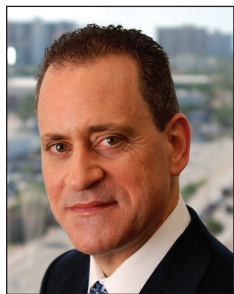


Fitting Professionalism into the Profession: Do You Know the Rules?

BY BRADLEY TRUSHIN



The Supreme Court of Florida has a message for the “power players” who practice by obstruction and engage in unprofessional conduct: we

have rules and you need to follow them. “Rules? What rules?” Yes, the Supreme Court has mandatory professionalism rules that are binding on all Florida lawyers. And there are now Professionalism Panels in place to address violations of the rules, and where necessary, refer the matter to The Florida Bar for discipline. Lawyers practicing in Miami-Dade County must also comply with local rules of professionalism and civility. “Local rules? What local rules?”

Supreme Court of Florida Code of Professionalism

The Supreme Court of Florida first established a Code of Professionalism and a mechanism for addressing violations of the Code in In re Code for Resolving Professionalism Complaints, 116 So. 3d 280 (Fla. 2013). Speaking for the Court, Justice Fred Lewis observed: “Over the years, we have come to understand that professionalism or acceptable professional behavior is not simply a matter of character or principles nor is it simply an issue of rule-following or rule-violating. To the contrary, unacceptable professional conduct and behavior is often a matter of choice or decision-making.” As a first step on the path to guiding Florida lawyers on standards of professional behavior, the Supreme Court elected to adopt a collection of then-currently existing standards that had already been vetted and put into practice. The newly minted Code of Professionalism codified these standards, which became mandatory for all lawyers admitted to practice in Florida. Subsequent Supreme Court opinions have modified the Code, which is currently composed

of (1) the Oath of Admission to the Florida Bar, (2) The Florida Bar Creed of Professionalism, (3) The Florida Bar Professionalism Expectations, (4) The Rules Regulating the Florida Bar regarding professionalism, and (5) opinions of the Supreme Court of Florida regarding professionalism.

Local Professionalism Panels and Local Standards for Professionalism

The Supreme Court also adopted a mechanism for ensuring compliance with the Code whereby the chief judge of every circuit creates a Local Professionalism Panel to receive, screen and address complaints of unprofessional conduct and to resolve

“A searchable Index and Summary of the Code of Professionalism and the 11th Judicial Circuit’s Standards of Professionalism is at www.ctllp.com/professionalism.”

those complaints informally, if possible, or refer them to The Florida Bar, if necessary. In other words, the Panels are charged with the duty to handle complaints informally, offer guidance where appropriate, and refer matters to The Florida Bar for discipline as bar complaints, when appropriate. The Professionalism Panels in the 11th Judicial Circuit, overseen by Chief Judge Bertila Soto and her Professionalism Committee, are staffed by volunteer lawyers. Those lawyers most assuredly know the rules, and you need to know them too. You also need to know the Eleventh Judicial Circuit Standards for Professionalism and Civility, adopted by Chief Judge Soto in Administrative Order No. 14-01, as amended. The Standards



act within the state and local rules, the practical ability to quickly identify specific standards of behavior can pose a challenge because the Supreme Court’s Code of Professionalism incorporates multiple sources of standards which bear some overlap, and there is no master index of all the standards (until now). Additionally, the breadth of The Rules Regulating the Florida Bar (which address more than professionalism issues) and the lack of a specific list of the relevant opinions of the Supreme Court of Florida (which naturally increase over time) make it difficult to quickly identify behaviors that may be prohibited under the Code. In order to make the Code easier to access and use, this author has compiled, summarized and organized the standards that comprise the Code of Professionalism conceptually into an online searchable tool with links to specific standards. The standards can then be copied and pasted into documents, such as emails, letters and motions. The Eleventh Judicial Circuit Standards of Professionalism and Civility have also been incorporated into the Index and Summary of the Supreme Court of Florida’s Code of Professionalism and the Local Rules of The Eleventh Judicial Circuit Standards of Professionalism and Civility, which can be found at www.ctllp.com/professionalism. Using the Index and

Online Searchable Index and Summary of State and Local Rules

While most lawyers practice with professionalism and civility, and likely

Summary, lawyers can make decisions about their future conduct and can also educate other lawyers and judges before whom they appear. Lawyers are encouraged to browse the index and familiarize themselves with the state and local rules.

Spreading the Word about Professionalism and Civility

The DCBA presented a seminar on September 9, 2016 titled “Climb the Pillars to Success by Fitting Professionalism into the Profession” featuring a keynote speech by Justice Lewis, the author of the opinion which established the Code of Professionalism and the Professionalism Panels. Justice Lewis was joined by Chief Judge Soto and Eleventh Judicial Circuit Judges Stanford Blake (Ret.), Jorge Cueto, Ellen Sue Venzer, Scott Bernstein, Thomas Rebull, and Miguel de la O, who spoke about the development and implementation of the state and local rules, and the Professionalism Panels. The faculty for the seminar also included Florida Bar President William Schifino, Florida Bar President Elect Michael Higer, Past Florida Bar President Edward Blumberg, and Florida Bar Board of Governors Member Leslie Lott, and presidents of voluntary bar organizations and bar leaders, who offered their personal observations on the aspirational and practical aspects of professionalism and civility. The topics included practical solutions to common professionalism issues; the unsustainability of rudeness and incivility in the life of a lawyer (emphasizing the negative personal impact on lawyers who act unprofessionally); exposing the fallacy that aggressive tactics demonstrate legal ability or achieve results (unprofessional behavior is the opposite of good lawyering); the power of professionalism in elevating one’s credibility with judges; civility as a practical tool to establish and improve one’s relationships with opposing counsel; and understanding and handling subtle forms of discrimination in the legal profession. This seminar concluded with a direct call to action and a mission statement: This is the beginning of a new era of professionalism and civility in Florida.

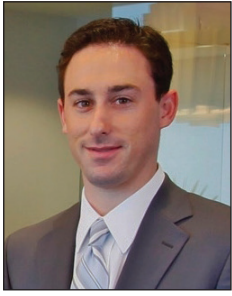
DCBA Judicial Institute of Professionalism and Civility

The DCBA has established the newly minted Judicial Institute of Professionalism and Civility for the purpose of following up on the ideals and goals of the September 9, 2016



Serving our Community and our Members Through YLS Committees – COME JOIN US!

BY STUART J. WEISSMAN



On September 8, 2016, the Dade County Bar Association YLS held its Third Annual Open House event at Fado in Mary Brickell Village.

Thank you to everyone who was able to join us.



Our Open House provided an opportunity for us to meet YOU and to give you just a little bit of information on each of the YLS committees. We were thrilled to



learn that so many young lawyers are interested in becoming more involved in the DCBA and our wonderful committees. If you were unable to join us, it's ok. Please do not hesitate to contact me directly to ask questions, raise concerns, make recommendations, or simply to find out when our next great event will be.

And now, the Bar year truly begins. The DCBA YLS committees: CLE, Judicial Outreach, Social, Sports, Bar Passage, Horizons, Pro Bono/Community Service, Schools, and Fundraising committees are already hard at work. However, we would love YOUR input and support. Not

only is this your chance to support the DCBA membership, but our committees provide an incredible opportunity to give back to the community through our public service work. By joining a committee, you will team up with other great and enthusiastic young lawyers eager to give back.

Additionally, the Young Lawyers Section members are the community leaders of tomorrow. Joining a DCBA YLS committee is an opportunity to begin on the path to leadership in the Miami-Dade legal

community and beyond. Come join us on the road to making a difference.

Please stay tuned and keep a look out for some amazing upcoming events.

Stuart J. Weissman focuses his practice on medical malpractice, products liability, and commercial litigation matters by representing those individuals who have been catastrophically harmed and injured as well as the families of those who have lost a loved one. Mr. Weissman can be reached at stuartw@ratzanlawgroup.com. ■



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seminar. The Institute will be composed of a select group of local judges and bar leaders charged with creating and presenting educational programs at a smaller scale, from presenting informal lunch and learn programs at local law firms to speaking at local bar association events. Judge Thomas Rebull has agreed to serve as Chair of the Institute, which will be scheduling an organizational meeting in the near future. On behalf of the DCBA, I encourage you to heed the call of Justice Lewis and the seminar faculty to become involved and spread the word about practicing with professionalism and civility.

Bradley Trushin is a co-founder of *Chepenik Trushin LLP*, an estate planning, probate, trust and guardianship law firm. He focuses his practice on estate and trust administration and litigation, including will and trust controversies, fiduciary claims, and claims based on undue influence, lack of testamentary capacity, fraud, civil theft, elderly abuse and guardianship. Mr. Trushin is a member of the 11th Circuit Professionalism Panel, the DCBA Professionalism and Probate Committees, and the Florida Supreme Court Commission on Professionalism. He served two terms as chair of Florida Bar Grievance Committee 11N. He can be reached at btrushin@ctlfp.com or 305.981.8889. ■

