

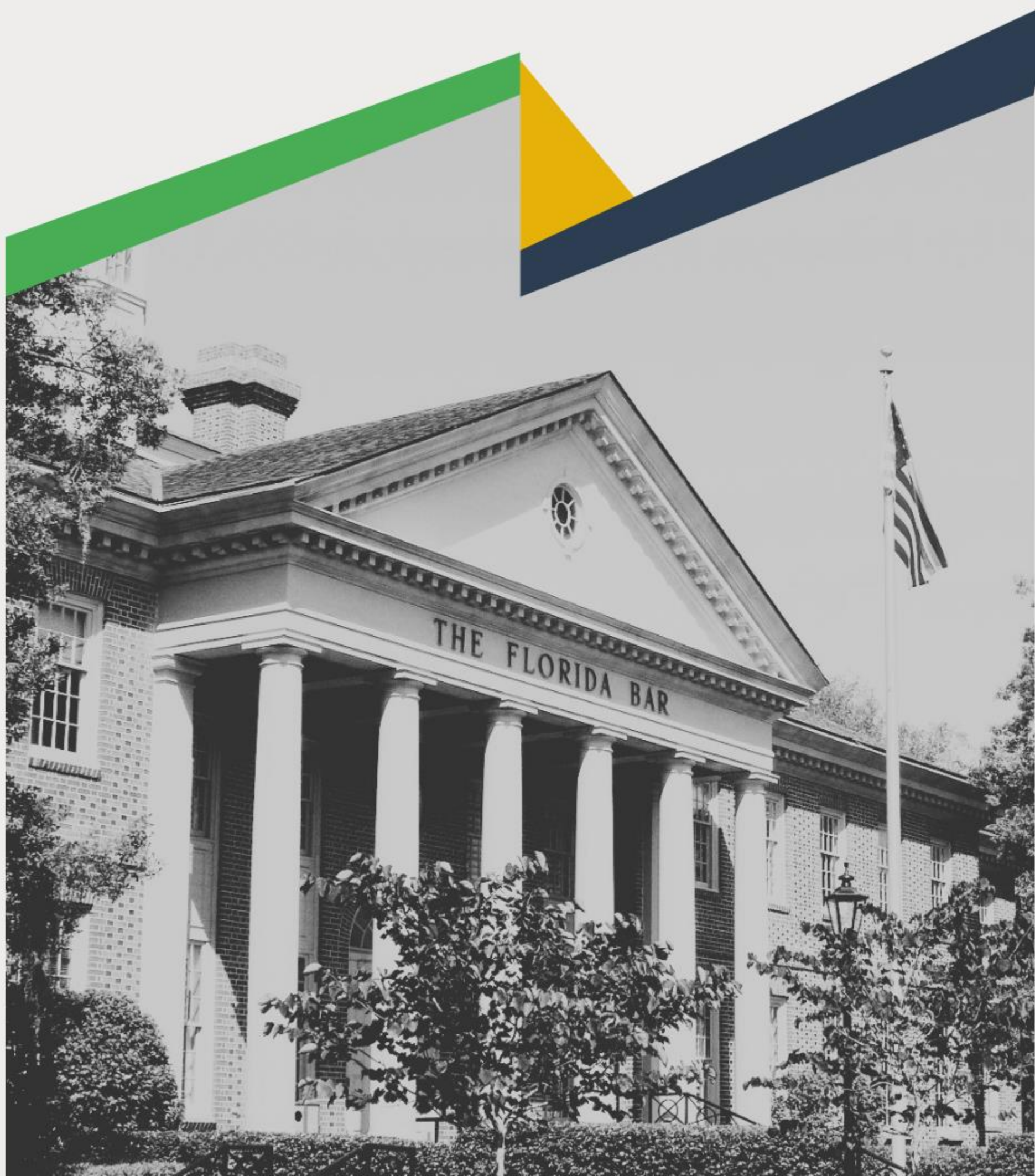


Reporters' Workshop

Overview of The Florida
Bar Discipline System

The Florida Bar

- The Florida Bar is an arm of the Florida Supreme Court
- Mandatory Bar – Lawyers must be members to practice Florida law
- The Florida Bar is self-regulating – The Florida Bar investigates and prosecutes Florida Bar members for violating Rules of Professional Conduct



Discipline System

- **Complaint Driven**
- **Anyone can file a complaint**
– there is no “standing” requirement

Find out more on Lawyer Discipline

<https://www.floridabar.org/public/acap/acap002/>



Confidentiality

Discipline Records

- Subject to Florida Rules of General Practice and Judicial Administration on public records except where Rules Regulating The Florida Bar specify otherwise
- Not subject to Florida Statutes Section 119 except as court rules provide
- Rule 3-7.1, RRTFB, provides for confidentiality of disciplinary investigations until probable cause is found or a case is closed without a probable cause finding

Overview of Disciplinary Process

Complaint



Attorney Consumer Assistance Program (ACAP)/Intake



Branch Offices (5)



Grievance Committee (Similar to Grand Jury)

Board of Governor Review



Probable Cause Found



Referee Appointed By Chief Judge

Trial held and recommendation is made to the Supreme Court.



Supreme Court of Florida

Handles appeals and issues final order

Staff Level Investigations

Inquiry

- Jurisdiction?
- If true, is it a violation?

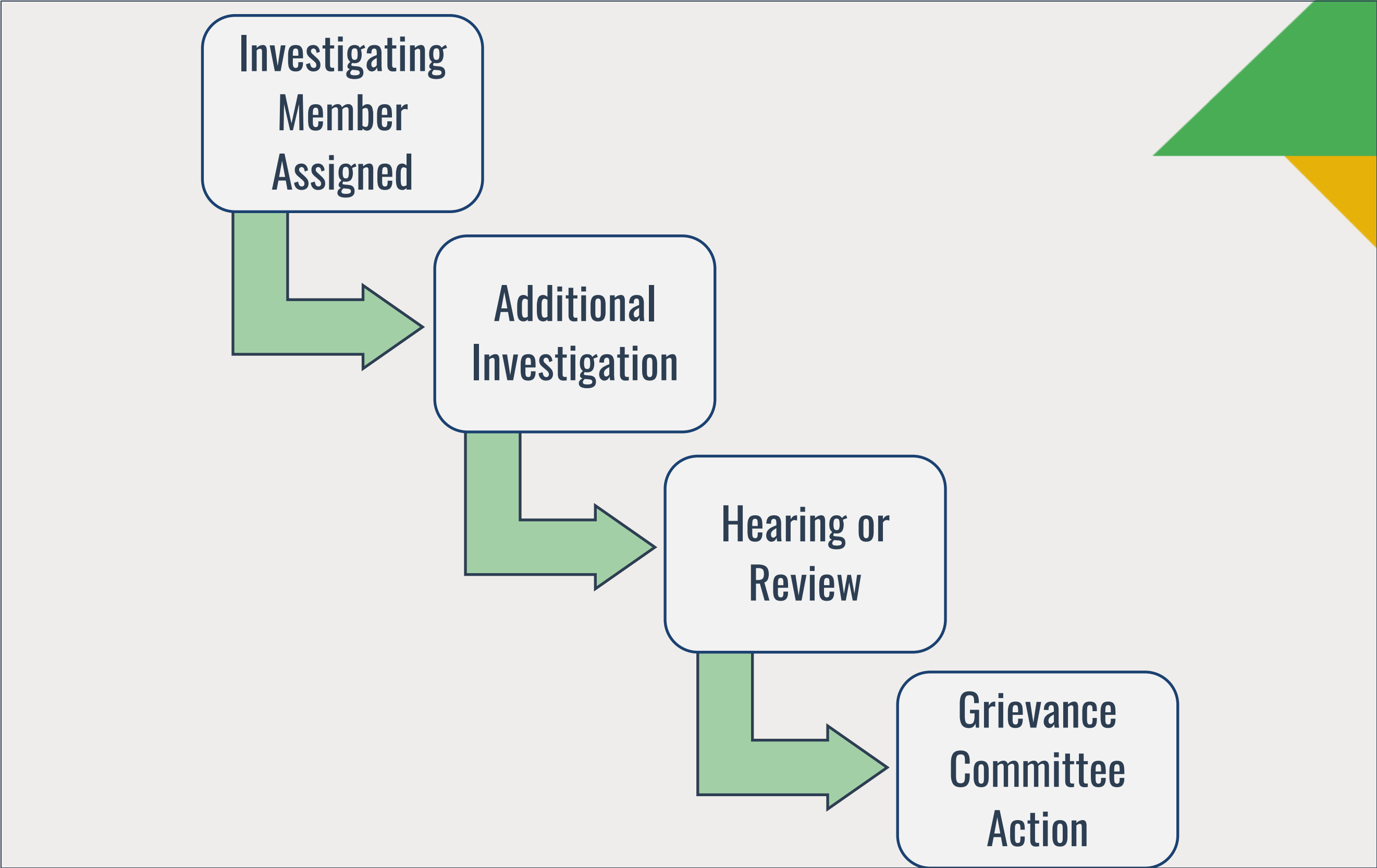
Complaint

- Response requested
- Rebuttal allowed
- Analysis of facts

Options

- Mediation/Fee Arbitration
- Referral to Grievance Committee
- Closure

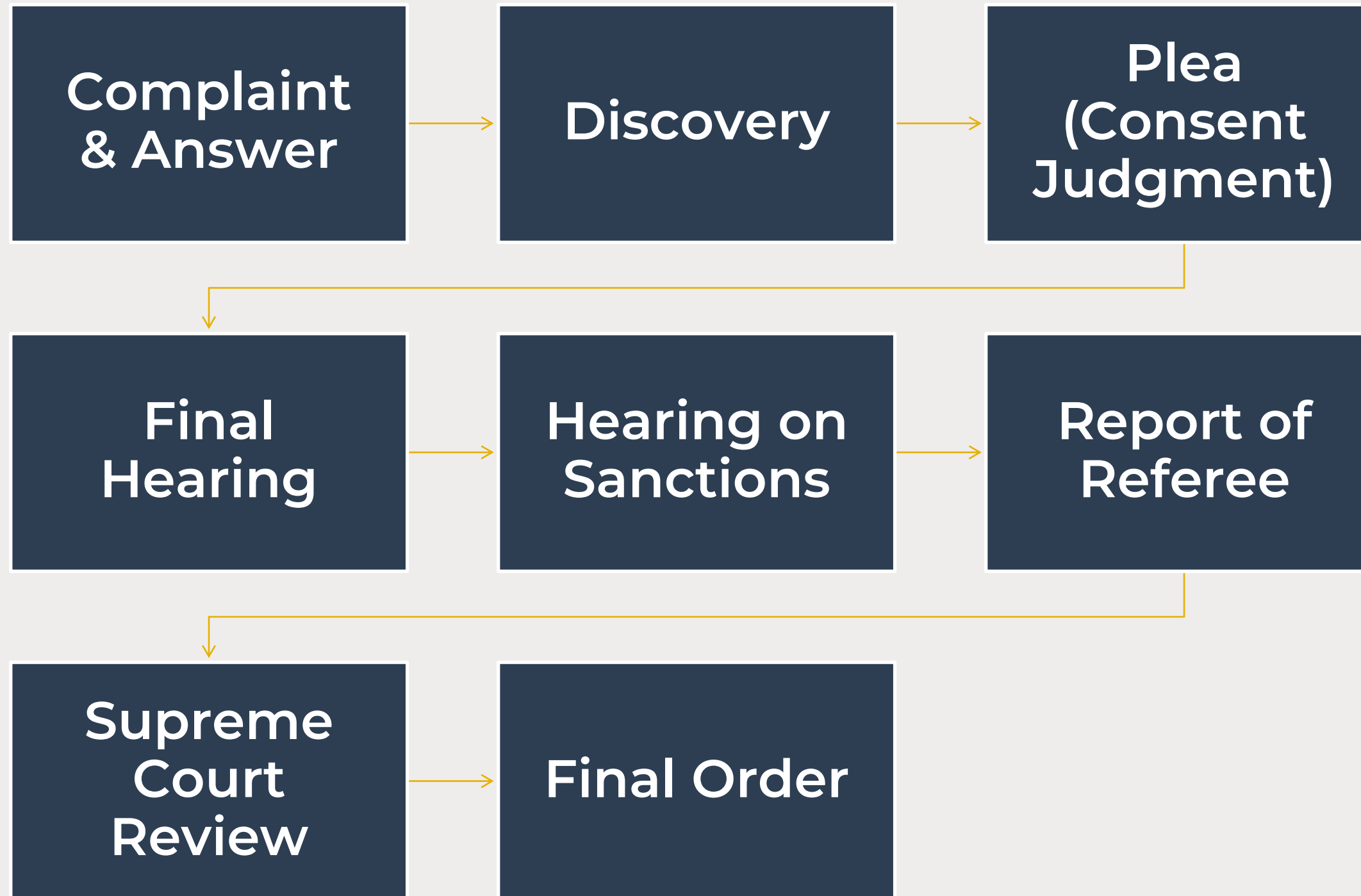
Grievance Committee Process



Grievance Committee Options

- No Probable Cause
- No Probable Cause with Letter of Advice
- Diversion
 - Ethics School
 - Trust Accounting Workshop
 - Florida Lawyers Assistance, Inc.
 - Advertising Workshop
 - Professionalism Workshop
 - Stress Management Workshop
 - Diversion/Discipline Consultation Service (DDCS)
 - Additional CLE Hours
- Minor Misconduct
- Probable Cause

Trial Process



Board of Governors

- Approve or disapprove consent judgments before or after a formal complaint is filed
- Support or oppose petitions for disciplinary revocation
- Determine whether to seek review of a referee report or seek cross review if the respondent appeals a referee report

DISCIPLINARY DATA	2017-18	2018-19	2019-20	2020-21	2021-22
Bar Population	106,095	107,131	108,615	109,830	110,806
Files Opened	3,976	4,131	3,557	3,364	3,380
Total Cases	419	393	414	318	388
Total Discipline Orders	275	235	262	224	236
Disbarments/Revocations	71	72	82	58	63
Total Suspensions	129	124	136	114	116
Rehabilitative Suspensions	42	48	40	49	50
Probations	42	21	9	9	16
Public Reprimands	37	33	32	31	33
Admonishments	33	23	35	32	35

2021-22

TOP 10 COMPLAINTS

- **Neglect (Rule 4-1.3 Diligence)**
- **Interference with Administration of Justice (Rules 4-3.3, 4-8.4(d), 4-8.2)**
- **Inadequate Communication (Rule 4-1.4)**
- **Trust Accounting (Rules 5-1.1, 5-1.2)**
- **Misrepresentation (Rules 4-3.3, 4-8.4(c))**
- **Incompetence (Rule 4-1.1)**
- **Excessive Fees (Rule 4-1.5)**
- **Criminal Charge (Rules 3-7.2, 4-8.4(b))**
- **Personal Behavior (Rule 4-8.4(d))**
- **Conflicts (Rules 4-1.7 through 4-1.12)**

QUESTIONS?



www.floridaba.org/complaint



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