

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY, DUVAL, AND NASSAU COUNTIES, FLORIDA**

AMENDED ADMINISTRATIVE ORDER NO. 2013-09

IN RE: ESTABLISHMENT OF LOCAL PROFESSIONALISM PANEL

WHEREAS, on June 6, 2013, the Florida Supreme Court issued Opinion No. SC13-688, adopting the Code for Resolving Professionalism Complaints; and

WHEREAS, on July 6, 2023, the Florida Supreme Court issued Opinion No. SC23-0884, adopting the Code for Resolving Professionalism Referrals to replace the 2013 Code for Resolving Professionalism Complaints; and

WHEREAS, the Florida Supreme Court states that the informal, peer-to-peer mentoring approach offered by local professionalism panels can materially improve professionalism among Florida lawyers; and

WHEREAS, the Florida Supreme Court ordered the chief judge of each circuit to create and maintain in continuous operation a local professionalism panel to receive, screen, and act on any referrals of claimed unprofessional conduct and to resolve those referrals informally, if possible, or refer them to The Florida Bar if necessary; and

WHEREAS, the Fourth Judicial Circuit's Administrative Order No. 2013-09 vacated and superseded Administrative Order No. 1998-09¹ that established a Joint Professionalism and Bench/Bar Committee; and

WHEREAS, Administrative Order 2013-09 replaced the Joint Professionalism and Bench/Bar Committee and established a Local Professionalism Panel based on the guidelines and procedures set out in the 2013 Code for Resolving Professionalism Complaints; and

WHEREAS, the Fourth Judicial Circuit's Local Professionalism Panel must abide by the guidelines and procedures of the recently adopted Code for Resolving Professionalism Referrals and, accordingly, Administrative Order No. 2013-09 must be amended to reflect this change.

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of General Practice and Judicial Administration, it is:

ORDERED:

(A) LOCAL PROFESSIONALISM PANEL

The Fourth Judicial Circuit's Local Professionalism Panel (Panel) shall provide a voluntary informal peer-to-peer mentoring process for addressing instances of unprofessional conduct separate and apart from instances of misconduct that require the formal grievance process. This mentoring process does not replace the Florida Rules of Professional Conduct

¹ Administrative Order No. 2013-09 incorrectly identified Administrative Order No. 1998-09 as 1998-12.

for the formal disciplinary process when a violation of those rules as set out in the Rules Regulating The Florida Bar occurs.

(1) **Formation**: The Chief Judge shall create and maintain in continuous operation a Local Professionalism Panel. The Chief Judge determines the number of members to serve on the Panel, appoints the members as well as the Chairperson of the Panel, and appoints members to fill vacancies on the Panel.

(2) **Panel Members**: The Panel shall be composed of at least five (5) members, including the Chairperson. The Chief Judge may seek input on the Panel's membership from the President of the Jacksonville Bar Association. The members of the Panel shall be comprised of at least one (1) judge from Clay County, Duval County, and Nassau County, and at least two (2) local attorneys who are in good standing with The Florida Bar and eligible to practice law from diverse areas of practice with varying levels of experience, but must have practiced law for at least five (5) years. In addition, the Executive Director of the Jacksonville Bar Association will serve as Administrator for the Panel.

(3) **Panel Members' Terms**: Other than the Administrator, all Panel members will serve staggered three (3)-year terms. A member may be reappointed to serve one (1) additional three (3)-year term, not to exceed six (6) consecutive years. Each term begins on July 1 and ends June 30 of the third year.

(4) **Immunity**: The members of the Panel, staff assisting those panels, members of the circuit committees on professionalism, and staff assisting those committees have absolute immunity from civil liability for all acts in the course and scope of their duties under the Code for Resolving Professionalism Referrals.

(5) **Education**: The Chief Judge shall facilitate the promotion and education of the lawyers in the Fourth Judicial Circuit about the Panel through a Continuing Legal Education program about the role of the Panel. Panel members shall undergo training by experienced lawyers involved in The Florida Bar's disciplinary process prior to serving on the Panel.

(6) **Bi-Annual Meeting**: Every other year, beginning in 2023, the Chairperson of the Panel or designee must meet in person or through remote conferencing to review the Code for Resolving Professionalism Referrals to discuss the policies and procedures used by the circuits, to recommend changes to the Florida Supreme Court, and to review the forms used by the circuits to maintain uniformity of the forms among the circuits.

(B) PURPOSE OF LOCAL PROFESSIONALISM PANEL

The Panel shall be independent of The Florida Bar and shall informally resolve referrals of claimed unprofessional conduct by lawyers practicing in the Fourth Judicial Circuit. The process is voluntary and respondent attorneys are to be addressed in a peer-to-peer

mentoring approach in an informal, non-punitive, educational, and constructive manner. Claimed unprofessional conduct addressed by the Panel is separate and apart from instances of misconduct that require a formal grievance process.

The Panel does not replace the Florida Rules of Professional Conduct or the formal disciplinary process for a violation of those rules as set out in Chapter 3 of the Rules Regulating The Florida Bar. Rather, the Panel shall receive, screen, and act on referrals of unprofessional conduct and address those referrals informally, if possible, or refer those cases to The Florida Bar for a formal investigation. Unprofessional conduct means a violation of the Standards of Professionalism found in the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, the Professionalism Expectations, and the Rules Regulating The Florida Bar.

(C) **PROCEDURES**

Any person may initiate an unprofessional conduct referral against a member of The Florida Bar through the Fourth Judicial Circuit's Panel.

(1) Referrals from Judicial or Quasi-Judicial Officers

When any Judge, Magistrate, or Hearing Officer within the Fourth Judicial Circuit determines that an attorney has engaged in unprofessional conduct, the matter may be referred to the Panel through the Chief Judge.

(2) Process for Referrals from Judicial or Quasi-Judicial Officers

Once a claim has been received and screened by the Panel, the Chair may address a letter on behalf of the Panel to the respondent attorney, inviting that attorney to meet with the Panel on a specified date and time.

(3) Referrals from Attorneys: If an attorney observes conduct on the part of another attorney that he or she believes, in good faith, is inconsistent with the standards set out by The Florida Bar and the local bar associations, the referring attorney may request that the Panel consider the matter by completing a Referral Form and submitting it to the Jacksonville Bar Association. The form shall be limited to two (2) pages, exclusive of exhibits, and is found on the Jacksonville Bar Association's website. The Executor Director of the Jacksonville Bar Association, as Administrator of the Panel, will provide the Panel's Chairperson with the Referral Form.

(4) Referrals from Non-Attorneys: If a non-attorney is directly and adversely affected by conduct that is inconsistent with the standards set out by The Florida Bar and local bar associations, the non-attorney may request that the Panel consider the matter by completing a Referral Form and submitting it to the Jacksonville Bar Association. The form shall be limited to two (2) pages, exclusive of exhibits and is found on the Jacksonville Bar Association's website. The Executor Director of the Jacksonville Bar Association, as Administrator of the Panel, will provide the Panel's Chairperson with the Referral Form.

(5) Referrals from The Florida Bar's Attorney/Consumer Assistance Program

The Panel may accept referrals from the Attorney/Consumer Assistance Program (ACAP). ACAP operates for consumers who have questions or concerns about an attorney's conduct and who are open to resolving their concerns without filing a disciplinary complaint.

(6) Process for Referrals from Attorneys, Non-Attorneys, and ACAP:

Upon receipt of a referral from an attorney, non-attorney, or ACAP, the Chairperson of the Panel shall review the request. The Chairperson may consult with the other Panel members, and if the matter is referred to the Panel, the Chairperson shall address a letter to the respondent attorney that notifies the respondent attorney of the referral. The Chairperson may request a response and invite the respondent attorney to meet with the Panel on a specified date and time.

(7) Referrals to and from The Florida Bar:

Minor or isolated instances of unprofessional conduct may be addressed through the informal process of the Panel. When unprofessional conduct is substantial or repeated, that conduct may be referred to The Florida Bar for a disciplinary investigation into whether the formal disciplinary process should be initiated.

The Florida Bar may refer a claim if and when The Florida Bar determines that prosecution through its disciplinary process is not warranted and that the Panel can effectively handle the referral through its informal process. This includes cases referred to The Florida Bar by the Panel if and when The Florida Bar determines that prosecution is more effectively handled by the Panel.

(8) Letters Sent by Panel to Respondent Attorney:

Any letter sent by the Panel to the respondent attorney, requesting that the attorney appear before the Panel, shall identify the conduct alleged to be unprofessional. The letter should also advise the attorney that the Panel meeting is a voluntary and non-disciplinary proceeding. The letter shall include a complete reference to the standards the attorney is alleged to have violated.

(9) Meetings:

The Chairperson, or the Chairperson together with the other Panel members, may meet with the respondent attorney at the date and time specified in the letter to discuss the attorney's conduct and how the attorney can act in the future to be consistent with the standards of professionalism. The Chairperson may send a letter to the attorney summarizing the Panel's discussions.

(10) Time:

The Panel shall endeavor to resolve all referrals within forty-five (45) days of receiving the referral from the Panel's Administrator.

(11) Resolution:

After conferring and conducting an investigation, the Panel members may proceed and resolve the issues in an informal, non-punitive, educational, and constructive manner to provide the respondent attorney with an incentive for self-improvement. Ways to do this include:

(a) The Chairperson may issue an oral or written decision to the respondent attorney.

(b) The Panel may refer the respondent attorney to “The Florida Bar’s Ethics School,” which is an eight (8)-hour ethics course, or any course(s) deemed appropriate.

(c) The Panel, in appropriate circumstances, may refer the respondent attorney to the Florida Lawyers Assistance Program or other similar, appropriate program(s) for assistance with alcohol, drug, and/or emotional problems.

(d) The Panel has the discretion to direct any referrals to ACAP depending on the nature and severity of the allegations contained in the referral.

(e) The Panel may form any other solutions and recommendations as it deems necessary. Participation and successful completion of the Panel’s recommendations shall not result in the imposition of sanctions or discipline. If the respondent attorney fails to follow the recommendations of the Panel, the Panel may refer the attorney to The Florida Bar.

(11) Records Retention: All records will be destroyed within thirty (30) days of the conclusion of the Panel’s resolution of the referral and after the respondent attorney has completed all of the Panel’s recommendations.

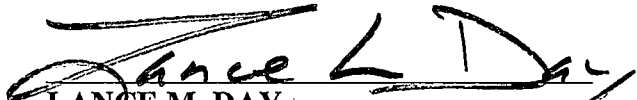
(12) Confidentiality: Rule 3-7.1 of the Rules Regulating the Florida Bar sets out the guidelines for confidentiality in disciplinary investigations and proceedings.

(13) Statement of Confidentiality: All Panel members, the referring party, and the respondent attorney shall sign a statement acknowledging that all information disclosed during the Panel process is confidential and shall not be disclosed to anyone except other Panel members, the referring party, and the respondent attorney.

All other Administrative Orders addressing this subject matter are superseded and vacated by this Amended Administrative Order No. 2013-09, including Administrative Order No. 2013-09 and Administrative Order No. 98-9, *In Re: Establishment of Joint Professionalism and Bench/Bar Committee*.

This Amended Administrative Order No. 2013-09 shall be recorded by the Clerk of the Court, in the Official Records of Duval County, in the State of Florida, and shall take effect immediately and remain in full force and effect unless and until otherwise ordered by the Court.

DONE at Jacksonville, Duval County, Florida this 17th day of July 2023.


LANCE M. DAY
CHIEF JUDGE

cc: All Judges in the Fourth Judicial Circuit
All Magistrates in the Fourth Judicial Circuit
The Honorable Steven Whittington, Administrative Judge, Clay County
The Honorable James Daniel, Administrative Judge, Nassau County
The Honorable Tara Green, Clerk of the Court, Clay County
The Honorable Jody Phillips, Clerk of the Court, Duval County
The Honorable John A. Crawford, Clerk of the Court, Nassau County
The Honorable Charles G. Cofer, Esq., Public Defender
The Honorable Melissa W. Nelson, Esq., State Attorney
The Honorable Michelle Cook, Sheriff, Clay County Sheriff's Office
The Honorable T.K. Waters, Sheriff, Jacksonville Sheriff's Office
The Honorable Bill Leeper, Sheriff, Nassau County Sheriff's Office
The Honorable, Robert M. Rhodes, Esq., Acting General Counsel, City of Jacksonville
Eve Janocko, Trial Court Administrator, Fourth Judicial Circuit
Cecilia F. Birk, Esq., Court Counsel, Fourth Judicial Circuit
Claude T. Colvin, Deputy Trial Court Administrator, Fourth Judicial Circuit
Mike Smith, Court Technology Officer, Fourth Judicial Circuit
Major Jim Carney, Jacksonville Sheriff's Office, Courthouse Security
Judicial Staff Attorneys, Fourth Judicial Circuit
Fourth Judicial Circuit Law Library
Jacksonville Bar Association
Jan Abel, Esq. Circuit 4 Director, Regional Conflict Counsel
Peter G. Venuti, Esq., President FACDL, Northeast Florida (Jacksonville) Region
Raymond Reid, Jr., Esq., President ABOTA, Jacksonville Chapter
Christopher Douglas, Senior Business Strategist, Clerk of the Court, Duval County
Laura Lentini, Assistant to Court Counsel, Fourth Judicial Circuit