beginning attorneys	10	8	7
Other	6	5	6

15. In the next five years, which of the following issues do you feel will have the greatest impact on the legal profession?

<u>Category</u>	<u>Percent</u>
Oversaturation of attorneys	27
Technology	19
Lack of appropriate judicial system funding	10
Competition from non-attorneys	8
Access/affordability of legal resources	7
The economy	7
Threat to judicial independence	7
Online legal service providers	6
Public perception	6
Other	3

- Over one-quarter (27%) of all respondents report that an oversaturation of attorneys is the issue that will have the greatest impact on the legal profession in the next five years, while

almost one-fifth (19%) of all respondents report that technology will have the greatest impact. The most frequently mentioned issue under the “Other” category involves the quality of the judiciary.

15A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – In the next five years, which of the following issues do you feel will have the greatest impact on the legal profession?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
Oversaturation of attorneys	41	37	27
Technology	14	13	19
Lack of appropriate judicial system funding	6	7	10
Competition from non-attorneys	18	7	8
Access/affordability of legal resources	5	6	7
The economy	4	4	7
Threat to judicial independence	6	9	7
Online legal service providers	--	7	6
Public perception	5	8	6
Other	1	2	3

16. What are the three most important issues you would like to see The Florida Bar concentrate its efforts on in the next few years?

<u>Category</u>	<u>Percent</u>
Increase professionalism efforts	34
Be more responsive to the small firm/solo practitioner	30
Enhance the value of Florida Bar membership	29
Continue efforts to preserve judicial independence	28
Revise lawyer advertising standards	26
Support efforts to secure adequate judicial system funding	24
Technology training and tips	23
Covid-19 recovery	22
Increase public perception efforts	21
Strive for equal access and availability of legal services	15
Explore ways to increase diversity within the legal profession	10
Stronger discipline for lawyer theft	8
Other	7

- Over one-third (34%) of all respondents report that increasing professionalism efforts is an important issue they would like to see The Florida Bar concentrate its efforts on. The most

frequently mentioned issues under the “Other” category involve free or better CLE and the quality of judges.

16A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – What are the three most important issues you would like to see The Florida Bar concentrate its efforts on in the next few years?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
Increase professionalism efforts	23	28	34
Be more responsive to the small firm/solo practitioner	38	38	30
Enhance the value of Florida Bar membership	49	50	29
Continue efforts to preserve judicial independence	21	23	28
Revise lawyer advertising standards	31	27	26
Support efforts to secure adequate judicial system funding	16	18	24
Technology training and tips	17	18	23
Covid-19 recovery	--	--	22
Increase public perception efforts	35	32	21
Strive for equal access and availability of legal services	9	14	15
Explore ways to increase diversity within the legal profession	9	9	10
Stronger discipline for lawyer theft	12	11	8
Other	8	8	7

17. Since the start of the Covid-19 pandemic, what are the most significant challenges/concerns you personally have faced as an attorney? (MULTIPLE RESPONSE QUESTION – RESPONDENTS COULD CHECK UP TO THREE RESPONSES)

<u>Category</u>	<u>Percent</u>
High stress	36
Balancing family and work	31
Time management	19
Client expectations	18
Lack of business	18
Interaction with other attorneys	17
Interaction with the judiciary	17
Keeping up with new technology	17
Net revenue	14
Billable hours	10
Lack of ethics/professionalism	10
Frivolous lawsuits	5
Lack of available employment opportunities	4
Other	4
Retirement planning	3
Not sure/Not applicable	12

- Over one-third of all respondents list high stress (36%) as a significant challenge or concern that they face as attorneys, while just under one-third (31%) list balancing family and work as a significant challenge or concern.

18. Please indicate how favorable or unfavorable you would be to the Florida Courts' potential development of a fully-online platform for the resolution of civil monetary disputes involving less than \$1,000:

<u>Category</u>	<u>Percent</u>
Very favorable	54
Somewhat favorable	19
Neither favorable nor unfavorable (indifferent)	8
Somewhat unfavorable	3
Very unfavorable	4
No opinion/not applicable	12

- Nearly three-quarters (73%) of all respondents are favorable to the Florida Courts' potential development of a fully-online platform for the resolution of civil monetary disputes involving less than \$1,000, compared to only 7% who are unfavorable towards the development of that platform.

- 19. What percentage of your practice do you estimate consists of the resolution of civil monetary disputes of less than \$1,000:**

<u>Category</u>	<u>Percent</u>
None	68
1%	8
2% to 5%	11
6% to 10%	4
11% to 25%	5
Over 25%	4

- 19A. What percentage of your practice do you estimate consists of the resolution of civil monetary disputes of less than \$1,000: (ONLY INCLUDES THOSE RESPONDENTS WHO REPORT THAT THEY HANDLE THE RESOLUTION OF CIVIL MONETARY DISPUTES)**

<u>Category</u>	<u>Percent</u>
1%	25
2% to 5%	36
6% to 10%	12
11% to 25%	14
Over 25%	13

- 20. What percent of your practice is devoted to the following areas of law?**

A. Residential Eviction Defense

<u>Category</u>	<u>Percent</u>
0% (None)	93
1% to 10%	5
11% to 25%	1
26% to 50%	<1
51% to 75%	<1
76% to 99%	<1
100% (All)	0

B. Consumer Debt Assistance

<u>Category</u>	<u>Percent</u>
0% (None)	92
1% to 10%	4
11% to 25%	1
26% to 50%	2
51% to 75%	<1
76% to 99%	<1
100% (All)	<1

C. Unemployment Benefits

<u>Category</u>	<u>Percent</u>
0% (None)	97
1% to 10%	2
11% to 25%	<1
26% to 50%	0
51% to 75%	0
76% to 99%	0
100% (All)	<1

D. Civil Traffic Infractions

<u>Category</u>	<u>Percent</u>
0% (None)	91
1% to 10%	7
11% to 25%	1
26% to 50%	<1
51% to 75%	<1
76% to 99%	0
100% (All)	0

21. **How often do you encounter lawyers that you characterize to be “disruptive” or “unruly” (defined as rude, overly aggressive, offensive, and exhibiting extremely unprofessional conduct)?**

<u>Category</u>	<u>Percent</u>
Frequently	14
Occasionally	46
Rarely	34
Never	3
I do <u>not</u> work with or encounter other lawyers	3

22. **How adequately or inadequately do the current professionalism standards (Oath of Admission to The Florida Bar, Creed of Professionalism, Florida Bar Professionalism Expectations, Rules Regulating The Florida Bar, and Supreme Court of Florida decisions) define what it means to practice with professionalism?**

<u>Category</u>	<u>Percent</u>
Very adequately	41
Somewhat adequately	34
Neither adequately nor adequately (indifferent)	16
Somewhat inadequately	6
Very inadequately	3

- Three-quarters (75%) of all respondents report that the current professionalism standards adequately define what it means to practice with professionalism, compared to 9% who report that the standards inadequately define what it means to practice with professionalism.

- 22A. **If you checked “somewhat inadequately” or “very inadequately”, please specify below. Also feel free to state whether more explicit or updated standards are needed and what might need to change:**

- A bad actor will not heed aspirational goals.
- A lawyer’s duty to the court system should be emphasized above his/her duty to a client. As I teach law students, I constantly run across students who think they have carte blanche to do anything to represent a client.
- A significant problem is the behavior of lawyers who believe that being nasty, abusive, and insulting is a reasonable litigation tactic. Unfortunately, there is no current way to curb such behavior and judges almost never do so. When such behavior is brought to many judges’ attention, they either ignore it, require the attorneys to work it out (impossible

without a willing partner), excuse I, or treat the complaining attorney as a whiner, despite even outrageous deposition behavior. Unfortunately, the Bar needs to develop more specific and explicit behavior guidelines.

- Advertising bill got me X gross or net to client?
- Advertising standards are WAY out of control. So tired of billboards with grinning ghoul attorneys, gleefully offering to represent you when a loved one has died. Should be more emphasis practice-wide on reminding attorneys of all rules; regularly and firmly.
- All standards should be eliminated.
- Although all lawyers take the oath of admissions and are held to practice to the professionalism standards, I interact with some lawyers that seem to “forget” those standards and conduct themselves outside of those boundaries.
- Annual requirements must be established for professional courtesy CLEs.
- Apparently, the language describing professionalism isn’t clearly understood or is simply ignored. More explicit descriptions & examples of improper behavior might help. Increase CLE requirement for professionalism hours & provide frequent, free online courses.
- Attorneys are aware of the above standards when they start to practice, but as time goes by the awareness fades and should be renewed frequently by having attorneys signifying that they have reread these principles every 3 months, and they must signify that they have read the disciplinary activities whenever the Bar News releases the information.
- Attorneys seem to require very literal rules. Such as “do not send an email in all capital letters”, “you cannot contact the court without copying all parties”, “you should contact a court your unfamiliar with for a copy of any standing order of the court”, “when practicing in an area of law in which you are not familiar, you should...”.
- Because it is a matter of personal judgment and experience, and not expertise, it is hard to instill professionalism by oaths, aspirational statements or education. As larger firms and older lawyers have become less interested in guiding and mentoring young lawyers, the critical lessons in professionalism that used to be modeled have become lost in the shuffle by established firms and lawyers to maximize profits and by young lawyers to pay off staggering student debt.
- Better attention to lawyer advertising and enforcement of rules.
- Changes are probably necessary regarding technology and virtual offices.
- CLEs provide practical application of rules.
- Communication of standards to Bar members.

- Could always be more explicit and detailed.
- Courts need to sanction lawyers who act improperly more often. Currently sanctions are rarely imposed.
- Current professionalism standards are excellent; compliance with the standards is the problem.
- Drive to “win” cases often overrides professionalism and professional courtesy. This is inappropriate.
- Electronic communication standards and time of correspondences.
- Ethics are not part of our culture, much less taught in school. Truly ethical people are brought up with decency and courtesy standards in the home and if more people valued “ethics” and were raised with basic courtesy from a young age as part of our culture, then this question would not even be asked on this survey. Ethics would be second nature, but sadly, it is not. I am 60 years old and I believe that by time people get to elementary school, much less law school, they are grown trees; in other words, they will either have a strong straight trunk or be bent forever more.
- Even with the standards outlined, they are not enforced. the judiciary allows the offensive behavior and the Bar fails to enforce and adequately penalize.
- Frivolous lawsuits, decorum, and candor.
- From the top down way too great many trial lawyers act like a-holes. This may be due to their clients thinking a rude lawyer is a good lawyer and trial work attracts that personality.
- Given how many lawyers I meet that are insanely rude and nasty for no reason, not well.
- Guidelines as to conduct which should have been learned in grade school is fine but there is an insufficient amount of discipline and education for practitioners who constantly violate the rules of conduct.
- Have encountered lack of professionalism in counties where I don’t work frequently. Discrimination against women and not being an “in” lawyer in the County.
- I believe that a majority of my peers understand what it means to practice with professionalism and integrity. We have a duty to our client, but that duty has limits.
- I believe that a more active approach by Judges needs to be taken when professionalism standards are not being met.
- I believe there needs to be a better definition of “professionalism” as it relates to the practice and interactions within the practice of law, at ALL levels, including judiciary.

- I can't say that I have read all of these rules recently, but I have been involved in cases which were far more difficult than they had to be where opposing counsel seemed to prefer litigating an issue rather than reaching an agreement. Perhaps the requirement to confer with opposing counsel prior to filing a motion or making an objection may be amended to require more specific guidelines.
- I do not think it is the oath itself that is problematic. The issue is that the oath is just that – an oath; words. The words have little meaning if not enforced. Violations of the oath need to be enforced by Judges and The Florida Bar.
- I don't think they adequately address the way some busy attorneys treat clients.
- I don't believe most lawyers know the professional standards listed exist in writing form or feel the need to know them. They think being a "good person" is enough, whatever that means to them; or they hide behind them, "I'm just protecting my client" ruse when they behave badly; and I've been a trial lawyer for almost 45 years.
- I feel that the rules have been exploited by some attorneys as a weapon to be used against other attorneys. I also feel that an extraordinary burden is placed on those accused of a violation. I feel more needs to be done to prevent attorneys from making frivolous accusations against other attorneys.
- I feel the definition(s) are adequate however the underlying or internalization of the definition(s) are not being accomplished as well as should be.
- I have encountered certain attorneys who ALWAYS put their own financial interests before their client and ultimately to their client's detriment. One is already facing Bar discipline and the others are not yet. I face this almost every day in insurance defense. There is very little faith in the Bar to adequately sanction these attorneys.
- I really don't have an opinion on it as people can say things all day long and they still are rude to their fellow attorneys.
- I see an increasing number of lawyers taking advantage of the fact that we are obligated to confer regarding the setting of depositions, hearings, mediations and trial by simply ignoring requests to do so and forcing hearings and motion practice, presumably to delay cases or increase fees.
- I think if enough complaints are submitted regarding the unprofessionalism of an attorney, action should be taken.
- I think most lawyers know what it means to act professionally. However, many lawyers who are not mentored, think can get more by being tough and posturing. Being nice gets you more. I think the judges do a good job of making sure lawyers act professionally.

- I think standards need to be updated to address some behavior relating to advances in technology (i.e., emails, texts, etc.) and how they are used to communicate. I also think The Florida Bar Rules need to be revised to provide more specific examples of what constitutes behavior that is or is not professional and ethical.
- I think that attorneys know what the standards say, they just do not care.
- I think that the definition is very clear, I just don't think many lawyers read them or follow them.
- I think the standards are appropriate. I think they are not always followed by attorneys taking the oath.
- I was recently investigated by the Bar because of an email I sent to opposing counsel as an alleged violation of Bar Rule 4-3.4(g) and (h) state in combination, "A lawyer must not present, participate in presenting, or threaten to present criminal charges solely to obtain an advantage in a civil matter; or present, participate in presenting, or threaten to present disciplinary charges under these rules solely to obtain an advantage in a civil matter." The Attorney for the Bar seemed to want to "infer intent" in the allegedly offending email. Ultimately, the Bar correctly dismissed the complaint. I found the whole process ridiculous and overly zealous. If the Rules Regulating The Florida Bar are guard rails, they must be enforced as written. If the Bar wants to broaden application of the rules, then amend the rules to help lawyers comply.
- I'm in appellate law now so I do not tend to deal with attorneys like that. When I was in civil litigation, I dealt with some pretty awful plaintiff's attorneys and I would have chosen "frequently" had I still been in that field.
- In my view, the questions as posed is somewhat vague. I.e., I am not certain what information the question is trying to elicit. Certainly, Florida lawyers are governed by the professionalism standards, but whether those standards cause professionalism to be practiced is, like beauty, "in the eye of the beholder," until a Bar disciplinary proceeding ensues from a determination of professionalism was absent.
- Issue is not definitional nor the wording of the oath, rules, etc. The issue is the fact that lawyers can be unprofessional and get away with it leading to more unprofessionalism.
- It is a waste of oath as few people in legal profession bother to follow such an oath, but this is in all areas of society and not just the law.
- It is defined but not always practiced.
- It is one thing for those items to exist, but it is another for attorneys to follow them.
- It might not be the standards, but the enforcement.

- It's not the rules. It's the implementation, policing and following of the rules by the members is the problem.
- It's not what each of those reflect or represent rather the enforcement.
- Lack of professionalism is like porn; I know it when I see it. The problem isn't so much coding it as enforcing it. Judges typically don't want to have to get involved. And who can blame them?
- Lawyer advertising is circumventing the rule against disclosing the existence of insurance to the jury. Lawyers are outright informing the public that the real party in interest is the insurance company, not the defendant. In particular, Morgan & Morgan.
- Lawyer advertising is not adequately regulated. Local television ads sound like used car salesman promising "my attorney got me ____ etc." Takes away from the professional image the Bar gives lip service to.
- Lawyers simply need to recognize how much power they have to destroy people's lives through unfair and baseless accusations.
- Litigators should be allowed to advocate. The Florida Bar needs to stay out of things. Let the circuit judges handle most things. What is occurring is that incompetent lawyers are "complaining" about lack of professionalism when it's the incompetent lawyer who just isn't prepared and wants things "dumbed-down" for them. I am very willing to address this and don't care at all about confidentiality.
- Looks good on paper but hard to understand in application in everyday life.
- Lots of unscrupulous lawyers.
- Many lawyers see this as something to use against attorneys without basis to gain an advantage or cover their own unprofessionalism.
- More encouragement to maintain high personal standards.
- More explicit standards and more intervention by The Florida Bar. Right now, there is no consequence for unprofessional conduct, rudeness, and lack of civility.
- More oversight and retraining are needed in the area of professionalism, particularly for younger attorneys.
- Most opposing counsel I encounter are rude, overly aggressive, and dismissive of women lawyers. I had a case out of state. While opposing counsel zealously represented their client, I was stunned at the level of professionalism. It should have been the norm.

- My experience is primarily in criminal trials and criminal appeals. Somehow, the rules can't deal with lawyers whose conduct superficially is okay, but if you dig into the work, you see it's really not very good. And there's nothing that stops judges from ignoring case law.
- Need a more explicit rule regarding conduct in e-mails.
- Need to be specific with regard to civility as these particular attorneys do not seem to grasp the concept.
- Need to remove reference to God in the Oath. For strong ethics to prevail, good behavior must be its own reward.
- Needs to have teeth and be very specific.
- No faith that a change in standard would result in different behavior. It is too hard to work in the nuance of what is the advocacy and what is unprofessional. Attempts to fix this will most likely hurt advocacy.
- No one pays attention to any of them. It's antiquated and inaccessible. Younger attorneys simply will not read this material. They need to be taught/shown. It's not the 19th Century anymore. New attorneys learn differently.
- No one reads them nor do they care.
- Not enough discipline against lawyers filing claims without merit.
- Not enough emphasis on duty to client as opposed to duty to others.
- Nothing prevents a lawyer from lying through their teeth to other attorneys. Allowing recording, without notice, of phone calls with lawyers might put enough fear in them to ratchet down the problem.
- Oftentimes these standards are forgotten after first year due to workload/life. Would be helpful to have more prominent reminders.
- Older generation attorneys are more aggressive and less likely to work together to resolve a matter. I have encountered this especially as a younger, female attorney. The older male attorneys are dismissive and rude when trying to negotiate and work together. I think we need updated professionalism standards that must be met every few years.
- Overly litigious, slanderous, abusive litigation tactics by plaintiffs' attorneys in the south Florida Bar jurisdictions. Particularly the 13th Circuit in Miami Dade County. When senior partners at plaintiffs' firms continue this behavior for 10 or 20 years obviously nothing is being done correctly to correct their behavior. We all know who the bad actors are, but The

Florida Bar does nothing to curb their behavior. The public perception will continue to be poor while this sort of attorney continues to practice in Florida.

- Perhaps having comments like the rules of civil procedure that give examples; making a CLE requirement related to diversity and inclusion since much of the unprofessional behavior relates back to issues of gender, etc.
- Perhaps what is needed is more enforcement of these standards, which are often ignored.
- Problem is that there are few ways to act against unprofessional lawyers.
- Problem is judges often view lack of professionalism as a “spat”.
- Professional standards do not seem to be motivating some of the attorneys that I deal with.
- Require candor regarding likely outcomes and costs.
- Require more CLE add teeth.
- Right now, professionalism goals and rules are aspirational. I don’t think there should be penalties, but I do believe there needs to be a mechanism of publicizing unprofessional behavior of for no other reason than shaming, or the potential of shaming, offenders.
- Rules are not always specific enough to guide attorneys. There appears to be differences in what is ethical and what is right or moral.
- Sanctions need to be enforced for opposing counsel hiding behind objections and destroying evidence.
- Seems to be no consequences for rude, boorish, aggressive attorneys who are not focused on a legal resolution based on law and facts but billing or posturing for client.
- Set standards.
- Some of the advertising rules quash freedom of speech and do not seem to improve professionalism among attorneys. This has an impact on the lower socio-economic classes, as they are not able to find lawyers via word of mouth as the more privileged classes can. If advertising is restricted beyond simply keeping it honest and free of fraud, the lower classes have less information and access to legal services. This also has a disparate impact on minorities’ access to quality legal services.
- Standards appear to be solely for the purpose of allowing some to game the system. The gamers can absolutely talk the talk, and pitch a fit when challenged, but don’t remotely follow the spirit or purpose of the standards.

- Standards are fine but they aren't enforced. Focusing on trust account discrepancies is fine but the rude, lying unprofessional lawyer keeps getting away with that behavior even when reported.
- Standards are not well written and should be streamlined and easily understandable.
- Standards are very clear; they are just not enforced. Judges don't enforce when offenses occur.
- Standards need updating to incorporate behavior in virtual hearings, use of social media and other advancements/technology developments.
- Stricter enforcement.
- The advertising rules really need to be changed, especially ads where a law firm advertises stating such things as \$ won for clients, numbers of cases tried and won and that monies will be typically paid out by a defendant's insurance firm. All of these claims and more, which of course cannot be verified, are now being allowed by The Florida Bar. These ads bring down the image of the profession and make us all look like we're simply in it for the money.
- The Bar's rules need to catch up with the reality of practicing law. Too many lawyers, non-attorneys, and online providers that ARE NOT subject to the Bar Rules. And when a non-attorney or online provider practices law, the Bar will not pursue it, unless the client got hurt. There's more, but my general sentiment is that the Bar does little to nothing to protect lawyers from the very real threats that exist.
- The definition isn't the problem. The failure of the judiciary to make the rogue lawyers obey the rules of procedure is the bigger issue. And it is the same lawyers over and over that do this and their tactics and behavior are well known and for the most part they are unchecked by the trial court judges.
- The Florida Bar doesn't take seriously the ethical responsibility of attorneys to charge for services performed. Too many times, I have encountered situations where lawyers take thousands of dollars from clients and perform no meaningful services. When the clients file complaints, The Florida Bar dismisses them with little to no resolution for the client. I find this seriously disturbing. Also, I am not a fan of all this protectionism where The Florida Bar refuses to implement reciprocity for attorneys admitted in other states, so Florida lawyers cannot receive reciprocity in other states. This protectionism is outdated and really hurts Florida lawyers in today's highly mobile environment. Neither does it serve clients when, given the rapid pace of change, lawyers can no longer depend on "past law" to guide their future clients. We must look it up every time to ensure our knowledge and understanding is current. In my practice, I am 100% corporate transactions which never resides within one single state. So, my practice is 100% multi-jurisdictional. At a minimum, The Florida Bar must subscribe to the UBE. How on earth can we reasonably attract businesses to our state when our very own legal system is antiquated, draconian, and

designed to stifle competitive growth? Even Cooley Law, the world's top technology law firm, refuses to set up a law office in our state because of it. The Florida Bar must reform for the good of its lawyers, businesses, and families. And finally, I'd like to have open dialogue to explore the idea of permitting multi-disciplinary practices for certain industries - in particular, for cybersecurity and data privacy. We have this growing industry problem where businesses around the country have to hire cybersecurity firms and law firms separate from one another in order to meet data privacy regulations. Then, the cybersecurity firm and the law firm have to collaborate to make sure they give the same advice to the business on how to ensure the data management protocols implement over the network infrastructure will result in data protection policies that meet data privacy regulations. This is a combination of technical advice, technical services, and legal advice. Consequently, all tech firms are in the untenable position of making statements that the work they do will ensure regulatory compliance - which is tantamount to the unauthorized practice of law. I'd like to see The Florida Bar lead the nation in opening dialogue about this developing issue and implementing adequate measures to address it which, I believe, would place The Florida Bar ahead of Silicon Valley firms with developing innovative solutions to address emerging issues at the intersection of law and technology.

- The judiciary does not hold lawyers appropriately accountable. The Bar needs to school the judiciary as well as the lawyers on professionalism.
- The judiciary needs to be more willing to use sanctions to enforce dilatory and unreasonable attorney conduct. It is the client who pays to respond to this misconduct, and it should be the cost of the offending lawyer.
- The level of professionalism has deteriorated significantly over the past several years. Attorneys are more likely to make personal attacks against other lawyers. Judges do not seem inclined to notice this type of behavior.
- The oath is a great standard, but it is not enforced by fellow attorneys or the judiciary.
- The Oath of Admission should be re-written and/or updated to use everyday language that new lawyers can understand and perhaps provide illustrative examples of what "lucre and malice" mean in everyday practice.
- The Oath, Creed, Rules etc. are meaningful only if lawyers have a sufficient understanding of the application of the same in their practice. Perhaps a CLE requirement which demonstrates the lawyer's mastery would be useful.
- The pledge of allegiance is said before every ball game. Attorneys don't pledge allegiance to Bar rules before trials, hearings or anywhere.
- The rules are fine; there is simply no accountability for those attorneys filing frivolous cases and acting unruly. The interaction between professionals is terrible and unnecessary. Judges are on the front lines and could assist in disincentivizing these lawyers to behave this way but often I think judges are afraid of them.

- The rules are plenty clear and detailed. We DON'T need more rules. What we need is enforcement. Lawyers need to see real-world consequences for poor behavior and today they simply do not. Ask any lawyer if they can name the county's unprofessional lawyers and you will get 90% who will give you at least one name. How do lawyers get to that level of reputation, and the trial judges (who really are the only means of disciplinary referral we have) simply will not (with rare exception) refer a lawyer who clearly is acting poorly for discipline.
- The rules are sufficient. They are just not followed by some.
- The rules do not seem to actually require that attorneys treat each other with any level of respect, including by responding to opposing counsel or doing so in a timely manner.
- The scope of the professionalism standards should be broadened to encompass modern and public methods of communication and discourse. There are far too many Florida attorneys who publicly voice views (either at public events, through media contacts, or even on social media platforms) that actively undermine the rule of law and the Florida and US Constitutions, viciously attack the judiciary, spread blatant misinformation, and otherwise fuel public distrust of our legal institutions. These egregious statements have severe consequences, and ultimately damage the reputation and efficacy of our legal system. The Florida Bar cannot allow its members to continue to sow distrust and spread false information without consequence.
- The standards are adequate. The bigger issue is they are often unenforced.
- The standards are fine, but if lawyers don't read them or incorporate them into practice they are of little use.
- The standards are good, but some attorneys do not hold to them and engage in gamesmanship. I also believe some of the strictures on advertising disadvantage small and solo firms, while allowing large-very large firms to glut the market.
- The standards are necessarily vague in an effort to cover a large number of situations, however as a result the actual guidance provided is often minimal and results in the ability for the unprofessional to act without violation.
- The standards are worthless if they are not enforced. Words are meaningless. Stronger measures need to be taken - against those lawyers that pursue frivolous claims because they know they can get away with it.
- The standards reach the absolute bottom of right and wrong but there are so many lawyers that just are not professional even when not breaking a rule.
- The standards should be summarized in a more readable fashion. It's a difficult balance but I find I get lost in all the nuance and complexity.

- There are some scumbags out there that no amount of teaching will help.
- There are too many, they are uncoordinated, the hierarchy is unclear, and the communication regarding this is too infrequent and likewise uncoordinated.
- There is an apparent lack of enforcement until a lawyer or judge does something egregious, then the standard comes into question. There should be guidance to the practitioners and judiciary as to provide clarity.
- There is not enough emphasis on preparation, training, or experience in handling client issues. Most of the “lawyers” I encounter on my practice come out of law school and “fake it until they make it”. They attract clients with suspect fee arrangements and after representation that can only be described as malpractice, they leave the client with issues that require competently trained professionals to correct. This has become more frequent with the advent of for-profit law schools that have little to no admissions standards and pump out hundreds of undertrained attorneys a year, (often strapped with six figure student-loan) debt. Contrast this to other professional vocations - Doctors, Dentists, Architects, Accountants. These occupations are careful not to admit too many to their ranks, and the ones that are admitted, are required to obtain certifications that are stringent and verified. The Bar simply asks for CLE that can be bought for a few hundred dollars every three years.
- There needs to be an enforcement mechanism for unprofessional behavior, beyond relying on judges (who usually don’t have time to police children throwing sand in the sandbox). Unless the Bar gets serious about consequences, nothing will change.
- There needs to be more clarity.
- There should be a greater focus on professional courtesy, responsiveness, and working towards agreement on the big picture rather than focus on ways to beat another attorney.
- These provide a foundation, but experience will be the best teacher.
- Unfortunately, the judiciary does not intervene enough, and judges appear very reluctant to enforce such rules.
- Unless the judiciary enforces these standards, they will not be followed by those that ignore them most.
- Unprofessional pleadings and statements in court regarding opposing counsel should be addressed.
- Until economic impact follows non-compliance, an oath and standards remain a high ideal without teeth. But it is a double-edged sword, so I don’t think the Bar needs to focus its energies there.

- Update needed.
- We need to instill a sense of community within the Bar, a sense that we make each other better lawyers by interacting with each other respectfully.
- We talk about professionalism but do not live up our standards.
- What’s in there is fine. But I think we could add more, in order to emphasize how important a high level of professionalism is for an attorney.
- While the professionalism standards of The Florida Bar are fine, many lawyers do not follow those standards and are not disciplined because of their lack of following those standards.
- Without “teeth” the standards are only aspirational.
- Young attorneys frequently do not understand the full range of problems that their actions can cause, and they end up facing discipline for things that could have been handled in a more preventive way, rather than in a punitive way.
- Zealous advocacy continues to be an ill-defined and problematic term that some lawyers use to justify poor conduct and avoidance of the truth.

23. How do you feel about the amount of professionalism training a Florida lawyer receives?

<u>Category</u>	<u>Percent</u>
More training is needed	40
The amount of provided training is just right	40
Less training is needed	3
Not sure/no opinion	17

- Two-fifths of all respondents believe more professionalism training is needed (40%), while two fifths (40%) of all respondents believe the amount of training that is currently provided is just right.

23A. If more training is needed, please specify:

- 3 hours in each CLE Cycle.
- A certain number of CLE hours per reporting period should be required to be in the area of professionalism.

- A different type of training is suggested.
- Add some penalty. Encourage judicial enforcement of civility.
- Additional training is needed in the first five years of practice to inform young attorneys of alternative, professionally methods of achieving goals. Swearing, bullying, and screaming should never be tolerated in our profession.
- Again, it isn't the training. The definition isn't the problem. The failure of the judiciary to make the rogue lawyers obey the rules of procedure is the bigger issue. And it is the same lawyers over and over that do this and their tactics and behavior are well known and for the most part they are unchecked by the trial court judges.
- Again, it is not the quantity but the quality of training that has suffered. Even auto mechanics know that reading repair manuals or going to technology classes cannot give a young mechanic the "feel" for how to diagnose or troubleshoot problems that they can get by apprenticing under a skilled mentor. As the practice of law becomes more highly automated, the lack of mentoring in areas of professionalism creates a growing chasm between the business of law and profession of law that is hard for young law graduates to bridge (or in some cases even see) without seeing it modeled for them.
- Again, just as we don't need more rules, we don't need more training. We need enforcement-consequences for unprofessional lawyers. Unprofessional lawyers have had the same training as the majority of us who act professionally. Spare the rod, spoil the child, to coin a phrase.
- Apparently, the language describing professionalism isn't clearly understood or is simply ignored. More explicit descriptions & examples of improper behavior might help. Increase CLE requirement for professionalism hours & provide frequent, free online courses.
- As a group, young lawyers are the WORST.
- As more young attorneys receive less and less mentorship from experienced attorneys (either because they are forced to open their own practice immediately or do so earlier in their careers), they lose the benefit of working for longer periods with more seasoned attorneys. Can these day-to-day lessons be taught in a CLE? Probably not, but it would be helpful to create mechanisms and guidance to help lawyers mature in this way.
- At least 20 hours of professionalism training is needed for new lawyers.
- Attorneys should be trained in very specific real-life scenarios. Attorneys can give stories of what they have actually encountered to be used for the trainings.
- Avoidance of political bias and prejudice.
- Back to a profession; not advertising ambulance chasing.

- Based on observations and experiences, the concept of justice and the exercise of discretion is not the primary goal it is ethically required to be. Further the oath taken to uphold the principles of the Constitutions of State and Country on occasions seem forgotten.
- Beginning lawyers should receive more training.
- Better mentoring for real-world interactions with counsel/judiciary and management of client expectations upon intake of any matter.
- But professionalism needs to be defined in terms of knowledge and skill and diligence, not just civility and meeting deadlines and the like.
- But training does not instill a sense of community. That comes from interaction, mentoring and pride in what we do.
- Cannot teach what you cannot define. There is a need to clarify the topic, then push the discussion.
- Civility, transparency, courteousness, kindness, and responding to opposing counsel on time are areas where more training needs to happen because many lawyers do not exhibit these characteristics and practices.
- Classes/credits FULLY devoted to professionalism should be required as part of the 2-year CLE cycle. ALSO, Lawyer Advertising is out of control. Morgan started it and it has become a race to the bottom. It's now not just about boasting but demeaning other firms.
- CLEs, mentoring and training should be widely available and should be free of charge by The Florida Bar, to be subsidized by increased membership dues particularly by firms/lawyers that can afford more. Lawyers, even those in large firms, are too often put in a position to "figure it out themselves" whether due to economics, lack of time, fear or other reasons. Less mistakes and other situations will occur.
- Especially for lawyers out for a while, we focus on new lawyers, but the truth is the ones out for 15+ years are usually the ones I find that are the most unprofessional.
- Ethics re-examination should be mandatory.
- Ethics training is the red headed stepchild (please pardon the political incorrectness) of law. Not taken seriously enough, from law school through practice and continuing education.
- Even though I have rarely encountered unprofessionalism in my practice (40 plus years), I always enjoy hearing seminars discussing professionalism and expectations of civility for the Bar. It's a refreshing reminder for us all.

- Examples of discourteous behavior and courteous alternatives must be drilled into attorneys at all levels of practice.
- For most attorneys, the amount is sufficient. I was referring to only those who behave insufferably rude and unprofessional.
- Greater focus for new lawyers.
- I am a young attorney at entry level and I always worry when I communicate with clients and if they don't like something I say (because it's not what they want to hear). I worry they will file a bar complaint. I believe there should be more training as to how to communicate with clients and how to deal with their expectations.
- I am finding more older lawyers "losing it" likely do to stress/billing pressures. Even though I am an older lawyer, I think more ethics training specifically on professionalism is necessary.
- I am not sure if more training is the proper way to address the ethical issues facing many Florida attorneys. The issue lies with attorneys who do the trainings, are aware of the standards and rules but blatantly disregard them for their own gain.
- I am not sure that you can train professionalism; the law schools need to do this (and I suspect they have no idea how).
- I believe an apprenticeship as in medicine is helpful for the transition from academics to actual practice.
- I believe attorneys need to be trained to focus on handling the legal matter rather than threatening opposing counsel with sanctions, claims of fraud and criminal prosecution.
- I believe ethics and professionalism should have a greater number of CLE credit requirements for all members.
- I believe more training is needed because more attys are coming in with a lower degree of basic understanding of ethics.
- I can't say that I have read all of these rules recently, but I have been involved in cases which were far more difficult than they had to be where opposing counsel seemed to prefer litigating an issue rather than reaching an agreement. Perhaps the requirement to confer with opposing counsel prior to filing a motion or making an objection may be amended to require more specific guidelines.
- I deal with this more with seasoned attorneys, so I am not sure the issue is training new attorneys.

- I don't believe most lawyers know the professionalism standards listed exist in writing form or feel the need to know them. They think being a "good person" is enough; whatever that means to them; or they hide behind them, "I'm just protecting my client" ruse when they behave badly; And I've been a trial lawyer for almost 45 years.
- I don't think there is really any training on professionalism.
- I don't believe that the availability of training is the issue as the most egregious violations of ethical and professional obligations I've experienced in my 20+ year career has occurred in the past 4 years. All of the offenders had practiced longer than I.
- I don't know if more training is necessarily the right course of action. I think some kind of reminder of professionalism, humanity and courtesy would help.
- I don't know if would help. Common courtesies are learned long before becoming a lawyer.
- I don't think additional training would affect the attorneys who do not act professionally.
- I enjoyed the PWP course. I found it to be very informative.
- I find new lawyers, especially during Covid-19 where we don't have "in-person" contact, tend to be very "casual" and I believe that takes away from the professionalism of our profession. But, then again, I am "old school".
- I find older attorneys to be the least professional attorneys I have encountered. Most attorneys don't pay attention in CLEs or take the information to heart and apply it the way they practice. This isn't the 1980s. Things have changed and they don't appreciate or understand it.
- I just completed teaching a law school course on professionalism. As I studied the topic, I determined that the various bar associations across the country spent a lot of time on platitudes, and not enough on honesty, integrity and public service.
- I see it most with older attorneys. I believe younger attorneys obtain a lot of training in school now and after. Those who have been practicing for a longer time do their share of the CLE requirement and may not be as receptive and think their approach is just being a zealous advocate.
- I think a little more training could be helpful for some attorneys, but some of them are not going to figure it out no matter how much training they have.
- I think by the time you get your law degree you should know right from wrong.
- I think professionalism is lacking, but "training" doesn't help.

- I think that the training is more or less sufficient for newer lawyers; however, there needs to be more preparation for dealing with “seasoned” lawyers and, perhaps, some training for older attorneys on how they can professionally deal with newer attorneys. There is a generational divide that I believe occasionally causes issues.
- I was an insurance defense attorney prior to switching to tax debt resolution for taxpayers. There were absolutely horrible plaintiff attorneys. I really consider them abusive and unreasonable. Let the judiciary on a string. It was sad. It was usually corrected at trial, but the pretrial judiciary action was not good at all.
- I will be speaking in front of “future lawyers” that attend a pre-law program in high school in February and this is the topic I will focus on because I think it is sorely lacking in law school. Too many attorneys come out with a chip on their shoulder and treat each other so poorly. It makes me rather sad.
- I would consider adding CLE requirements that add courses on professionalism, not just ethics.
- I’m not sure you can teach honesty and/or the personal standards that elevate our profession to an art. (As opposed to a solely profit driven system).
- I’m having a hard time navigating legal fuel to find relevant, up-to-date, information on professionalism and ethics issues as they impact law practice management. I know Legal Fuel is updating all the time, so many we now have a tab dedicated to this topic. If not, it’d be awesome to have one.
- I’m not sure that more training will really impact attorneys that fail to act with professionalism.
- In almost 40 years as an attorney I have encountered only a small handful of instances of “lack of professionalism”. I don’t think those were the result of lack of knowledge or training in the law. More like something the people did or didn’t learn at home when they were young.
- In general, new lawyers need more training on a more practical level. After graduating law school, unless the lawyer has had substantial clerking experience, the original professionalism training and study for the professional’s exam is merely theoretical.
- Increase hours of CLE requirements.
- It is my personal belief that some/many attorneys do not properly educate themselves on their areas of practice, and thus do not serve as adequate advocates for their clients.
- It is not a training issue; it is a human nature issue. Some lawyers are just more effective bullies.

- It is not the training, it is priorities; they do not read the case law and use their own opinions to determine what is right these days.
- It seems that more frequent and more required training would reduce the frequency of unprofessional conduct as the professionalism standards would be more “top of mind” for those lawyers whose inherent personalities are incompatible with professional and ethical practice.
- It’s deeper than this question. Professional behavior is too vague and surface level a construct. I believe the Bar needs a mechanism to get to the heart of people’s experiences with each other, with clients and with the system structures they interact with.
- Judges should strongly encourage mentoring, and participation involuntary bar associations and Inns of Court.
- Just because you can do something doesn’t mean you should do it.
- Just not sure you can teach ethics, to the extent that is synonymous with professionalism.
- Law firms rely too much on samples instead of training new attorneys.
- Law school required legal ethics course; but most influential is practice style and habits of co-workers and other lawyers one deals with.
- Law school was too long ago. At that time at least one legal fraternity emphasized professionalism. Classes are not enough. The Bar, Courts, and lawyers must endorse high professional standards.
- Law schools need to bear some of this burden. Bar exams should also address this topic.
- Lawyers are always going to learn how to be professionals from their mentors and peers more than anything The Florida Bar does.
- Lawyers need an internship similar to physicians. A recent law school graduate is not competent to practice law in most areas of the law.
- Lawyers need to be taught in law school the value of cooperation, professionalism, and courtesy, especially during the discovery process in litigation.
- Lawyers should be reminded of their obligations on an annual basis or even more frequently.
- Many new lawyers simply lack any mentors or others to model for them what is and is not acceptable behavior.

- Maybe mandatory professional hours separate from ethics.
- Mistakes can occur, but I feel like a lot of violations (outside of accounting) are intentional.
- More accountability for lapses in professionalism; fines, etc.
- More CLE hours needed. Promote advertising and public awareness of remedies for lack of professionalism.
- More credits need to be required in this area.
- More emphasis should be placed on guiding young attorneys through the pitfalls they may encounter in their first years of practice with ethical training or CLE courses immediately after passing the Bar exam.
- More frequent training is needed.
- More mandatory seminars within first two years on the importance of professionalism and civility.
- More mentoring.
- More professionalism training is needed in the lawyer's first year as the habits they form then, are the habits they will likely carry over the rest of their careers.
- More training periodically. Attorneys tend to forget how to behave the older and more seasoned they become.
- More training probably won't help but it is needed. There is an utter lack of civility in the legal profession.
- Need for civility.
- Need more mentorship opportunities for new attorneys thru organizations like inns of court.
- Need more training in courtesy and civility.
- Need more training in pragmatic, situational ethics: When confronted by "X," attorney should respond by.
- Need to address training regarding technology/virtual hearings and social media specifically.
- New and old lawyers have little or no accountability in some courts. Judges should hold all lawyers to the same standards of ethics and hold violators responsible in a tangible manner.

- Not sure how but we need to teach more attorneys on how to respectfully disagree. We also need to do a better job of making sure attorneys are not needlessly demonizing opposing counsel in court. While dispute arise between clients, there is no need for attorneys to act like the dispute is personal between them.
- Not sure you can train ethics and professionalism to individuals that do not find value in the same. Would need to punish and call out those individuals acting out.
- Older attorneys could use periodic reminders regarding civil treatment of younger (particularly female) colleagues.
- Older generation attorneys are more aggressive and less likely to work together to resolve a matter. I have encountered this especially as a younger, female attorney. The older male attorneys are dismissive and rude when trying to negotiate and work together. I think we need updated professionalism standards that must be met every few years.
- Other than the Bar exam, there is little to no follow up.
- Particularly for attorneys who practice in the field of creditors' rights, more professionalism training is needed. Nearly all of the attorneys I have encountered in this specialty are highly unprofessional and unreasonably aggressive.
- Particularly for the young attorneys who appear to believe that aggression and insults are the way to succeed.
- Passage of time fades the memory and refresher events must prevail to re-awaken the memory.
- Possibly more role-playing situations regarding different situations and ways of resolving them.
- Possibly show video or act out instances of lack of professionalism. And not gross examples that anyone can recognize. More subtle but real instances.
- Professionalism is an art to a large degree. The more training the better. Considerations are always changing in this area. There needs to be a stronger sense of self-regulation and mentorship in the profession and that should be documented formally. Too many see law as just a means to make money (running their firm's like production lines) and see no obligation to give back to the profession through mentorship and teaching professionalism. This like me who fill these surveys out are not like that, but many are. They need to be confronted and must account to their brethren. Hard to do and mandate but needed.
- Professionalism is emphasized at the time of entry into The Florida Bar, but wanes as an attorney progresses in practice. Required ethics hours should be at least one more.

- Professionalism is the cornerstone of practice. The bar exam should have more emphasis on professionalism and CLE requirements should be increased.
- Prosecutors should be constantly reminded of their role within the criminal justice system.
- Real life issues need to be addressed.
- Sadly, lack of training or knowledge of professional standards is not the problem. The desire to win at any costs or bill higher is more of a motivating factor than a potential reprimand.
- Seasoned professionals need refreshers and reminders that they must adhere to the professionalism standards or will face discipline. I am 64 years of age and am shocked and saddened at the lack of respect and integrity shown by lawyers who know better but use bullying tactics, shouting, and blatant misrepresentations to get their way.
- Should be an ongoing component, not only for new attorneys.
- Should begin with a major course requirement for law schools. Once a lawyer is admitted to the Bar, it is too late. Professionalism is more of a state of mind than a set of rules.
- Should have to periodically sit for training or CLE, for example every few years take an in-person CLE course.
- Stop attorneys from claiming they can win and disappointing clients. Require fee estimates as with mechanics.
- Take a random sample of lawyers currently practicing, and ask them basic professionalism questions regarding client funds, civility or privileged information. I would bet that fewer than a third could answer these questions correctly.
- Teach attorneys how to make money.
- Technology-based ethics training is in short supply and constantly evolving.
- The current system is practically worthless.
- The ethics training, we received in law school did not address professionalism. The ethics portions of CLE seminars also don't address it.
- The initial training required around the time of licensure is excellent. Some senior attorneys could use a refresher from time to time.

- The lack of professionalism amongst most Plaintiff's counsel in personal injury cases is truly disheartening and has diminished our profession. On top of that the advertising allowed is embarrassing to our profession.
- The law colleges need to create more in-depth courses including internships to train Lawyers on professionalism.
- The only effective training is court sanctions.
- The training is not the issue. The issue is that when there are no repercussions for improper conduct, that leads to continued (and sometimes worsening) conduct.
- The training needs to be ongoing - not just as a new attorney. The American Inn of Court model should be reviewed by The Florida Bar.
- There are many attorneys who frequently talk/insult/etc. down to more junior attorneys and feel that this is OK or that it is OK because they are in a higher position. The Bar should make it easier to report this kind of professionalism violation and make the sanctions considerable for the offending party.
- There are two areas of procedure that everyone in the Bar needs further education on: abuse of 57.105 motions and abuse of discovery. It is likely an education issue. The majority of the bench and bar hardly know how to work Zoom, let alone competently practice eDiscovery. Some form of diversion into additional CLEs should be strongly encouraged by Judges.
- There aren't that many CLEs on professionalism. I feel like we are getting better with available ethics, but not professionalism.
- There is a lot of bias and discrimination in practice. Many attorneys still don't get it. Dismissive behavior and diminutive nicknames can be offensive. Moreover, is it ever appropriate to tell an off colored joke when others are in earshot?
- There is no training whatsoever. You figure it out on your own.
- There is still a lot of discrimination and a lack of diversity.
- There should be a required CLE course that lawyers should take every year!
- There should be higher emphasis generally on soft skills.
- They need to develop training on how clients should be treated.
- This answer should really be marked with an asterisk*. Members of the Bar who are not in need of additional training are the ones who engage in the most; the members who should

receive additional training tend to be individuals who do not partake in Bar events, CLEs, etc. beyond the minimum mandatory for renewal purposes.

- This is a double edge sword question. On the one hand more training is needed and, on the other hand, training is a waste of time. Those that really need it, will avoid it. Even if the classes are mandatory - you can lead the horse to water, but you cannot make him/her drink (learn).
- Too many lawyers deviate from truth and justice as their purpose. They do not understand the meaning of the term zealous representation. Too many assert arguments and claims not supported by substantial competent evidence of facts and without sound support of applicable law. They forget that their purpose is to serve by solving problems and resolving issues, leaving litigation as a last resort when good counsel followed by alternative resolution fail.
- Too many lawyers have never read the professionalism standards.
- Training by who? I was trained extremely well by Emory Law School and a large law firm. But that is not the case of law schools like Barry and then sending inadequately prepared lawyers out on their own. Those lawyers clearly don't receive the training they need that comes from a specific training program in a firm.
- Training cannot fix the problem.
- Training doesn't matter if the Bar doesn't regulate it.
- Training doesn't help much. It's character (or lack thereof) and incentives that cause the lack of professionalism.
- Training is fine. If a lawyer does not want to act professionally, no amount of additional training will matter.
- Training is not an issue; those who would practice unprofessionally will do so despite their training if the benefits to them outweigh the consequences.
- Training isn't the issue - the issue is allowing these lawyers to continue to practice. There is no accountability.
- Training may not change hard-wired traits and attitudes.
- Training must emphasize ethics, morality, and consideration of the power we hold.
- Training needs to be more specific in application of professionalism. People seem to think that if they aren't commingling funds or sleeping with clients, anything else counts as "professional."

- Training will not resolve an issue when there are no consequences to unprofessional behavior.
- Training won't fix one's character, need more liberal sanctions.
- Trainings are not taken seriously.
- Trial lawyers should be required to attend professional seminar annually.
- We have great resources. We should have more awareness and education to our members of these resources.
- We have too many lawyers and with the influx of lawyers comes an influx of persons with lower moral standards. You can't teach ethically flawed people to suddenly become ethical.
- We need more mentoring outlets.
- We see too many attorneys who have no clue, both about the law and how to act civilly.
- With many hearings and trials being conducted by Zoom, the atmosphere has become more casual and less professional. Additional training as to courtroom conduct and etiquette for online proceedings would be beneficial.
- You cannot train for honesty.
- You cannot train someone to be ethical or professional.
- You can't have too much.
- You come out of law school thinking you can do it all, only to find out that there is a maze of rules and paperwork that no one told you about. "Bridge the Gap" is good. But training for a few years would be better.
- Young lawyers are coming out of school with great debt and a need to earn a lot of money fast. They then cut corners or make mistakes. They take on cases they are not qualified to handle but because of finances cannot pass up.
- Young lawyers are rude, snarky, disrespectful, and unprepared for court.
- Zealous advocacy continues to be an ill-defined and problematic term that some lawyers use to justify poor conduct and avoidance of the truth.

24. Are you in favor of, or opposed to, stronger methods to enforce professionalism standards in Florida?

<u>Category</u>	<u>Percent</u>
In favor of stronger methods	57
Opposed to stronger methods	11
Not sure/No opinion	32

- Over half (57%) of respondents are in favor of stronger methods to enforce professionalism standards in Florida, compared to 11% who are opposed to stronger methods.

25. What are the most effective methods to improve lawyer professionalism in Florida? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
More enforcement of standards by judges	54
Additional education/training	45
Law firms to take a more proactive approach	41
Increased use of The Florida Bar discipline system	36
More authority to local professionalism panels	29
Other	7
None of the above/no action is necessary	8

- Over half (54%) of all respondents believe more enforcement of standards by judges is one of the most effective ways to improve lawyer professionalism in Florida.

25A. If “Other”, please specify:

- A certain lawyer I know should not be allowed to practice law.
- A lot of the lack of professionalism is a personality issue. Some education is necessary to make it clear that you don’t have to be unprofessional to zealously represent a client.
- Adding CLE requirements is unlikely to have any real effect. Most of the professionalism CLEs are repetitive and generic. I do not believe that a punitive approach general fosters a real dedication to professionalism either. What does help, in my experience, is positive encouragement and experience with lawyers who model professionalism. Encouraging members to join associations like the Inns of Court that emphasize professionalism would help considerably. To do so, the Bar could consider crediting a portion of meetings attend towards CLE requirements.

- A significant problem is the behavior of lawyers who believe that being nasty, abusive, and insulting is a reasonable litigation tactic. Unfortunately, there is no current way to curb such behavior and judges almost never do so. When such behavior is brought to many judges' attention, they either ignore it, require the attorneys to work it out (Impossible without a willing partner), excuse it, or treat the complaining attorney as a whiner, despite even outrageous deposition behavior. Unfortunately, the Bar needs to develop more specific and explicit behavior guidelines. The Bar needs to create more specific and explicit behavioral guidelines, particularly for litigators.
- Change the approach. It begins in law school. The structure puts goal-oriented people on a curve grading system. The atmosphere promotes a "win" over professionalism approach.
- Clarity of Rules. The rules of procedure should be clarified and extended, preferably in line with the federal rules. Ambiguities in the rules (see, e.g., PFS's, filing rules, motion rules, when/how to file proposed orders, etc.) lead to inconsistencies between jurisdictions and even individual judges--which leads to 90% of my arguments with opposing counsels. Worse is when a hearing doesn't clarify anything because a judge doesn't want to strictly adhere to the rules that are there (e.g., instead of granting a motion to compel and requiring 30 days to hold a deposition, the judge will put in the order "to be held at a time and place to be agreed upon between the attorneys or set by the court". This is an empty order that helps nothing and no one, yet I've gotten it more than once).
- Classes/credits fully devoted to professionalism should be required as part of the 2-year CLE cycle. Also, lawyer advertising is out of control. Morgan started it and it has become a race to the bottom. It's now not just boasting but demeaning other firms. PI advertising has always been distasteful, but Morgan has brought it to a new low with ads designed to demean the competition and to take business away from competitor smaller firms. I have been astonished that his radio ads are getting approved by the Bar.
- Close to half of the billboards in the Tampa area are for plaintiff's attorneys. This is the primary exposure to the legal system that many have. We should not be confused as to the basis of the public perception of lawyers.
- Consider adding an investigative division to the Bar (not someone behind a desk).
- Consistency among the judiciary. When judges are overworked and/or refuse to be consistent in their rulings on issues, it encourages attorneys to fight over things that shouldn't be issues.
- Discipline can affect people's ability to make a living. There should be something in between where someone could be referred to a refresher course on professional responsibility without it being considered a disciplinary action.
- Do whatever it takes to wake-up the judiciary. Expediency alone does not serve justice. Sure, it clears the calendar but at the expense of a continually growing public distrust. Put an end to crony jurisprudence. Get serious about making judges accountable – especially

appellate judges, many of whom are known to rely almost exclusively on their clerks and the synopsis created by just one judge of the briefs presented. Make them punch a clock as many are known to be out of the courthouse most of the working hours of a day. Only the Florida Supreme Court should have the final say in any sanction against a lawyer.

- Easier access to the Courts to address attorney misconduct complaints.
- Education, education, and education.
- Elimination of corporate lawyer certifications to practice in Florida. Requiring Basic certification in order to practice in a particular area. Not Board certified “expertise” certification but requiring more standards than taking a 3-hour CLE and purchasing a software in order to solicit clients in any area. Elimination of “general practice” as a practice area. I cannot tell you how many clients I see on a weekly basis who are represented by attorneys who have no idea what they are doing. It’s terrible.
- Enforcement against judges too!
- Fewer lawyers.
- Free services to be offered by The Florida Bar, subsidized by increased dues.
- Frivolous Bar complaints have become common.
- Get rid of self-regulation. Make this profession like every other; governed by the state.
- Have them address it as a theme throughout law school so it starts at the very beginning. No need to wait until they are licensed.
- Higher standards upon admission.
- I’m not sure as most are personality traits that are hard for 3rd parties to control.
- I believe we need a system to provide warnings to attorneys, similar to a yellow card in soccer. I would envision a reporting place or process where concerns or other issues could be brought, and some sort of panel would review and if necessary, speak with the attorney to counsel, guide or warn. Maybe an internal system where Judges and members could raise concerns before they become serious.
- I can’t say that I have read all of these rules recently, but I have been involved in cases which were far more difficult than they had to be where opposing counsel seemed to prefer litigating an issue rather than reaching an agreement. Perhaps the requirement to confer with opposing counsel prior to filing a motion or making an objection may be amended to require more specific guidelines.

- I do not think making everyone that is doing the right thing should be forced to take more of their time with more professionalism education. But for those attorneys who cannot act right, I think the Bar should step in and clearly draw the line as to what will not be tolerated.
- I don't know the answer, but I am very tired of seeing the same attorneys representing human traffickers repeatedly. It shames me to be a part of the same profession they are.
- I don't think more discipline is necessary for offending attorneys, but perhaps additional educational classes would be more beneficial.
- I emphasize that young lawyers are the problem. They have no basis in professional courtesy and lack boundaries on their words. Also, a lack of preparation shows; more than just lazy, it's disdain of reading case law.
- I receive frequent fabricated complaints with outright lies from clients whose primary motivation is to receive a refund on already received legal services. The client's fabrication and subsequent complaints to The Florida Bar is always favorably addressed in my favor but, it is an extreme nuisance and requires I raise rates to account for the extra unnecessary work I should not have to do (and unfortunately the good clients can barely afford our rates): The Florida Bar should aggressively address clients who fabricate what they know to be phony Florida Bar complaints and figure out a way to deter them more effectively.
- I think education, and a proactive approach, are most effective. Enforcement has its place. Currently, there are already quite a few rules out there, if you, which may overwhelm solos, and others, in keeping up with. Additionally, you have some who, frankly, disregard them oftentimes. Enforcement is, at times, not uniform, on the one hand, and inadequate on the other. I have seen, while practicing at the local level, in small town environments, that entrusting enforcement, to locals, may not be the best way to go. Local attorneys, and the judiciary, are products of that local environment. You are not going to change some abuses of the system unless some sort of merit system is applied to the judiciary (beyond retention elections, so on), and there is new, outside, blood in same and the local bar and its oversight.
- I think there are issues with partners sending associates to do the dirty work that they don't want to do. I think when there is a professionalism issue, the partner overseeing the associate should be involved and should go through training as well. There should be an investigation into the extent to which the partner oversaw/was aware of the associate's behavior, and whether the partner was guiding the associate's behavior. Partners need to take a greater role in positively mentoring younger attorneys, instead of fostering unprofessional behavior.
- If judges do not consistently create consequences for lawyers' dishonesty, lawyers will continue to be dishonest. Lawyers in commercial litigation now regularly misrepresent the law and the facts. This must change. Professionalism panels and the Bar's discipline mechanisms are much further removed from the dishonest conduct than judges. This distance causes insecurity about discipline and second-guessing, even when discipline is required. Courts must create and enforce clear boundaries of our okaying field or lawyers

will always stretch them. The lawyers that stretch the boundaries get more clients, because cheating wins more often in the long term if it is consequence-free. This incentivizes more stretching. This is why attorneys cannot be counted on to reign themselves in.

- If the Bar News began publishing the names/photos of unprofessional lawyers, and setting forth what they did/said, even quoting from some of the obnoxious, combative, otherworldly things they write in emails and pleadings, that would make them think twice. Also, diversion programs let offenders get off with a slap on the wrist. No to “diversion”.
- In nine years, I have never seen a Judge so much as comment on an abuse of procedure for a tactical advantage in a case.
- In order to be a trial judge, one should have been lead counsel in at least 5 jury trials. Many judges do not know the rules of evidence.
- Increase community involvement.
- Increase standard for professionalism and hold those standards to all members of The Florida Bar, including politicians and those in the public eye.
- Inns of Court.
- It has to become a way of life for lawyers and there has to be general consensus as to what professionalism means. Top down discipline is generally heavy handed and merely punitive. It does little to make professional behavior the standard way we practice.
- It is usually the same lawyers who cause most of the problems. And many of them seem to have personality disorders or character defects. No amount of training or discipline is likely to reach them. There needs to be some other method of identifying and reaching those lawyers, though I am not sure what it would be. Perhaps some kind of diversionary counseling scheme that could be instituted after referral to a professionalism panel.
- I’ve had to deal with attorneys that behave like wild animals, screaming profanities, threatening to “destroy you” on the phone. Saying horrible things like “I’ll make your life a living hell” or “I’ll keep you tied up in litigation until you’re bankrupt!” and things like that. Maybe I should just start recording all my calls and notifying the other side that I am doing so at the start? We need a solution for using terror to force people into submission, and we need to start implementing serious disciplinary measures for lawyers that terrorize.
- Judges actually sanctioning sanctionable conduct.
- Judges are the culprits. They need to be called out often for their unprofessional activities.
- Judges do not enforce 57.105 attorneys. They are afraid to. This bogs down the court system. The Bar is overwhelmed chasing down lawyers who steal from their clients but overlooks everything else.

- Judges need to feel capable of sanctioning this behavior at the trial court level.
- Judges need to stop putting their heads in the sand and accept the Eddie Haskell plaintiff's attorneys who are unprofessional in their interactions with defense counsel's office but then pretend they will play nice when they get in front of the judge.
- Judges often don't enforce the rules and make those who bring it to their attention feel petty. If judges cared, the attorneys would care.
- Judges setting the example by professional treatment of others in the courtroom.
- Law firm/workplace culture, model behavior of other lawyers and judges in your circle, or for younger lawyers even modeled in law school.
- Lawyer professionalism should not be regulated by anyone.
- Lawyers mimic society; hard to teach professionalism.
- Less lawyers and less judicial interference. Limit the competition among lawyers and judges have to stop restricting fees and allow us to make a living. Once the majority of lawyers can make a solid living, then professionalism will increase.
- Lessen the number of rules and make the surviving rules clearer.
- Like unruly children who throw tantrums to get their way, lawyers require discipline as well by judges and other lawyers without fear of retribution.
- Local standards outlining expectations (such as number of days' notice required for certain events, automatic extensions of time on first request, etc.).
- Lower costs of going to law school. Reduce number of lawyers. Lower filing fees. Give young lawyers an opportunity to ease into the practice of law.
- Making access to the rules and questions/answers that come up in everyday practice readily accessible and easy to use.
- Mandatory in person training.
- Mandatory professionalism CLE or other additional training periodically.
- Mentoring. **(2 Responses)**
- Mentoring by active lawyers before lawyers with less than five years are free to solo practice without mentoring.

- Mentoring requirements for all lawyers in their early years, and a more proactive discipline system that can ferret out young lawyers with inappropriate attitudes for personal attention before they become grievance targets for their inappropriate conduct towards clients, fellow lawyers and judges. The model established for impaired lawyers which emphasizes early identification and ongoing support for voluntary rehabilitation is probably a better place to start for professionalism issues than punishment, and in fact, there may be a substantial overlap between lawyers who act inappropriately and those who suffer from addictions or mental health issues.
- Mentorship should be more widely encouraged and made available through programs.
- Morality, honesty and empathy for others needs to be emphasized. Arrogance must be stamped out.
- More access to senior attorneys to discuss issues with.
- More ethical behavior by judges.
- More referrals to Florida versus disciplinary focus.
- One problem is in order to enforce professionalism in the sense of competence and effectiveness, you need someone who understands what good performance is. I've seen an experienced judge tell a capital defendant that a particular lawyer was highly skilled and experienced and he should be happy to be represented by that lawyer, and I've read penalty proceeding transcripts conducted by the same lawyer and I would say this person should not be allowed to practice law at all.
- Penalties for frivolous litigation.
- Periodic positive reminders go a long way to remind us all to present our best behavior at all times. Most of us strive to do this without the need for "enforcement", but positive feedback in general will help us all in those moments when tempers fray, particularly after the recent and chronic abysmal examples of public and political interaction at the highest levels.
- Practice with professionalism always - even when faced with something you consider unprofessional.
- Probably a different approach should be taken with law students during their matriculation. Professionalism, if it is lacking in this field, likely needs to be recruited, cultivated, and valued amongst law school graduates. Perhaps, professionalism should be ingrained throughout the law school curricula, rather than relegated to a class and/or preparation for a Bar examination. If the majority future Florida lawyers are to be steeped in professionalism, it must somehow be bred in them; Bar discipline measures after admission seem so much like "closing the barn door after the horses have run out."

- Professionalism is about character. Unfortunately, some attorneys lack the mental and moral qualities our profession demands. I believe a more serious inquiry into the personality of a candidate is required. Perhaps a deeper evaluation into the psychological/emotional and moral/ethical analysis is required.
- Professionalism is an art to a large degree. The more training the better. Considerations are always changing in this area. There needs to be a stronger sense of self-regulation and mentorship in the profession and that should be documented formally. Too many attorneys see law as just a means to make money (running their firm's like production lines) and see no obligation to give back to the profession through mentorship and teaching professionalism. People like me who fill these surveys out are not like that, but many are. They need to be confronted and must account to their brethren. Hard to do and mandate but needed.
- Professionalism problems encountered have less to do with opposing counsel being aggressive and more with them just not appropriately communicating/responding, which results in wasted resources, time, and leaving incorrect impressions on the court re: parties proactivity in litigation. There should be more attention paid to communication basics as part of professionalism.
- Quicker turnaround time for the "unresponsive" attorney.
- Reduce the oversaturation of lawyers and law schools. This will increase the quality of law students which, in turn, will benefit the entire legal profession. Half of the current law schools have a failing (less than 72%) bar passage rate. Many law schools are nothing but diploma mills. The Bar must hold the law schools to a higher standard. If a law school can kick out a law student (after milking them of tens of thousands of dollars) for not maintaining a (72%) then the Bar must do the same to the law school. ALL of the young lawyers I talk to have zero trust in the Bar and believe the Bar only cares about making money/power by having more lawyers.
- Re-examination.
- Regulate appropriateness of advertising by "injury" lawyers.
- Require petitioners and respondents to include email and cell phone numbers be included in pleadings. Add to the legal writing courses a client communication standard of monthly emails for updates section to eliminate unintended ethics violations.
- Simple procedures to make complaints to the Bar for unprofessional behavior with expedited resolution.
- Some judges are the worst offenders. So, counsel who contribute to their campaigns, reap the rewards. And those who don't contribute, or even worse, contribute to a political opponent, get screwed. Along with their clients. So please don't give judges more power.
- Standards with teeth.

- Stricter rules regarding television advertising.
- The Bar should use the discipline system against law firms and sanctions against the firm and all the people who own and manage the firm. They should also take an active role in making the firm culture more inclusive and less hostile.
- The biggest issue I see are just rude and disrespectful attorneys. I'm not sure how you can address personality characteristics that contribute to poor professionalism as an attorney.
- The Courts are in the best position to regulate lawyer behavior in a proceeding. If the Court determines that a lawyer's conduct is out of line, the Court can refer the matter to The Florida Bar.
- The Courts could easily put the hammer down; if they figure out who is causing the problem. Lawyers need to understand that unprofessional conduct will cost their clients, and themselves. Unfortunately, too often unprofessional conduct pays. The opposite should be the case.
- The ethics hotline is good but the problem with it is that it is not binding. It would be nice for attorneys to have a method to obtain a safe harbor from being accused of ethics violations by those who are seeking to exploit the rules for their benefit rather than the rules being there to protect the public.
- The Florida Bar should be independent from the judiciary. The judiciary is never held responsible for its unprofessionalism. There is also very little oversight for prosecutorial misconduct. The Bar cares more about monetary disputes than an attorney unjustly depriving a person of their liberty.
- The last thing lawyers need is a witch-hunting Florida Bar. If there is evidence that a lawyer violated the express language of a Bar Rule, by all means investigate. By contrast, if there is no evidence that a lawyer violated the express language of a Bar Rule, dispose of the investigation quickly. The Bar should be given zero discretion to interpret rules.
- The problem I see is the unprofessional behavior of those types of attorneys typically is not addressed and since it goes unpunished, they continue with rude behavior.
- There are professionalism issues insofar as the courts/judges and treatment; yet all the questions focus on other attorneys and looking for panels re: other attorneys.
- There is a difficult balance between unprofessional behavior and zealous advocacy. Lawyers should be held to high standards of decency and honesty, but I see some judges using professionalism "concerns" as a way to stifle advocacy.
- There was an old phrase, "the Bench and Bar," where I was told lawyers and judges were partners in the "vineyard of justice." Now we are "stakeholders," like probation officers or guardian's ad litem. It's a shame lawyers are no longer partners with the judiciary.

- These compliance mechanisms are all good options. Maybe also add an Ombud's to informally address interests and needs that are not compliance based.
- They discipline system is broken and they attorneys for the bar are totally unprofessional and rude.
- Training alone doesn't cut it. Judges need to enforce standards.
- Unfortunately, I believe that the only way this will ever improve is if attorney's themselves take pride in their professionalism.
- We need consequences for lawyers who think being immature, loud and aggressive is acceptable. Those of us who believe in professionalism are able to push back, but it ruins quality of life and practice.
- When judges see a lack of professionalism, they need to call the lawyer out on it. Again, and again, I see that they do not do it, considering it a part of doing business.

26. Should The Florida Bar seek to establish a mechanism to discipline consistently disruptive and unruly lawyers, separate from what exists under the current discipline process?

<u>Category</u>	<u>Percent</u>
Yes – it should offer a separate diversion program as an alternative to discipline for disruptive and unruly lawyers	43
Yes – it should offer a separate diversion program that includes a mandatory medical evaluation and treatment plan	9
No – it is too subjective of an issue	18
No – I am not in favor of establishing a separate diversion program for disruptive and unruly lawyers	15
No opinion	15

- Just over two-fifths (43%) believe The Florida Bar should seek to establish a mechanism to discipline consistently disruptive and unruly lawyers, separate from what exists under the current discipline process.

27. What is your evaluation of the competence and fitness of judges in your region of the state?

<u>Category</u>	<u>Percent</u>
Excellent	18
Good	52
Fair	25
Poor	5

- Over two-thirds (70%) of all respondents report that the competence and fitness of judges in their region of the state is either excellent or good. That percentage is up from 62% in 2019 and 58% in 2017.

27A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – What is your evaluation of the competence and fitness of judges in your region of the state?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
Excellent	14	12	18
Good	44	50	52
Fair	34	28	25
Poor	8	10	5

27B. What is your evaluation of the competence and fitness of judges in your region of the state? – BY Region of Primary Practice, Gender, Age Group, and Type of Practice

<u>Region</u>	<u>Exc./Good Percent</u>	<u>Fair/Poor Percent</u>
Central/Southwest	75	25
North	70	30
Southeast	65	35

<u>Gender</u>	<u>Exc./Good Percent</u>	<u>Fair/Poor Percent</u>
Female	73	27
Male	68	32

<u>Age Group</u>	<u>Exc./Good Percent</u>	<u>Fair/Poor Percent</u>
35 years of age or younger	70	30
36 to 49 years of age	64	36
50 to 65 years of age	74	26
Over 65 years of age	70	30

<u>Type of Practice</u>	<u>Exc./Good Percent</u>	<u>Fair/Poor Percent</u>
Other Legal Position	70	30
Private Practice	69	31
Government Practice	78	22

28. In general, do you feel that the legal profession, as a career, is:

<u>Category</u>	<u>Percent</u>
Becoming much more desirable	<1
Becoming somewhat more desirable	2
Staying about the same	27
Becoming somewhat less desirable	51
Becoming much less desirable	19

- Over two-thirds (70%) of all respondents believe that the legal profession, as a career, is becoming less desirable, compared to only 3% who believe it is becoming more desirable.

28A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – In general, do you feel that the legal profession, as a career, is:

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
Becoming much more desirable	<1	<1	<1
Becoming somewhat more desirable	2	3	2
Staying about the same	20	23	27
Becoming somewhat less desirable	52	52	51
Becoming much less desirable	26	22	19

28B. In general, do you feel that the legal profession, as a career, is: – BY Region of Primary Practice, Gender and Age Group

<u>Region</u>	<u>More Desirable Percent</u>	<u>Staying the Same Percent</u>	<u>Less Desirable Percent</u>
Central/Southwest	5	30	65
North	2	23	75
Southeast	2	26	72

<u>Gender</u>	<u>More Desirable Percent</u>	<u>Staying the Same Percent</u>	<u>Less Desirable Percent</u>
Female	3	25	72
Male	3	27	70

<u>Age Group</u>	<u>More Desirable Percent</u>	<u>Staying the Same Percent</u>	<u>Less Desirable Percent</u>
35 years of age or younger	6	24	70
36 to 49 years of age	2	20	78
50 to 65 years of age	2	29	69
Over 65 years of age	3	35	62

28C. In general, do you feel that the legal profession, as a career, is: – BY Type of Practice

<u>Type of Practice</u>	<u>More Desirable Percent</u>	<u>Staying the Same Percent</u>	<u>Less Desirable Percent</u>
Other Legal Position	6	31	63
Private Practice	3	26	71
Government Practice	5	32	63

29. Over the past five years, do you feel that the public’s view of lawyers and the legal profession has become more or less favorable?

<u>Category</u>	<u>Percent</u>
More favorable	1
Remained the same	45
Less favorable	54

- Over half (54%) of all respondents believe that the public’s view of lawyers and the legal profession has become less favorable over the past five years, while 45% believe the public’s view has remained the same. Only 1% believe it has become more favorable.

29A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – Over the past five years, do you feel that the public’s view of lawyers and the legal profession has become more or less favorable?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
More favorable	1	2	1
Remained the same	47	46	45
Less favorable	52	52	54

29B. Over the past five years, do you feel that the public's view of lawyers and the legal profession has become more or less favorable? – BY Region of Primary Practice, Age Group, Type of Practice, and Gender

<u>Region</u>	<u>Less Favorable Percent</u>	<u>Staying the Same Percent</u>	<u>More Favorable Percent</u>
Southeast	58	42	<1
North	57	43	0
Central/Southwest	50	49	2

<u>Age Group</u>	<u>Less Favorable Percent</u>	<u>Staying the Same Percent</u>	<u>More Favorable Percent</u>
35 years of age or younger	55	44	1
36 to 49 years of age	59	41	<1
50 to 65 years of age	52	47	<1
Over 65 years of age	52	48	<1

<u>Type of Practice</u>	<u>Less Favorable Percent</u>	<u>Staying the Same Percent</u>	<u>More Favorable Percent</u>
Other Legal Position	55	45	0
Private Practice	53	46	1
Government Practice	58	40	2

<u>Gender</u>	<u>Less Favorable Percent</u>	<u>Staying the Same Percent</u>	<u>More Favorable Percent</u>
Female	58	41	<1
Male	53	46	<1

30. How strongly do you agree or disagree that the legal needs of Florida’s citizens are currently being met?

<u>Category</u>	<u>Percent</u>
Strongly agree	7
Somewhat agree	40
Neither agree nor disagree	24
Somewhat disagree	23
Strongly disagree	6

- Almost half (47%) of all respondents agree that the legal needs of Florida’s citizens are currently being met, compared to over one-quarter (29%) who believe those legal needs are not being met.

30A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – How strongly do you agree or disagree that the legal needs of Florida’s citizens are currently being met?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
Strongly agree	9	7	7
Somewhat agree	38	40	40
Neither agree nor disagree	22	24	24
Somewhat disagree	21	22	23
Strongly disagree	10	7	6

30B. How strongly do you agree or disagree that the legal needs of Florida’s citizens are currently being met? – BY Region of Primary Practice, Age Group, Type of Practice, and Gender

<u>Region</u>	<u>Agree Percent</u>	<u>Neutral Percent</u>	<u>Disagree Percent</u>
Southeast	49	21	30
North	47	20	33
Central/Southwest	45	27	28

<u>Age Group</u>	<u>Agree Percent</u>	<u>Neutral Percent</u>	<u>Disagree Percent</u>
35 years of age or younger	50	19	31
36 to 49 years of age	50	26	24
50 to 65 years of age	46	22	32
Over 65 years of age	40	22	38

<u>Type of Practice</u>	<u>Agree Percent</u>	<u>Neutral Percent</u>	<u>Disagree Percent</u>
Private Practice	48	24	28
Government Practice	46	20	34
Other Legal Position	25	33	42

<u>Gender</u>	<u>Agree Percent</u>	<u>Neutral Percent</u>	<u>Disagree Percent</u>
Male	48	24	28
Female	44	24	32

31. During a typical month, how many times do you visit the Bar's website?

<u>Category</u>	<u>Percent</u>
None	15
Once	34
Twice	20
3 to 4 times	17
5 to 10 times	9
More than 10 times	5

- About half (49%) of all respondents who visited the Bar's website report accessing it once or not at all in a "typical" month, while 14% report accessing it five or more times in a typical month.

31A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – During a typical month, how many times do you visit the Bar's website?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
None	14	13	15
Once	33	34	34
Twice	18	18	20
3 to 4 times	20	19	17
5 to 10 times	9	9	9
More than 10 times	6	7	5

31B. During a typical month, how many times do you visit the Bar’s website? (INCLUDES ONLY THOSE RESPONDENTS WHO HAVE VISITED THE BAR’S WEBSITE) – BY Region of Primary Practice and Age Group

	<u>Region</u>		
<u>Frequency of Access</u>	North Region <u>Percent</u>	Cent/SW Region <u>Percent</u>	Southeast Region <u>Percent</u>
None	13	13	17
Once	33	34	34
Twice	25	20	18
3 or 4 times	17	19	15
5 or 10 times	7	9	11
Over 10 times	5	5	5

	<u>Age Group</u>			
<u>Frequency of Access</u>	35 or under years of age <u>Percent</u>	36 to 49 years of age <u>Percent</u>	50 to 65 years of age <u>Percent</u>	Over 65 years of age <u>Percent</u>
None	14	13	15	24
Once	43	33	33	36
Twice	19	21	20	20
3 or 4 times	16	18	17	10
5 or 10 times	6	10	9	7
Over 10 times	2	5	6	3

32. Which of the following services on The Florida Bar’s website have you found to be useful? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Attorney search (Find a Lawyer)	79
CLE information/status	73
Post CLE hours	68
CLE program search/purchase/register	42
Rules Regulating The Florida Bar	34
Member portal	33
Ethics opinions	31
Address update	28
Florida Bar Journal	26
Free legal research (Fastcase)	24
Florida Bar <i>News</i>	20
Member benefits	17
LegalFuel	10
Career Center	6
Covid-19 resources and information	6
Legal links	5
Homepage announcements	4
Lawyers Advising Lawyers	3
Lawyer referral service platform	2

- A significantly higher percentage of respondents report attorney search (79%), CLE information/status (73%), and the posting of CLE hours (68%) to be useful services offered through The Florida Bar’s website.

32A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – Which of the following services on The Florida Bar’s website have you found to be useful? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
Attorney search (Find a Lawyer)	77	79	79
CLE information/status	73	76	73
Post CLE hours	69	67	68
CLE program search/purchase/register	--	--	42
Rules Regulating The Florida Bar	36	33	34
Member portal	--	--	33
Ethics opinions	30	28	31
Address update	32	36	28
Florida Bar Journal	16	23	26
Free legal research (Fastcase)	32	26	24
Florida Bar <i>News</i>	14	24	20
Member benefits	21	20	17
LegalFuel	8	9	10
Career Center	7	7	6
Covid-19 resources and information	--	--	6
Legal links	5	3	5
Homepage announcements	4	5	4
Lawyers Advising Lawyers	2	3	3
Lawyer referral service platform	--	--	2

33. What is the likelihood that you will provide pro bono services in the next 12 months?

<u>Category</u>	<u>Percent</u>
Very likely	38
Somewhat likely	19
Undecided/Neither likely nor unlikely	11
Somewhat unlikely	6
Very unlikely	15
Not applicable	12

- Over half (57%) of all respondents indicate they are likely to provide pro bono services in the next 12 months, compared to just over one-fifth (21%) who indicate they are unlikely to do so.

33A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – What is the likelihood that you will provide pro bono services in the next 12 months?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
Very likely	44	44	38
Somewhat likely	17	16	19
Undecided/Neither likely nor unlikely	8	10	11
Somewhat unlikely	6	6	6
Very unlikely	19	15	15
Not applicable	6	10	12

34. Of The Florida Bar’s 2020-21 Planning Priorities (which stem from The Florida Bar’s 2019-22 Strategic Plan), which of the following priorities is most important to you?

<u>Category</u>	<u>Percent</u>
Continue to monitor the evolving needs of Florida lawyers and provide members with high quality educational opportunities, ethics guidance, member benefits, services and other needed resources	44
Continue to develop lawyer proficiency with technology and help lawyers understand and successfully adapt to the everchanging legal environment	24
Evaluate new and innovative potential solutions to address the gap in legal services for under-served Florida citizens	12
Continue to promote The Florida Bar’s mental health and wellness awareness Initiatives	9
Continue to develop creative and dynamic messaging to effectively communicate The Florida Bar’s message to its diverse membership, the general public and targeted groups	6
Support and promote programs that encourage diversity and inclusiveness in the legal profession	5

- Over two-fifths (44%) of all respondents list “continue to monitor the evolving needs of Florida lawyers and provide members with high quality educational opportunities, ethics guidance, member benefits, services and other needed resources” as the most important strategic planning priority of The Florida Bar.

35. Please indicate the level of impact that each of the following factors currently has on your ability to successfully practice law:

<u>Category</u>	<u>Major Impact Percent</u>	<u>Minor Impact Percent</u>	<u>No Impact Percent</u>
Client expectations	61	24	15
Covid-19 pandemic	55	35	10
Court operations	51	32	17
New/advanced technology	44	40	16
Economy	42	41	17
Quality of the judiciary	41	36	23
Work-life balance	41	36	23
Lawyer professionalism	32	49	19
Increased competition	24	42	34
Image of lawyers	16	47	36
Unauthorized practice of law	12	29	59
Pro se litigants	9	33	58

- Over half of all respondents report that client expectations (61%), the Covid-19 pandemic (55%) and Court operations (51%) are factors that are currently having a major impact on their ability to successfully practice law.

36. Due to Covid-19 pandemic, which of the following items do you feel will result in permanent changes to Florida legal profession? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Remote working policies	85
Technological resources used by the Courts	83
Technological resources used by firms or legal offices	79
Amount or configuration of physical office space	67
Increased requirement for technology skills on hiring	63
Support staff size	33
How matters are staffed	27
Compensation	16
Billable rates	9

- Over three-quarters of all respondents believe that, due to the Covid-19 pandemic, permanent changes will take place involving remote working policies (85%), technological resources used by the Courts (83%), and technological resources (79%) used by firms or legal offices.

37. Where have you been going on a consistent basis for important COVID-19 related information about the legal profession? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Clerk of Court website	48
Word of mouth from colleagues	47
Florida Courts website	45
State of Florida website	35
Social media sites	24
Employer of law firm website	19
Subscription-based, legal news service	19
The Florida Bar, YLD or LegalFuel website	12
American Bar Association website	7
Other	12

- Nearly half of all respondents report that they have been going to the Clerk of Court website (48%), obtaining news from colleagues (47%) or going to the Florida Courts website (45%) on a consistent basis for important COVID-19 pandemic related information about the legal profession. The most frequently mentioned responses under the “Other” category are local bar email, court email, and administrative orders.

37A. Where have you been going on a consistent basis for important COVID-19 related information about the legal profession? (COMPARISON BETWEEN 2020 COVID-19 RECOVERY SURVEY AND 2021 FLORIDA BAR MEMBER SURVEY) (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	June 2020 Florida Bar COVID-19 Pandemic Recovery Survey <u>Percent</u>	February 2021 Florida Bar Member Survey <u>Percent</u>
Clerk of Court website	50	48
Word of mouth from colleagues	40	47
Florida Courts website	60	45
State of Florida website	45	35
Social media sites	32	24
Employer of law firm website	23	19
Subscription-based, legal news service	29	19
The Florida Bar, YLD or LegalFuel website	25	12
American Bar Association website	9	7
Other	11	12

38. Please rate the general quality of CLE seminars sponsored by both The Florida Bar and non-Florida Bar providers:

<u>Category</u>	Florida Bar Sponsored CLE <u>Percent</u>	Non-Florida Bar Sponsored CLE <u>Percent</u>
Excellent	31	16
Good	48	48
Fair	9	16
Poor	1	3
Not Sure/No Opinion	6	8
Not Applicable	5	9

- About four-fifths (79%) of all respondents rate the general quality of Florida Bar CLE seminars as excellent or good, compared to 10% who rate the quality as fair or poor.
- Almost two-thirds (64%) of all respondents rate the general quality of seminars from non-Florida Bar providers as excellent or good, compared to 19% who rate the quality as fair or poor.

39. Please rate the pricing of CLE seminars sponsored by both The Florida Bar and non-Florida Bar providers:

<u>Category</u>	Florida Bar Sponsored CLE <u>Percent</u>	Non-Florida Bar Sponsored CLE <u>Percent</u>
Excellent	10	7
Good	27	26
Fair	32	30
Poor	16	16
Not Sure/No Opinion	9	11
Not Applicable	6	10

- Over one-third (37%) of all respondents rate the pricing of Florida Bar CLE seminars as excellent or good, compared to nearly half (48%) who rate the pricing as fair or poor.
- One-thirds (33%) of all respondents rate the pricing of seminars from non-Florida Bar providers as excellent or good, compared to nearly half (46%) who rate the pricing as fair or poor.

40. Which of the following formats are your most preferred for receiving CLE? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
24/7 On-Demand	78
Live presentation	41
Live video webcast	39
Live audio webcast	13
CD format	12
DVD format	10
MP3 format	8
Other	2
None of the above	<1

- Over three-quarters (78%) of all respondents report that 24/7 On-Demand is a preferred format for receiving CLE. Podcasts is the most frequently mentioned format listed under the “Other” category.

41. Please check any organization which sponsored a continuing legal education (CLE) seminar that you attended in the past year: (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
The Florida Bar	71
Local or state bar	35
For profit CLE provider	31
In-house	12
American Bar Association	11
Inns of Court	8
Federal Bar Association	7
Law School	6
The Fund	6
Florida Association of Criminal Defense Lawyers (FACDL)	5
Florida Justice Association (FJA)	5
Florida Public Defenders Association	2
National Association of Criminal Defense Lawyers	2
Defense Research Institute (DRI)	<1
Florida Prosecuting Attorneys Association (FPPA)	1
Other	20

- Over two-thirds (71%) of all respondents attended a Florida Bar sponsored CLE seminar in the past 12 months and just over one-third (35%) attended a seminar sponsored by a

local or state bar. The most frequently mentioned providers listed under the “Other” category are Florida Association of Women Lawyers and the Practicing Law Institute.

42. What is your most preferred time of day to view live CLE webcasts?

<u>Category</u>	<u>Percent</u>
Weekday lunch period (Noon-1pm)	29
Weekday afternoons	15
Weekday mornings	9
I prefer viewing a taped version of the CLE webcasts	23
I do <u>not</u> watch live CLE webcasts	13
No preference	11

- Over one-quarter (29%) prefer the weekday lunch period to view live CLE webcasts, while almost one-quarter (23%) prefer viewing a taped version of a CLE webcast.

43. How do you usually learn about CLE courses or seminars? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Email	78
Florida Bar website	31
Word of mouth/colleagues/firm or office	24
Local or voluntary bar	23
Florida Bar <i>News</i> ad	19
Florida Bar Section correspondence	15
Direct mail	12
Social media	12
Other	3

- Over three-quarters (78%) of all respondents indicate that email is a resource for learning about CLE courses or seminars.
- The most frequently mentioned method listed under the “Other” category is Google/online search.

44. Which is your most preferred resource for receiving information about upcoming Florida Bar CLE seminars:

<u>Category</u>	<u>Percent</u>
Email	70
Florida Bar website	9
Direct mail	4
Florida Bar <i>News</i> ad	4
Florida Bar Section correspondence	3
Local or voluntary bar	3
Word of mouth/colleagues/firm or office	3
Social media	1
I am <u>not</u> interested in Florida Bar CLE seminars	3

- Email (70%), by a large margin, is the most preferred resource for receiving information about upcoming Florida Bar CLE seminars.

45. Within the past 24 months, have you attended a Florida Bar Section CLE seminar in which you were not a member of the sponsoring section(s) at the time?

<u>Category</u>	<u>Percent</u>
Yes	31
No	51
Not applicable/I have <u>not</u> attended any Florida Bar Section CLE programs	18

46. In the past 24 months, have you performed any of the following actions?

- a. Used a CLE provider that offers unlimited CLE for a flat rate (e.g. \$300 per year)**

<u>Category</u>	<u>Percent</u>
Yes	18
No	76
Not applicable/I have <u>not</u> attended any Florida Bar Section CLE programs	6

b. Performed a web search (e.g. Google, Bing) to find a CLE provider on a particular subject

<u>Category</u>	<u>Percent</u>
Yes	31
No	63
Not applicable/I have <u>not</u> attended any Florida Bar Section CLE programs	6

c. Rated or reviewed a CLE program

<u>Category</u>	<u>Percent</u>
Yes	42
No	53
Not applicable/I have <u>not</u> attended any Florida Bar Section CLE programs	5

d. Had difficulty fulfilling annual Florida Bar CLE requirements

<u>Category</u>	<u>Percent</u>
Yes	8
No	86
Not applicable/I have <u>not</u> attended any Florida Bar Section CLE programs	6

e. Shared a CLE audio or video program (CD, DVD, download) with another lawyer

<u>Category</u>	<u>Percent</u>
Yes	15
No	78
Not applicable/I have <u>not</u> attended any Florida Bar Section CLE programs	7

47. Approximately, how much do you spend annually on continuing legal education?

<u>Category</u>	<u>Percent</u>
None – my firm or legal office pays for it	27
None – I obtain free CLE	11
Less than \$100	6
\$100 to \$250	15
\$251 to \$500	18
Over \$500	18
Unknown/Not sure	5

- Over one-third (38%) of all respondents report that they obtain free CLE or that their legal office pays for it, while over one-third (36%) of all respondents report spending over \$250 annually on CLE.

48. From the following list, please indicate technology-based companies, software products or tools that you are currently aware of and consistently use: (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Have Some Awareness About Percent</u>	<u>Consistently Use in My Firm or Legal Office Percent</u>
Microsoft Office (Excel, Word, etc.)	11	68
Microsoft Outlook	13	60
Adobe	16	59
Dropbox	34	31
LexisNexis	36	22
QuickBooks	22	18
Clio	11	3
MyCase	13	3
Salesforce	10	3
CARA	3	<1
Lawgeex	3	<1
Legalmaton	3	<1
Lex Machina	4	<1
Luminance	3	<1

49. If you or your firm/legal office use a specific technology-based software program or tool for billing, client screening, discovery assistance, payroll or timekeeping, please fill in the blanks below:

a. Billing software programs

A total of 301 responses were provided regarding the usage of a specific technology-based software program or tool for billing. The table below shows the seven most frequently mentioned billing software programs.

<u>Category</u>	<u>Number of Responses</u>
PC Law	34
Quickbooks	29
Clio	23
Tabs	20
Practice Panther	19
TimeSlips	17
MyCase	17

b. Client screening software programs

A total of 92 responses were provided regarding the usage of a specific technology-based software program or tool for client screening. The table below shows the four most frequently mentioned client screening software programs.

<u>Category</u>	<u>Number of Responses</u>
PCLaw	9
Aderant	8
Clio	8
MyCase	6

c. Discovery assistance software programs

A total of 59 responses were provided regarding the usage of a specific technology-based software program or tool for discovery assistance. The table below shows the four most frequently mentioned discovery assistance software programs.

<u>Category</u>	<u>Number of Responses</u>
Casemap	4
LexisNexis	3
Logickull	3
Relativity	3

d. Payroll software programs

A total of 170 responses were provided regarding the usage of a specific technology-based software program or tool for payroll. The table below shows the four most frequently mentioned payroll software programs.

<u>Category</u>	<u>Number of Responses</u>
Quickbooks	49
ADP	34
PayChex	29
Gusto	8

e. Timekeeping software programs

A total of 307 responses were provided regarding the usage of a specific technology-based software program or tool for timekeeping. The table below shows the eight most frequently mentioned timekeeping software programs.

<u>Category</u>	<u>Number of Responses</u>
PC Law	29
Clio	21
MyCase	17
Practice Panther	17
TimeSlips	15
Aderant	15
QuickBooks	15
Tabs3	15

50. Which of the following tools do you use for your online legal research needs? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Westlaw	49
Google/Internet Search	43
Fastcase	32
LexisNexis	30
Google Scholar	16
Findlaw	13
Casemaker	<1
Lois Law	<1
Other	6
None of the above/do not conduct legal research	7

- Westlaw (49%) and Google/Internet Search (43%) are the most frequently reported tools used for online legal research.
- Florida Law Weekly, CaseText, and Bloomberg are the most frequently mentioned tools listed under the “Other” category.

51. **Not including email or work processing programs such as Word, Excel, Outlook, etc., do you use any other technology-based programs?**

<u>Category</u>	<u>Percent</u>
Yes	37
No	45
Not sure	15
Not applicable	3

- 51A. **If “Yes”, please list the program(s) and the percentage of your overall time it is used:**

A total of 574 technology based programs were provided by respondents. The table below lists the three most frequently mentioned programs.

<u>Category</u>	<u>Number of Responses</u>
Zoom	62
Microsoft Teams	29
QuickBooks	15

52. **Before the onset of the Covid-19 pandemic, how often did you or your firm/legal office use the following video conferencing programs?**

<u>Category</u>	<u>Frequently Percent</u>	<u>Occasionally Percent</u>	<u>Rarely Percent</u>	<u>Never Percent</u>	<u>Not Applicable Percent</u>
Zoom	9	11	17	59	4
Microsoft Teams	4	9	12	69	6
Cisco Webex	3	7	11	70	9
GoToMeeting	3	16	20	54	7
RingCentral	3	2	4	81	10
Google Meet	<1	3	7	80	10

53. How comfortable are you today in using video conferencing programs such as Zoom and Cisco Webex?

<u>Category</u>	<u>Percent</u>
Extremely comfortable	52
Somewhat comfortable	36
Neither comfortable nor uncomfortable	5
Somewhat uncomfortable	4
Extremely uncomfortable	1
I do not use video conferencing programs	2

- A large majority (88%) of respondents are comfortable using video conferencing programs such as Zoom and Cisco WebEx, compared to 5% who report being uncomfortable.

54. Which of the following support staff do you utilize in your firm or legal office? (MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)

<u>Category</u>	<u>Percent</u>
Legal Secretary	57
Paralegal	57
Receptionist	45
Bookkeeper/Accountant	44
Office Manager	38
Information Technology/Computer (IT)	37
Runner	12
Record Clerk	11
Other	5
None of the above	15

- Over half of all respondents report utilizing a legal secretary (57%) or a paralegal (57%) in their firm or legal office. The most frequently mentioned support staff position listed under the “Other” category is assistant.

55. Please indicate how strongly you agree or disagree with the following statements:

a. My firm/legal office has taken appropriate action in response to COVID-19

<u>Category</u>	<u>Percent</u>
Strongly agree	67
Somewhat agree	19
Neither agree nor disagree	10
Somewhat disagree	3
Strongly disagree	1

- A large majority (86%) of all respondents agree that their firm/legal office has taken appropriate action in response to the COVID-19 pandemic, compared to only 4% who disagree.

b. My firm/legal office is appropriately adapting to changes in legal technology

<u>Category</u>	<u>Percent</u>
Strongly agree	51
Somewhat agree	36
Neither agree nor disagree	9
Somewhat disagree	3
Strongly disagree	<1

- A large majority (87%) of all respondents agree that their firm/legal office is appropriately adapting to changes in legal technology, compared to only 4% who disagree.

c. My employer supports lawyer/staff health and wellness

<u>Category</u>	<u>Percent</u>
Strongly agree	45
Somewhat agree	23
Neither agree nor disagree	25
Somewhat disagree	4
Strongly disagree	3

- Over two-thirds (68%) of all respondents agree that their employer supports lawyer/staff health and wellness, compared to only 7% who disagree.

d. My work and personal life has good balance

<u>Category</u>	<u>Percent</u>
Strongly agree	30
Somewhat agree	40
Neither agree nor disagree	12
Somewhat disagree	13
Strongly disagree	3

- Over two-thirds (70%) of all respondents agree that their work and personal life has good balance, compared to 16% who disagree.

e. Support staff has resulted in time saving for me and my firm/legal office

<u>Category</u>	<u>Percent</u>
Strongly agree	26
Somewhat agree	24
Neither agree nor disagree	37
Somewhat disagree	9
Strongly disagree	4

- Half (50%) of all respondents agree that support staff has resulted in time saving for them and their firm/legal office, compared to 13% who disagree.

f. The legal profession will change to a more flexible work/life balance over the next few years

<u>Category</u>	<u>Percent</u>
Strongly agree	18
Somewhat agree	34
Neither agree nor disagree	29
Somewhat disagree	13
Strongly disagree	6

- Just over half (52%) of all respondents agree that the legal profession will change to a more flexible work/life balance over the next few years, compared to 19% who disagree.

g. Support staff has increased the profitability of my firm/legal office

<u>Category</u>	<u>Percent</u>
Strongly agree	18
Somewhat agree	19
Neither agree nor disagree	47
Somewhat disagree	10
Strongly disagree	6

- Over one-third (37%) of all respondents agree that support staff has increased the profitability of their firm/legal office, compared to 16% who disagree.

h. Florida is a good place to practice in terms of compensation

<u>Category</u>	<u>Percent</u>
Strongly agree	15
Somewhat agree	49
Neither agree nor disagree	19
Somewhat disagree	12
Strongly disagree	5

- Nearly two-thirds (64%) of all respondents agree that Florida is a good place to practice in terms of compensation, compared to 17% who disagree.

i. If my firm/legal office's support staff could provide more services to the clients of the firm, I or my firm/legal office would be better able to serve clients

<u>Category</u>	<u>Percent</u>
Strongly agree	13
Somewhat agree	19
Neither agree nor disagree	50
Somewhat disagree	12
Strongly disagree	6

- Nearly one-third (32%) of all respondents agree that if their firm/legal office's support staff could provide more services to the clients of the firm, they or their firm/legal office would be better able to serve clients, compared to 18% who disagree.

- j. If my firm/legal office's support staff could provide more services to the clients of the firm/legal office, the profitability of my firm/legal office would increase

<u>Category</u>	<u>Percent</u>
Strongly agree	12
Somewhat agree	18
Neither agree nor disagree	52
Somewhat disagree	12
Strongly disagree	7

- Over one-quarter (30%) of all respondents agree that if their firm/legal office's support staff could provide more services to the clients of the firm/legal office, the profitability of their firm/legal office would increase, compared to 19% who disagree.

56. Do you or your law firm/legal office advertise?

<u>Category</u>	<u>Percent</u>
Yes	28
No	68
Do not know	4

56A. Do you or your law firm/legal office advertise? (PRIVATE PRACTICE ATTORNEYS ONLY)

<u>Category</u>	<u>Percent</u>
Yes	33
No	63
Do not know	4

- 57. If yes, please indicate in what method(s) your firm/legal office advertises:
(MULTIPLE RESPONSE QUESTION – CHECK ALL THAT APPLY)**

<u>Category</u>	<u>Percent</u>
Internet webpage	76
Social media	60
Search engine optimization (SEO)	50
Sponsoring events	42
Magazines	17
Billboards (includes displays on buses/benches)	16
Radio	16
Direct mail (includes text messaging)	15
Television	13
Newspapers	9
Other	7
I am unaware of the advertising methods	3

- Internet webpage (76%) and social media (60%) are the most frequently mentioned methods of advertising. The most frequently mentioned method listed under the “Other” category is Church bulletin.

- 58. What is your feeling about the current restrictions on lawyer advertising in Florida?**

<u>Category</u>	<u>Percent</u>
They are too liberal	61
They are balanced	29
They are too restrictive	10

- Over three-fifths (61%) of all respondents believe the current restrictions on lawyer advertising in Florida are too liberal, compared to 10% who believe they are too restrictive.

58A. Comparison between 2017 thru 2021 Florida Bar Member Surveys – What is your feeling about the current restrictions on lawyer advertising in Florida?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
They are too liberal	68	68	61
They are balanced	23	22	29
They are too restrictive	9	10	10

**58B. What is your feeling about the current restrictions on lawyer advertising in Florida?
– BY Whether Respondent’s Firm or Legal Office Advertises**

<u>Category</u>	<u>Too Liberal Percent</u>	<u>Balanced Percent</u>	<u>Too Restrictive Percent</u>
Firm or legal office does <u>not</u> advertise	65	29	6
Firm or legal office advertises	51	29	21

**58C. What is your feeling about the current restrictions on lawyer advertising in Florida?
– BY Age Group and Type of Practice**

<u>Age Group</u>	<u>Too Liberal Percent</u>	<u>Balanced Percent</u>	<u>Too Restrictive Percent</u>
35 years of age or younger	62	29	9
36 to 49 years of age	65	22	13
50 to 65 years of age	57	35	8
Over 65 years of age	60	33	7

<u>Type of Practice</u>	<u>Too Liberal Percent</u>	<u>Balanced Percent</u>	<u>Too Restrictive Percent</u>
Government Practice	64	33	3
Other Legal Position	63	31	6
Private Practice	60	28	12

- 59. Do you feel The Florida Bar's current advertising rules put you or your firm/legal office at a disadvantage with nonlawyer competitors?**

<u>Category</u>	<u>Percent</u>
Yes	16
No	52
Not sure	11
Not applicable	21

- 59A. Do you feel The Florida Bar's current advertising rules put you or your firm/legal office at a disadvantage with nonlawyer competitors? – BY Whether Respondent's Firm or Legal Office Advertises**

<u>Category</u>	<u>Yes Percent</u>	<u>No Percent</u>	<u>Not Sure/Not Applicable Percent</u>
Firm or legal office advertises	24	57	19
Firm or legal office does <u>not</u> advertise	13	51	36

- 59B. Do you feel The Florida Bar's current advertising rules put you or your firm/legal office at a disadvantage with nonlawyer competitors? – BY Age Group and Type of Practice**

<u>Age Group</u>	<u>Yes Percent</u>	<u>No Percent</u>	<u>Not Sure/Not Applicable Percent</u>
35 years of age or younger	9	59	32
36 to 49 years of age	20	52	28
50 to 65 years of age	14	52	35
Over 65 years of age	23	42	35

<u>Type of Practice</u>	<u>Yes Percent</u>	<u>No Percent</u>	<u>Not Sure/Not Applicable Percent</u>
Private Practice	20	58	22
Other Legal Position	8	31	61
Government Practice	3	32	65

- 60. Do you feel that eliminating or relaxing the rule prohibiting a lawyer from sharing fees with non-lawyers would increase business development opportunities for lawyers?**

<u>Category</u>	<u>Percent</u>
Yes	24
No	53
Not sure/No opinion	18
Not applicable	5

- Less than one-quarter (24%) of all respondents believe eliminating or relaxing the rule prohibiting a lawyer from sharing fees with non-lawyers would increase business development opportunities for lawyers.

- 61. Should a technology company that develops a platform designed to attract consumers of legal services, and which matches them with lawyers having the requisite experience, be permitted to retain a portion of the fee paid by the consumer?**

<u>Category</u>	<u>Percent</u>
Yes	5
Yes, but it should not be based on the value of the engagement	13
No	65
Not sure/No opinion	17

- Only 18% (5% - Yes; 13% - Yes with a condition) believe a technology company that develops a platform designed to attract consumers of legal services, and which matches them with lawyers having the requisite experience, should be permitted to retain a portion of the fee paid by the consumer.

- 62. Should non-lawyers who actively support a legal practice in delivering legal services be permitted to become partners or shareholders, as applicable, in that practice?**

<u>Category</u>	<u>Percent</u>
Yes	3
Yes, with conditions	6
No	81
Not sure/No opinion	10

- Only 9% (3% - Yes; 6% - Yes with a condition) believe that non-lawyers who actively support a legal practice in delivering legal services should be permitted to become partners or shareholders, as applicable, in that practice.

62A. If “Yes, with conditions”, please specify the condition(s):

- As long as lawyers maintain control.
- As long as they do not have direct decision-making roles in representation of clients.
- Cannot influence any aspect of the actual practice of law, including client selection and retention; cannot have access to confidential information.
- CFO's & CTO's are as important as lawyers in today's practices but need to be subject to the same ethical and confidentially constraints.
- Clearly identified as non-lawyer.
- High level accountants/managers, investigators probably OK. But they need to maintain the necessary license(s). Certain arrangements for high-hours investigators, consultants, etc., might lower overhead?
- I think with the fluency of the profession changing, other licensed service professionals should be able to join, such as a CPA. I do not think medical doctors and lawyers should be able to be partners or shareholders.
- If the support staff member has a J.D. but not a law license because they are retired from active practice but not disciplined.
- If they are actively involved in the handling of legal matter, i.e. paralegals or legal secretaries. Not marketing or management personnel.
- I would, I'd have to think about it and research it, but offhand I don't think the same type of partnership is warranted. I do not want to water down our profession. With regard to Q.59, I feel the same. I didn't like the way it was worded. Yes, of course, it would provide more opportunities. I don't think anyone could answer “no” the way it's worded but I do not think it's a good idea for our profession.
- Maintain trust restrictions. Minority partner status only. Cannot have sole decision-making authority.
- Malpractice insurance to include. Disclosure on letterhead and in any advertisements.
- Minority control.
- Must actively contribute to income of firm.
- Must be subject to discipline by The Florida Bar and the Attorney General.

- Need to preserve the attorney client privilege and deal with that person leaving the firm - a CFO leaving a firm without clearly established rules and procedures can be more problematic than a litigator leaving.
- Needs to be disclosed to clients.
- No legal decisions, for the firm or for clients, should be made by this shareholder; they should simply be entitled to a share of profits.
- No practice of law.
- Not having input on work much like insurance should not be able to affect medical treatment.
- Not sure, but this is a change that should proceed incrementally.
- Only if they can become an affiliated member of the Bar and are subject to Bar governance and regulations.
- That they remain actively involved and employed in the day to day practice.
- The ethical requirements for lawyers must be met at all times and the non-lawyers cannot control the lawyer's decisions on how to represent the client but sharing profits with a non-lawyer should be something lawyers can do.
- The line between lawyers and non-lawyers should be the primary concern of the Bar and the general public. Consider what happened when CPAs learned the importance of keeping auditing and consulting separate.
- They should be entitled to receive bonuses but not a direct percentage or portion of the fees their services have the ability to generate.
- They should not be able to render a legal opinion or advise on legal rights.
- They should not have a role in legal decisions or strategy.

63. Should law firms be permitted to raise capital by selling ownership interests in their firm to passive investors?

<u>Category</u>	<u>Percent</u>
Yes	2
Yes, with conditions	5
No	84
Not sure/No opinion	9

- Only 7% (2% - Yes; 5% - Yes with conditions) believe law firms should be permitted to raise capital by selling ownership interests in their firm to passive investors, compared to over four-fifths (84%) of all respondents who believe this should not be permitted.

63A. If “Yes, with conditions”, please specify the condition(s):

- Absolutely not.
- Bar regulation and oversight.
- Control maintained by lawyers.
- Control of the legal aspect of the firm should remain with the lawyers.
- If the investors are lawyers.
- Investors should have no role in decisions or strategy in specific legal matters.
- Investors would have to be like “limited partners” without control over the practice of law itself.
- It is already in essence happening already with litigation funding and that needs to be looked at more closely.
- Law practice should be an honorable profession not a street business.
- Maintain trust restrictions. Minority partner status only. Cannot have sole decision-making authority.
- Must be subject to discipline by The Florida Bar and the Attorney General.
- Must maintain legal ethics. Lawyers must make the decisions on how to represent the client.
- My concern is if the investor becomes involved instead of remaining passive.

- Need to limit client information and not destroy attorney client privileges.
- No voting rights for passive investors.
- Not more than 33% to 49% of the business in total.
- Passive investor must be a lawyer regulated by The Florida Bar.
- Really? Wow....
- Should not permit non-US companies or individuals to have ownership interest under almost all circumstances.
- That the investor be a member of The Florida Bar.
- The non-lawyers have not input into case management.
- The passive investors should be members of The Florida Bar.
- They should not be able to render a legal opinion or advise to legal rights must remain passive, no managing rights.

DEMOGRAPHICS

64. In what COUNTY is your primary law practice?

<u>County</u>	2021 Florida Bar Member Survey <u>Percent</u>	Florida Bar Membership Data <u>Percent</u>
Alachua	1	1
Baker	<1	<1
Bay	<1	<1
Bradford	0	<1
Brevard	1	2
Broward	11	11
Calhoun	0	<1
Charlotte	<1	<1
Citrus	<1	<1
Clay	<1	<1
Collier	1	1
Columbia	<1	<1
DeSoto	<1	<1
Dixie	<1	<1
Duval	5	5
Escambia	1	1
Flagler	<1	<1
Franklin	0	<1
Gadsden	<1	<1
Gilchrist	<1	<1
Glades	0	<1
Gulf	0	<1
Hamilton	0	<1
Hardee	0	<1
Hendry	<1	<1
Hernando	<1	<1
Highlands	<1	<1
Hillsborough	9	8
Holmes	<1	<1
Indian River	<1	<1
Jackson	<1	<1
Jefferson	<1	<1
Lafayette	0	<1
Lake	<1	<1
Lee	2	2
Leon	4	4

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<u>County</u>	Florida Bar Membership Data <u>Percent</u>	2021 Florida Bar Member Survey <u>Percent</u>
Levy	0	<1
Liberty	0	<1
Madison	0	<1
Manatee	<1	<1
Marion	<1	<1
Martin	<1	<1
Miami-Dade	18	19
Monroe	<1	<1
Nassau	<1	<1
Okaloosa	<1	<1
Okeechobee	<1	<1
Orange	7	7
Osceola	<1	<1
Palm Beach	9	9
Pasco	<1	<1
Pinellas	4	4
Polk	1	1
Putnam	<1	<1
Santa Rosa	<1	<1
Sarasota	2	2
Seminole	1	1
St. Johns	<1	<1
St. Lucie	<1	<1
Sumter	<1	<1
Suwannee	0	<1
Taylor	0	<1
Union	0	<1
Volusia	1	2
Wakulla	0	<1
Walton	0	<1
Washington	<1	<1

65. What is your gender?

<u>Category</u>	<u>% of Respondents</u>	<u>Actual Bar Membership %</u>
Male	61	61
Female	39	39

65A. What is your gender? – BY Age Group

<u>Category</u>	<u>35 or under years of age Percent</u>	<u>36 to 49 years of age Percent</u>	<u>50 to 65 years of age Percent</u>	<u>Over 65 years of age Percent</u>
Male	51	54	66	80
Female	49	46	34	20

66. What is your race or ethnic origin?

<u>Category</u>	<u>Percent</u>
White/Caucasian	81
Hispanic/Latino	11
African-American/Black	4
Other	3
Asian or Pacific Islander	1

- The most frequently listed responses under the “Other” category are bi-racial/mixed race and Middle Eastern.

66A. Comparison between 2017 thru 2021 Membership Opinion Surveys – What is your race or ethnic origin?

<u>Category</u>	<u>2017 Survey Percent</u>	<u>2019 Survey Percent</u>	<u>2021 Survey Percent</u>
White/Caucasian	83	82	81
Hispanic/Latino	10	10	11
African-American/Black	3	4	4
Other	3	3	3
Asian or Pacific Islander	1	1	1

66B. What is your race or ethnic origin? – BY Age Group

<u>Category</u>	35 or under years of age <u>Percent</u>	36 to 49 years of age <u>Percent</u>	50 to 65 years of age <u>Percent</u>	Over 65 years of age <u>Percent</u>
White/Caucasian	67	79	82	95
Hispanic/Latino	20	12	10	3
African-American/Black	7	4	4	0
Other	4	3	3	2
Asian or Pacific Islander	2	2	<1	0

67. Age

<u>Category</u>	<u>Percent</u>
35 years of age or younger	18
36 to 49 years of age	34
50 to 65 years of age	34
Over 65 years of age	14

68. Years of experience in The Florida Bar

<u>Category</u>	<u>Percent</u>
Less than 2 years	5
2 to 5 years	12
6 to 10 years	19
11 to 20 years	30
More than 20 years	34

Mean = 18 years
Median = 18 years
Range = <1 to 69 years

- Almost two-thirds (64%) of all respondents have more than 10 years of experience as attorneys in The Florida Bar. The median years of experience in The Florida Bar is 18 years.

APPENDIX 3

RULE 2.530. COMMUNICATION EQUIPMENT TECHNOLOGY

(a) Definitions.

(1) ~~Communication equipment means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of all parties is audible to all persons present.~~ **Audio communication technology is defined as electronic devices, systems, applications and platforms that permit all participants to hear and speak to all other participants in real-time.**

(2) ~~Audio-video communication technology is defined as electronic devices, systems, applications and platforms that permit all participants to hear, see, and speak to all other participants in real-time.~~

(b) ~~Use by all Parties~~Non-Evidentiary Proceedings. ~~A county or circuit judge may, upon the court's own motion or upon the written request of a party, direct that communication equipment be used for a motion hearing, pretrial conference, or a status conference. A judge must give notice to the parties and consider any objections they may have to the use of communication equipment before directing that communication equipment be used. The decision to use communication equipment over the objection of parties will be in the sound discretion of the trial court, except as noted below.~~ **On written request by a party or at the discretion of a county or circuit court judge, general magistrate, special magistrate or hearing officer, audio or audio-video communication technology may be used for any non-evidentiary proceeding. Reasonable notice of the proceeding must be given to the parties to include the specific form of the audio or audio-video communication technology to be used. A party may object to such use of audio or audio-video communication technology. The decision to allow the use of audio or audio-video communication technology over the objection of any party shall be in the sound discretion of the county or circuit court judge, general magistrate, special magistrate or hearing officer. However, absent a showing of good cause to deny the request, any request to use audio or audio-video communication technology for any non-evidentiary proceeding must be granted if consented to by all parties, permitted by another rule of procedure, or scheduled for 30 minutes or less.**

(c) ~~Use Only by Requesting Party~~Evidentiary Proceedings. ~~A county or circuit judge may, upon the written request of a party upon reasonable~~

~~notice to all other parties, permit a requesting party to participate through communication equipment in a scheduled motion hearing; however, any such request (except in criminal, juvenile, and appellate proceedings) must be granted, absent a showing of good cause to deny the same, where the hearing is set for not longer than 15 minutes.~~

~~(d) Testimony.~~

(1) **Generally.** A county or circuit court judge, general magistrate, special magistrate or hearing officer may allow testimony to be taken through communication equipment audio or audio-video communication technology if all parties consent or if permitted by another applicable rule of procedure.

(2) **Procedure.** Any party desiring to present testimony through communication equipment audio or audio-video communication technology must shall, prior to the hearing or trial at which the testimony is to be presented, ~~contact~~ all parties to determine whether each party consents to this form of testimony. The party seeking to present the testimony shall move for permission to present testimony through communication equipment audio or audio-video communication technology, which motion shall ~~must~~ set forth good cause as to why the testimony should be allowed in this the specific audio or audio-video communication technology form to be used. Factors to be considered in determining whether good cause exists to allow testimony in the requested form include the consent of the parties, the time-sensitivity of the matter, the nature of the relief sought and the amount in controversy in the case, the resources of the parties, the anticipated duration of the testimony, the need and ability to review and identify documents during testimony, the probative value of the testimony, the geographic location of the witness, the cost and inconvenience in requiring the physical presence of the witness, the need for confrontation of the witness, the need to observe the demeanor of the witness, the potential for unfair surprise, and any other matter relevant to the request.

(3) **Oath.** ~~Testimony may be taken through communication equipment only if a notary public or other person authorized to administer oaths in the witness's jurisdiction is present with the witness and administers the oath consistent with the laws of the jurisdiction.~~

(A) **Generally.** Testimony may be taken by audio or audio-video communication technology if a notary public or other person authorized to

administer oaths in the witness's jurisdiction is physically present with the witness and administers the oath consistent with the laws of that jurisdiction.

(B) Remotely by Audio-Video Communication

Technology. A witness may be sworn remotely by audio-video communication technology from a location in the State of Florida if a person who is qualified to administer oaths in the State of Florida confirms the witness's identity.

Additionally, if the witness is not located in the State of Florida, the witness must consent to being put under oath:

(i) by a person who is qualified to administer oaths in the State of Florida; and

(ii) under the general law of the State of Florida.

~~(4) — **Confrontation Rights.** In juvenile and criminal proceedings the defendant must make an informed waiver of any confrontation rights that may be abridged by the use of communication equipment.~~

~~(54) — **Video Testimony by Audio-video Communication**~~

~~**Technology.** If the testimony to be presented utilizes video conferencing or comparable two-way visual capabilities audio-video communication technology, the court in its discretion may modify the procedures set forth in this rule to accommodate the technology utilized.~~

(ed) Burden of Expense. Unless otherwise directed by the court, ~~the~~ cost for the use of the communication equipment audio-video communication technology is the responsibility of the requesting party ~~unless otherwise directed by the court,~~ subject to allocation or taxation as costs.

~~(f) — **Override of Family Violence Indicator.** Communication equipment may be used for a hearing on a petition to override a family violence indicator under Florida Family Law Rule of Procedure 12.650.~~