Filed Lee County Clerk of Courts 01/12/2024

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE:	STANDARDS OF PROFESSIONAL COURTESY AND CONDUCT AND ESTABLISHMENT OF LOCAL PROFESSIONALISM PANEL	ADMINISTRATIVE ORDER NO. 2.20 - Amended - (Fourth)

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In an effort to foster and promote professionalism among lawyers practicing in the Twentieth Judicial Circuit, and in accordance with the Florida Supreme Court's Administrative Order, In re: Commission on Professionalism dated June 11, 1998, and the Florida Supreme Court's opinion, In re: Code for Resolving Professionalism Referrals and Amendments to Rule Regulating the Florida Bar 6-10.3, 367 So. 3d 1184 (Fla. 2023), and upon recommendations made by the Twentieth Judicial Circuit Court's Committee on Professionalism, it is

ORDERED AND ADJUDGED as follows:

1. The Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit were adopted by the original version of this Administrative Order entered May 8, 2000. A modified and updated version of the document entitled "Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit" is attached to this order as Attachment "A" and made a part hereof, and is applicable to all lawyers practicing within the five counties of the Twentieth Judicial Circuit.

2. The Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit are designed to supplement and are not to supplant the Standards of Courtroom Decorum set forth in Administrative Order 2.13. Furthermore, all lawyers practicing in the State of Florida are bound by the existing standards of professionalism already codified in the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, The

I hereby certify this document to be a true and correct copy of the record on file in my office
Kevin C. Karnes, Clerk of the Circuit Court, Lee County FL
Dated: 01/12/2024
By A. Cruz
Deputy Clerk

Florida Bar Professionalism Expectations, the Rules Regulating The Florida Bar, and the Code for Resolving Professionalism Referrals adopted by the Florida Supreme Court by opinion issued July 6, 2023.

3. The Peer Review Program of the Twentieth Judicial Circuit and a Peer Review Committee were established by the original version of this Administrative Order entered May 8, 2000. In 2013, pursuant to Florida Supreme Court opinion issued June 6, 2013, In re Code for Resolving Professionalism Complaints, 116 So. 3d 280 (Fla. 2013), the already existing Peer Review Program and Peer Review Committee of the Twentieth Judicial Circuit, were reorganized and renamed as the Local Professionalism Program and Local Professionalism Panel of the Twentieth Judicial Circuit. On July 6, 2023, the Florida Supreme Court issued In re: Code for Resolving Professionalism Referral and Amendments to Rule Regulating the Florida Bar 6-10.3., 367 So. 3d 1184 (Fla. 2023), requiring modifications to the Local Professionalism Program and Local Professionalism Panel of the Twentieth Judicial Circuit. Accordingly, a modified and updated version of the document entitled "Local Professionalism Program of the Twentieth Judicial Circuit" is attached to this order as Attachment "B" and made a part hereof, and is applicable to all lawyers practicing within the five counties of the Twentieth Judicial Circuit.

4. The operation of the Local Professionalism Panel, including referrals to and review by the Panel of allegedly noncompliant behavior, shall be as set forth in Attachment "B."

5. The Local Professionalism Program is not a disciplinary process and is not intended to deal specifically with alleged violations of the Rules Regulating the Florida Bar. Violations of the Rules Regulating the Florida Bar remain solely within the jurisdiction of the grievance process of the Florida Bar.

6. To the extent that this Administrative Order may conflict with any rule, statute, or law, the rule, statute or law, shall prevail.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 12th day of January, 2024.

J. Frank Porter
Chief Judge

History. – Administrative Order 2.20 (May 8, 2000); Administrative Order 2.20 (July 24, 2012); Administrative Order 2.20 (Feb. 1, 2013); Administrative Order 2.20 (Feb. 19, 2013).

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Attachment A

STANDARDS OF PROFESSIONAL COURTESY AND CONDUCT FOR LAWYERS PRACTICING IN THE TWENTIETH JUDUCIAL CIRCUIT

I. FOREWORD

In 1989, the Florida Bar established a task force to study the course of professionalism among lawyers in Florida. The study addressed issues regarding civility among lawyers, public perception of lawyers and lawyers' satisfaction and fulfillment with their profession. The work performed by the task force resulted in the creation of the Florida Bar's Standing Committee on Professionalism. In July, 1996, the Honorable Chief Justice Gerald Kogan signed an administrative order that created the Florida Supreme Court Commission on Professionalism.

In January, 1998, Justice Kogan requested that the Chief Judge of each Judicial Circuit appoint and be involved in a Circuit Committee on Professionalism charged with the overall responsibility of initiating and coordinating professionalism activities within their respective Circuit. Accordingly, in early 1998, the Twentieth Judicial Circuit's Committee on Professionalism was formed. In November, 1999, a subcommittee of the Twentieth Judicial Circuit's Committee was appointed to prepare a practical set of standards of professional courtesy and conduct for lawyers to adhere to in their practice in the Twentieth Judicial Circuit. These Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit ("Standards") were drafted in coordination with the formation of the Peer Review Program of the Twentieth Judicial Circuit, now known as the Local Professionalism Program. The Local Professionalism Program is an educational, voluntary, informal and non-punitive enhancement program designed to correct behavioral performance which, although not so serious as to invoke formal disciplinary proceedings or other sanctions, nevertheless falls below the high standard expected of attorneys. In February, 2000, the Standards were first adopted and approved by the Twentieth Judicial Circuit's Committee on Professionalism.

In preparing and approving the Standards, the Committee reviewed numerous model guidelines for professional conduct. The Committee utilized the Guidelines for Professional Conduct approved by the Executive Counsel of the Trial Lawyers Section of the Florida Bar, as endorsed by the Florida Conference of Circuit Judges in 1995. The Committee also utilized the standards adopted by the Fourth, Sixth, Eighth and Fifteenth Judicial Circuits' of Florida. The Standards have been periodically updated over the years, though the basic expectations of professional courtesy and conduct remain unchanged.

II. PREAMBLE

The practice of law is a privilege, not a right. In exercising this privilege, lawyers must not pursue victory at the expense of justice nor at the risk of the loss of the lawyers' reputation for honesty and professionalism within the legal community. Clients are best represented by attorneys who exhibit professional conduct at all times. The Bar must protect the honor and integrity of the judicial system and improve the public trust and perception of the legal profession. Lawyers must work to enhance communication, respect and courtesy among members of the Bar.

Every attorney practicing law or appearing in judicial proceedings within the Twentieth Judicial Circuit is expected to be entirely familiar with, and practice according to, (a) Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit, (b) The Florida Bar Trial Lawyers Section Guidelines for Professional Conduct, and (c) the Handbook of Discovery Practice published by the Joint Committee of the Trial Lawyers Section of The Florida Bar and Conference of Circuit and County Court Judges.

It shall be the responsibility of attorneys practicing within the Twentieth Judicial Circuit to be aware of Administrative Orders governing practice within the Twentieth Judicial Circuit and to comply with all standards of professionalism.
For most lawyers, the Standards will simply reflect their current practice. However, it is hoped that the widespread dissemination and implementation of the Standards will result in an overall increase in the level of professionalism in the practice of law within the Twentieth Judicial Circuit.

III. INTRODUCTION

The effective administration of justice requires the interaction of many professionals and disciplines, but none is more critical than the role of the lawyer. In fulfilling that role, a lawyer performs many tasks, few of which are easy, most of which are exacting. In the final analysis, a lawyer's duty is always to the client. But in striving to fulfill that duty, a lawyer must be ever conscious of his or her broader duty to the judicial system that serves both attorney and client. To the judiciary, a lawyer owes candor, diligence and utmost respect. To the administration of justice, a lawyer unquestionably owes the fundamental duties of personal dignity and professional integrity. Coupled with those duties, however, is a lawyer's duty of courtesy and cooperation with other lawyers for the efficient administration of justice.

The Standards reflect an effort to emphasize decency and courtesy in our professional lives without intruding unreasonably on a lawyer's choice of style or tactic. (Some of the guidelines may not apply in criminal proceedings, or where a specific judge has a different rule.)

The Standards have been codified with the hope that their dissemination will educate attorneys and others who may be unfamiliar with customary local practices. Compliance with the Standards, unlike the "Oath of Admission" and the "Rules of Professional Conduct" adopted by the Florida Supreme Court, is intended to be voluntary. The Standards have received the approval of the Twentieth Judicial Circuit Committee on Professionalism as well as the County and Circuit Judges of the Twentieth Judicial Circuit.

IV. STANDARDS

A. CONDUCT TOWARD OTHER ATTORNEYS, THE COURT AND PARTICIPANTS

1. Attorneys should refrain from criticizing or denigrating the court, opposing counsel, parties or witnesses.

2. Attorneys should be, and should impress upon their clients and witnesses to be, courteous and respectful. No one should be rude or disruptive with the court, opposing counsel, parties or witnesses.

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3. Attorneys should make an effort to explain to witnesses the purpose of their required attendance at depositions, hearings or trials. They should further attempt to accommodate the schedules of witnesses when setting or resetting their appearance and promptly notify them of any cancellations.

4. Attorneys should respect and abide by the spirit and letter of all rulings of the court.

5. Attorneys should not show marked attention or unusual informality to any judge, except if outside of court and supported by a personal relationship. Attorneys should avoid anything calculated to gain, or having the appearance of gaining, special consideration or favor from a judge.

6. Attorneys should adhere strictly to all express promises and agreements with opposing counsel, whether oral or in writing. Attorneys should adhere in good faith to all agreements implied by the circumstances or by local custom.

7. Attorneys should not knowingly misstate, misrepresent, distort, or exaggerate any fact, opinion, or legal authority to anyone. Attorneys should not mislead by inaction or silence.

B. SCHEDULING

1. Except in emergency situations, attorneys should provide opposing counsel, parties, witnesses, and other affected persons, sufficient notice of depositions, hearings and other proceedings. As a general rule, notice should be provided (not including time for service) no less than five (5) business days for in-state depositions, ten (10) business days for out-of-state depositions and five (5) business days for hearings.

2. Except in emergency situations, attorneys should make a good faith effort to communicate with opposing counsel prior to scheduling depositions, hearings and other proceedings, so as to schedule them at a time mutually convenient for all interested persons. Further a sufficient time should be reserved to permit a complete presentation by counsel for all parties.

3. Attorneys should notify opposing counsel of any hearing time reserved as soon as practicable.

4. When hearing time is obtained, attorneys should promptly prepare and serve all counsel of record with notice of the hearing. Do not delay in providing such notice.

5. The notice of hearing should indicate on its face whether the date and time have been coordinated with opposing counsel. If the attorney has been unable to coordinate the hearing with opposing counsel, the notice should state the specific good faith efforts the attorney undertook to coordinate or why coordination was not obtained.

6. Attorneys should not use the hearing time obtained by opposing counsel for other motion practice.

7. Attorneys should notify opposing counsel, the court, and others affected, of scheduling conflicts as soon as they become apparent. Further, attorneys should cooperate with one another regarding all reasonable rescheduling requests that do not prejudice their clients or unduly delay a proceeding.

8. Attorneys should promptly notify the court or other tribunal of any resolution between the parties that renders a scheduled court appearance unnecessary.

9. Attorneys should grant reasonable requests by opposing counsel for extensions of time within which to respond to pleadings, discovery and other matters when such an extension will not prejudice their client or unduly delay a proceeding.

10. Attorneys should cooperate with opposing counsel during trials and evidentiary hearings by disclosing the identities of all witnesses reasonably expected to be called and the length of time needed to present their entire case, except when a client's material rights would be adversely affected. They should also cooperate with the calling of witnesses out of turn when the circumstances justify it.

11. When scheduling a deposition, attorneys should make a good faith effort to schedule enough time to complete the deposition without adjournment, unless otherwise stipulated with opposing counsel.

12. Attorneys should call potential scheduling problems to the attention of those affected, including the court, as soon as they become apparent and should avoid last minute cancellations.

13. Attorneys should make a request for scheduling changes only when necessary and should not request rescheduling, cancellations, extension or postponements solely for the purpose of delay or obtaining unfair advantage.

14. First requests for reasonable extensions of time to respond to litigation deadlines relating to pleadings, discovery, or motions should be granted as a matter of courtesy unless time is of the essence or other circumstances prohibit same.

15. Attorneys should not attach unfair or extraneous conditions to extensions. However, attorneys may impose conditions required to preserve a client's rights and may seek reciprocal scheduling concessions. When considering an extension request, an attorney should not seek to prohibit an adversary's assertion of substantive rights.

16. Attorneys should advise clients against the strategy of granting no time extensions for the sake of appearing "tough", especially when such extensions will not prejudice their client or unduly delay the proceeding.

17. After a first extension, any additional requests for time should be dealt with by balancing the need for expedition against the deference one should ordinarily give to an adversary, and whether it is likely a court would grant the extension if asked to do so.

C. SERVICE OF PAPERS

1. The timing and manner of service should not be used to the disadvantage of the party receiving the papers.

2. Papers and memoranda of law should not be served at court appearances without advance notice to opposing counsel and should not be served so close to a court appearance so as to inhibit the ability of opposing counsel to prepare for that appearance or to respond to the papers. Should the attorney do so, the court is urged to take appropriate action in response, including continuing the matter to allow opposing counsel to prepare and respond.

3. Papers should not be served in order to take advantage of an opponent's known absence from the office or at a time or in a manner designed to inconvenience an adversary, such as late on Friday afternoon or the day preceding a secular or religious holiday.

4. Service should be made personally or by courtesy copy e-mail when it is likely that service by mail, even when allowed, will prejudice the opposing party or will not provide the opposing party with a reasonable time to respond.

D. COMMUNICATION WITH ADVERSARIES

1. Attorneys should at all times be civil and courteous in communicating with adversaries, whether in writing or orally.

2. Attorneys should not write letters to ascribe to one's adversary a position he or she has not taken or to

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create "a record" of events that have not occurred.

3. Letters intended only to make a record should be used sparingly and only when necessary under all the circumstances.

4. Unless specifically permitted or invited by the court, letters between counsel should not be sent to the judge.

5. During the course of representing a client, attorneys should not communicate on the subject of the representation with a party known to be represented by another lawyer in the same matter without having obtained the prior consent of the lawyer representing such other party or unless authorized by law.

E. DISCOVERY

1. Attorneys should pursue discovery requests that are reasonably related to the matter at issue.

2. Attorneys should not use discovery for the purpose of causing undue delay or obtaining unfair advantage.

3. Attorneys should use discovery to ascertain information, to perpetuate testimony, or to obtain documents or things necessary for the prosecution or defense of an action. Attorneys should never use discovery as a means of harassment, intimidation or to impose an inordinate burden or expense.

4. Attorneys should file motions for protective orders as soon as possible and notice them for hearing as soon as practicable.

5. Prior to filing a motion to compel or for protective order, attorneys should confer with opposing counsel in a good faith effort to resolve the issues raised. Attorneys shall file with the motion a statement certifying that the moving counsel so complied and has been unable to resolve the dispute with opposing counsel.

F. DEPOSITIONS

1. In scheduling depositions, reasonable consideration should be given to accommodating schedules of opposing counsel and of the deponent, where it is possible to do so without prejudicing the client's rights.

2. When a deposition is noticed by another party in the reasonably near future, counsel should ordinarily not notice another deposition for an earlier date without the agreement of opposing counsel.

3. Counsel should not attempt to delay a deposition for dilatory purposes. Delays should occur only if necessary to meet real scheduling problems.

4. Counsel should not inquire into a deponent's personal affairs or finances or question a deponent's integrity where such inquiry is irrelevant to the subject matter of deposition.

5. Counsel should not conduct questioning in a manner intended to harass the witness, such as by repeating questions after they have been answered, by raising the questioner's voice, by pointing at or standing over the witness, or by appearing angry at the witness.

6. Counsel should not interrupt the answer of the witness once the question has been asked because the answer is not the one which counsel was seeking or the answer is not responsive to the question. The witness should be allowed to finish his or her answer.

7. Counsel defending a deposition should limit objections to those that are well founded and permitted by the Rules of Civil Procedure or applicable case law. Counsel should bear in mind that most objections are preserved and need to be interposed only when the form of a question is defective or privileged information is sought. When objecting to the form of a question, counsel should simply state "I object to the form of the question." The grounds should not be stated unless asked for by the examining attorney. When the grounds are then stated they should be stated succinctly.

8. While a question is pending, counsel should not, through objections or otherwise, coach the deponent or suggest answers. Should any lawyer do so, the courts are urged to sanction such practices.

9. Counsel for all parties should refrain from self-serving speeches during depositions.

10. Counsel should not engage in any conduct during a deposition that would not be allowed in the presence of a judicial officer.

G. DOCUMENT DEMANDS

1. Demands for document production should not be so broad as to encompass documents clearly not relevant to the subject matter of the case.

2. In responding to document demands, counsel should not strain to interpret the request in an artificially restrictive manner just to avoid disclosure.

3. Documents should be withheld on the grounds of privilege only where appropriate.

4. Counsel should not produce documents in a disorganized or unintelligible fashion, or in a way calculated to hide or obscure the existence of other relevant documents.

5. Document production should not be delayed to prevent opposing counsel from inspecting documents prior to scheduled depositions or for an improper tactical reason.

H. INTERROGATORIES

1. Interrogatories should not be read by lawyers in a strained or an artificial manner designed to assure that answers are not truly responsive.

2. Interrogatories should be answered by the party, and not solely by the party's lawyer.

3. Objections to interrogatories should be based on a good faith belief in their merit and not be made for the purpose of withholding relevant information. If an interrogatory is objectionable only in part, the unobjectionable portion should be answered.

I. MOTION PRACTICE

1. Before setting a motion for hearing, counsel should make a good faith effort to resolve the issue with opposing counsel.

2. Except in emergency situations, before filing any motion in a civil case, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a cause of action, to dismiss for lack of prosecution, or to otherwise involuntarily dismiss an action, the moving party shall confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion, and shall file with the motion a statement certifying that the moving counsel has conferred with opposing counsel and that counsel have been unable to agree on the resolution of the motion.

3. A lawyer should not force his or her adversary to make a motion and then not oppose it.

4. Unless otherwise instructed by the court, or agreed to by counsel, all proposed orders shall be provided to other counsel with a reasonable time for approval or comment prior to submission to the court. Opposing counsel should promptly communicate any objections thereto. Thereafter, the drafting attorney should promptly submit a copy of the proposed order to the court and advise the court as to whether or not it has been approved by opposing counsel.

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5. Orders prepared by counsel must fairly and adequately represent the ruling of the court, and counsel shall make a good faith effort to agree upon the form of the order prior to submitting it to the court. Attorneys should not submit controverted orders to the court with a copy to opposing counsel for "objections within ___ days." Courts prefer to know that the order is either agreed upon or opposed.

6. Attorneys should not use post-hearing submissions of proposed orders as a guise to reargue the merits of the matter.

J. EX-PARTE COMMUNICATIONS WITH THE COURT AND OTHERS

1. Attorneys should avoid ex-parte communication about a pending case with the judge, magistrate or arbitrator before whom such case is pending.

2. Even where applicable laws or rules permit an ex-parte application or communication to the court, attorneys should make diligent efforts to notify the opposing party or the lawyer known to represent the opposing party in order to permit the opposing party to be represented in connection with the application or communication. Attorneys should not make such application or communication unless there is a bona fide emergency and the client will be seriously prejudiced if the application or communication is made on regular notice.

3. Counsel should notify opposing counsel of dates and times obtained from the court for future hearings on the same day that the hearing date is obtained from the court, or as soon as practicable thereafter.

4. Copies of any submissions to the court (such as correspondence, memoranda of law, motions, case law, etc.) should simultaneously be provided to opposing counsel by substantially the same method of delivery by which they are provided to the court. For example, if a memorandum of law is hand-delivered to the court, at substantially the same time a copy should be hand-delivered or e-mailed to opposing counsel. If asked by the court to prepare an order, counsel should furnish a copy of the order, and any transmitted letter, to opposing counsel at the time the material is submitted to the court.

K. TRIAL CONDUCT AND COURTOORM DECORUM

1. Attorneys should always deal with parties, counsel, witnesses, jurors or prospective jurors, court personnel and the judge with courtesy and civility and avoid undignified or discourteous conduct.

2. Examination of jurors and witnesses should be conducted from a suitable distance. A lawyer should not crowd or lean over the witness or jury and should avoid blocking opposing counsel's view of the witness.

3. Counsel should address all public remarks to the court, not to opposing counsel.

4. Counsel should request permission before approaching the witness or bench. Any documents counsel wish to have the court examine should be handed to the clerk.

5. Any paper or exhibit not previously marked for identification should first be handed to the clerk to be marked before it is tendered to a witness for examination. Any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

6. Generally, in examining a witness, counsel shall not repeat or echo the answer given by the witness.

7. Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, manifestations of approval or disapproval during the testimony of a witness, or at any other time, is prohibited.

8. During trials and evidentiary hearings the lawyers should mutually agree to disclose the identities, and duration of witnesses anticipated to be called that day, including depositions to be read, and should cooperate in sharing with opposing counsel all visual-aid equipment.

9. Counsel should not mark on or alter exhibits, charts, graphs and diagrams without opposing counsel's knowledge or leave of court.

10. A lawyer's word should be his or her bond. The lawyer should not knowingly misstate, distort, or improperly exaggerate any fact or opinion and should not improperly permit the lawyer's silence or inaction to mislead anyone.

11. A charge of impropriety by one lawyer against another should never be made in the course of litigation except when relevant to the issues of the case.

12. A question should not be interrupted by an objection unless the question is patently objectionable or there is reasonable ground to believe that matter is being included which cannot properly be disclosed to the jury.

13. A lawyer should address objections, requests and observations to the court, and not engage in undignified or discourteous conduct which is degrading to court procedure.

14. In civil cases, attorneys should stipulate to all facts and principles of law which are not in dispute.

15. A lawyer should accede to reasonable requests for waivers of procedural formalities when the client's legitimate interests are not adversely affected.

16. In opening statements and in arguments to the jury, counsel should not express personal knowledge or opinion concerning any matter in issue.

17. In appearing in his or her professional capacity before a tribunal, a lawyer should not (a) state or allude to any matter that he or she has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence; (b) ask any question that he or she has no reasonable basis to believe is relevant to the case or that is intended to degrade a witness or either person; (c) assert one's personal knowledge of the facts in issue, except when testifying as a witness; (d) assert one's personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused.

18. A lawyer should never attempt to place before a tribunal, or jury, evidence known to be clearly inadmissible, nor make any remarks or statements which are intended to improperly influence the outcome of any case.

L. EFFICIENT ADMINISTRATION

1. Attorneys should refrain from actions intended primarily to harass or embarrass and should refrain from actions which cause unnecessary expense or delay.

2. Attorneys should, whenever possible, prior to filing or upon receiving a motion, contact opposing counsel to determine if the matter can be resolved in whole or in part. This may alleviate the need for a hearing on the motion or allow submission of an agreed order in lieu of a hearing.

3. Attorneys should, whenever appropriate, stipulate to all facts and legal authority not reasonably in dispute.

4. Attorneys should encourage principled negotiations and efficient resolution of disputes on their merits.

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M. TRANSACTIONAL PRACTICE

1. Attorneys should draft letters of intent, memorializations of oral agreements, and written contracts and documents reflecting agreements in concept so that they fairly reflect the agreement of the parties.

2. Attorneys should point out to opposing counsel that changes have been made from one draft to another draft. If requested to do so, attorneys should identify those changes.

N. SETTLEMENT AND RESOLUTION

1. Unless there are strong and overriding issues of principle, attorneys should raise and explore the issue of settlement as soon as enough is known to make settlement discussions meaningful.

2. Attorneys should not falsely hold out the possibility of settlement to adjourn discovery or delay trial.

3. Attorneys are encouraged to utilize arbitration, mediation or other forms of alternative dispute resolution if economically feasible.

V. STANDARDS FOR THE JUDICIARY

A. DUTIES OF JUDGES TO LAWYERS, PARTIES AND WITNESSES

1. Judges should be courteous, respectful, and civil to lawyers, parties, and witnesses. Judges should maintain control of the proceedings, recognizing that judges have both the obligation and the authority to insure that all litigation, including the actions of the lawyers, parties and the witnesses, is conducted in a civil manner.

2. Judges should not employ hostile, demeaning or humiliating words in opinions or in written or oral communications with lawyers, parties or witnesses.

3. Judges should be punctual in convening all hearing, meetings and conferences.

4. In scheduling hearings, meetings and conferences, judges should be considerate of the time schedules of the lawyers, the parties and the witnesses.

5. Judges should make all reasonable efforts to decide promptly all matters presented to them for decision.

6. Judges should give the issues in controversy deliberate, impartial and studied analysis.

7. Judges should not impugn the integrity or professionalism of a lawyer, based on his or her client or the cause represented by the lawyer.

8. Judges should encourage court personnel to act civilly toward lawyers, parties and witnesses.

9. Judges should not adopt procedures that needlessly increase litigation expense.

B. DUTIES OF JUDGES TO *OTHER JUDGES*

1. In all written and oral communications, judges should abstain from disparaging personal remarks or criticisms of another judge.

2. Judges should endeavor to work with each together in an effort to foster a spirit of cooperation in the administration of justice.

VI. AMENDMENTS

The Standards may be amended from time to time by an Administrative Order of the Chief Judge of the Twentieth Judicial Circuit.

VII. LOCAL PROFESSIONALISM PROGRAM

Any judge or lawyer who observes conduct by an attorney inconsistent with the Standards may refer such conduct and the identity of the attorney to any member of the Local Professionalism Panel of the Twentieth Judicial Circuit. The Circuit has formed a Local Professionalism Program to foster and improve professionalism in the Circuit. Every attorney practicing law or appearing in judicial proceedings within the Twentieth Judicial Circuit is expected to be entirely familiar with the Local Professionalism Program of the Twentieth Judicial Circuit.

Revised January 2024

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Attachment B

LOCAL PROFESSIONALISM PROGRAM OF THE TWENTIETH JUDICIAL CIRCUIT OF FLORIDA

I. FOREWORD

In 1989, The Florida Bar established a task force to study the course of professionalism among lawyers in Florida. The study addressed issues regarding the lack of civility among lawyers, the public's poor perception of lawyers and the steady decline in lawyers' satisfaction and fulfillment with their profession. The work performed by the task force resulted in the creation of The Florida Bar's Standing Committee on Professionalism. In July of 1996, the Honorable Chief Justice Gerald Kogan signed an administrative order that created the Florida Supreme Court Commission on Professionalism. In January of 1998, Justice Kogan requested that the Chief Judge of each Judicial Circuit appoint a Circuit Committee on Professionalism charged with the overall responsibility of initiating and coordinating professionalism activities within the Circuit. Accordingly, in early 1998, the Twentieth Judicial Circuit Committee on Professionalism was formed.

In November of 1999, a subcommittee of the Twentieth Judicial Circuit Committee on Professionalism was appointed at the direction of the Chief Judge of the Circuit to prepare a practical set of standards of professional courtesy and conduct for lawyers and to explore the formation of a peer review program for lawyers practicing law in the Twentieth Judicial Circuit. The subcommittee, with the guidance, insight and participation of the Circuit Committee on Professionalism, prepared a Peer Review Program as well as the Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit. In February of 2000, The Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit and the Peer Review Program were approved and adopted by the Twentieth Judicial Circuit Committee on Professionalism.

By opinion dated June 6, 2013, the Supreme Court of Florida issued In re: Code for Resolving Professionalism Complaints, 116 So. 3d 280 (Fla. 2013), which subsequently required modification of the program, which then became known as the Local Professionalism Program of the Twentieth Judicial Circuit. The Peer Review Committee thereafter became known as the Local Professionalism Panel of the Twentieth Judicial Circuit. Ten years later, in 2023, the Supreme Court of Florida revisited the topic of local professionalism panels and issued In re: Code for Resolving Professionalism Referrals and Amendments to Rule Regulating the Florida Bar 6-10.3, 367 So. 3d 1184 (Fla. 2023). The Local Professionalism Program of the Twentieth Judicial Circuit of Florida has been modified accordingly.

II. PURPOSE OF THE LOCAL PROFESSIONALISM PANEL

The general purpose of the Local Professionalism Panel is to improve the level of professional performance and competence of lawyers who practice in the Twentieth Judicial Circuit. The Local Professionalism Program is not disciplinary in nature. Instead, the Local Professionalism Program is intended to be an educational, informal, non-punitive program for the practice of law in the Twentieth Judicial Circuit. The Local Professionalism Program is only intended to address unprofessional conduct, it is not intended to deal specifically with violations of ethics or the Rules Regulating The Florida Bar, which remain solely within the jurisdiction of the grievance process of The Florida Bar.

III. LOCAL PROFESSIONALISM PANEL

A. MEMBERS OF THE PANEL

The members of the Local Professionalism Panel shall be appointed by the Chief Judge. The membership will include judges and local attorneys in good standing with The Florida Bar and eligible to practice law and who have practiced at least five (5) years. Recommendations for membership may be

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solicited at the sole discretion of the Chief Judge from local bar associations, local Inns of Court, or otherwise.

The membership of the Panel shall include nine (9) members, comprised as follows:

- 3 members representing Lee County
- 2 members representing Collier County
- 1 member representing Charlotte County
- 1 member representing Hendry/Glades Counties
- 2 members representing the Judiciary of the Twentieth Judicial Circuit (current or senior)

The Chair shall be selected by the Chief Judge, or by the Chief Judge's designee.

Unexpected vacancies shall be filled by the Chief Judge, or by the Chief Judge's designee.

Members shall serve staggered 3-year terms. A member may be re-appointed to serve 1 additional 3-year term, not to exceed 6 consecutive years. Each term begins on July 1st, and runs through June 30th of the third year.[1]

B. INITIAL REFERRAL TO THE PANEL

Any person may initiate a professionalism complaint against a member of The Florida Bar through The Florida Bar Attorney Consumer Assistance and Intake Program (ACAP), 1-866-352-0707, or through the Local Professionalism Panel.

Names of the members of the Local Professionalism Panel of the Twentieth Judicial Circuit will be posted on the website of the Courts of the Twentieth Judicial Circuit, www.ca.cjis20.org, and will be forwarded periodically to each County Bar Association within the Twentieth Judicial Circuit with a request for publication so that lawyers practicing within the Circuit and judges will know who they should contact to refer a lawyer to the program. It is recommended that the complainant use the written Referral Form created by the Panel, but using such a form is not mandatory. A copy of the Referral Form which is recommended for use is attached hereto and is available online.

Any judge within the Twentieth Judicial Circuit or any lawyer or any other person who observes conduct by a lawyer inconsistent with the Standards of Professional Courtesy and Conduct for the Twentieth Judicial Circuit ("complainant"), may refer such conduct and the identity of the lawyer to any member of the Local Professionalism Panel. The member shall then promptly forward the referral to the Chairperson of the Local Professionalism Panel ("Panel").

C. REVIEW BY PANEL

At its next meeting, the Panel shall by a majority vote of the quorum, determine how to respond to any referrals or complaints that have been received. The Panel shall first consider whether conduct has been alleged which, if true, does not comply with the Standards of Professional Courtesy and Conduct for the Twentieth Judicial Circuit ("Standards"). If the Panel finds that the conduct alleged, if true, does not comply with the Standards, the Panel may proceed as appropriate, which may include informal

[1] Until July 1, 2024, when the term of the first panel begins under the new Florida Supreme Court opinion, In re: Code for Resolving Professionalism Referrals and Amendments to Rule Regulating the Florida Bar 6-10.3, 367 So. 3d 1184 (Fla. 2023), the current Panel shall preside over the Local Professionalism Program.

CLERK OF THE COURT & COMPTROLLER KEVIN C. FULMER IN GOD WE TRUST 1887 LEE COUNTY, FLORIDA

discussions, either by telephone or in-person, with the lawyer who has been referred to the Panel. The Panel, or a designated member of the Panel, may outline the perceived problem and ask the subject lawyer whether he or she can assist the Panel in finding a solution. The solution may include a referral to a local member of the bar for mentoring purposes. There will be no sanctions or other enforcement mechanism associated with the consultation.

If the lawyer refuses to discuss the matter or otherwise cooperate, the Panel may still discuss the conduct and determine how best to proceed. The Panel has the discretion to direct the referral back to the complainant for clarification or additional information, or to proceed further under paragraph III.D.

Referrals or complaints received by the Local Professionalism Panel may be referred to The Florida Bar Attorney Consumer Assistance and Intake Program (ACAP) at any time depending upon the nature and severity of the complaint.

D. PROCEDURE IF CONDUCT NOT RESOLVED UNDER SECTION III.C.

In the event that a referral to the Panel alleges conduct which, if true, does not comply with the Standards of Professional Courtesy and Conduct for the Twentieth Judicial Circuit ("Standards"), and the matter is not resolved under Section III.C, the Panel may elect to (i) contact the lawyer either by telephone, in-person or by letter, (ii) describe the alleged noncompliance or enclose the written referral form, and (iii) request a response from the subject lawyer to be provided within 30 days. The subject lawyer's response shall be provided by the Panel to the complainant. Upon receipt of the response, the Panel shall consider the referral and response. The Panel may thereafter contact the subject lawyer and the complainant to further discuss the referral and response, and may request an in-person meeting. The Panel thereafter shall determine by majority vote whether conduct has occurred which does not comply with the Standards. The determination of the Panel shall be communicated to the subject lawyer as well as the complainant. A designee of the Panel shall discuss the matter with the lawyer in an attempt to educate the lawyer about the noncompliance and hopefully avoid other or similar conduct in the future which does not comply with the Standards. It is recommended that the entire review process be accomplished within 90 days from the date that the alleged conduct was referred by the complainant to the Panel; however, failure to adhere to this recommended time limit is not fatal to the referral.

In the event that the Panel determines that conduct has occurred which does not comply with the Standards, and depending upon the facts and nature of the conduct, the Panel may, in its discretion, provide a redacted summary to each County Bar Association within the Twentieth Judicial Circuit with a request for it to be published in the newsletters or other regular periodic publications of each bar association. The summary shall briefly and concisely inform the bar of the referral, the alleged facts giving rise to the referral, and the determination of the Committee. The summary shall not identity the complainant, the lawyer, or the members of the Panel who voted. It is the hope that members of the bar will learn from these publications and misunderstandings of the Standards will be reduced.

E. REQUEST FOR IN-PERSON MEETING WITH LAWYER

If the Panel, or a designated member of the Panel, requests an in-person meeting with the lawyer who is the subject of a referral, it is because an in-person meeting has been deemed to be an important part of the process. A request by the lawyer to alternatively meet remotely via Zoom, or via other electronic means, as a matter of convenience will not be considered.

F. CONFIDENTIALITY

All referrals, documents and records provided to the Local Professionalism Panel are confidential and not subject to public disclosure. Likewise, all proceedings held before the Local Professionalism

Panel are confidential and not open to the public. In re: Code for Resolving Professionalism Referrals and Amendments to Rule Regulating the Florida Bar 6-10.3, 367 So. 3d 1184 (Fla. 2023).

G. IMMUNITY

The members of the Local Professionalism Panel and staff assisting the Local Professionalism Panel have absolute immunity from civil liability for all acts in the course and scope of their duties under this Local Professionalism Program. In re: Code for Resolving Professionalism Referrals and Amendments to Rule Regulating the Florida Bar 6-10.3, 367 So. 3d 1184 (Fla. 2023).

H. FLORIDA SUPREME COURT REPORTING REQUIREMENTS

The Panel shall comply with all Florida Supreme Court reporting requirements, which at this time include the filing of a biannual written report with the Chief Judge, the Florida Supreme Court, and the Florida Bar identifying all professionalism referrals received against a member of The Florida Bar in June and December of each calendar year. The biannual reports must include the following information for each referral for the 6 calendar months preceding the month in which the report is due:

1) the date of the referral;
2) the circuit in which the issue arose;
3) a short summary detailing the substance of the referral;
4) the relationship of the respondent to the person submitting the referral;
5) whether or not the respondent voluntarily participated in the process;
6) the resolution, if any, of the referral; and
7) whether there were previous referral against the respondent.

The biannual reports must not include any identifying information for the respondent or the party who submitted the referral.

Revised January 2024

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REFERRAL FORM
TO THE LOCAL PROFESSIONALISM PANEL
OF THE TWENTIETH JUDICIAL CIRCUIT

1. **Referring Attorney, Judge, or Other Person:**

Your Name: _____

Bar Number: [if applicable] _____

Your Address: _____
_____
_____

Telephone No.: _____
e-mail: _____

2. **Attorney Being Referred:**

Name of Attorney: _____

Bar Number: [if known] _____

Address: _____
_____
_____

Telephone No.: _____
e-mail: _____

NOTE THIS IS NOT A DISCIPLINARY PROCEEDING

3. Alleged Noncompliance (check one):

___ Twentieth Judicial Circuit's Standards of Professional Courtesy and Conduct for Lawyers.
Standards involved: _____
_____
_____

___ The Florida Bar's Professionalism Expectations.
Expectation Involved: _____
_____
_____

___ Other: _____
_____
_____

Briefly describe the facts and circumstances of the alleged conduct which does not, in your opinion, comply with the above Standards or Expectations. Use the back of this form or attach additional pages if necessary. Please try to be brief and non-judgmental. Please list and attach any papers requiring consideration or needed for clarification of the allegations discussed. Please state the specific provision(s) involved. Please note that referrals are confidential pursuant to In re: Code for Resolving Professionalism Referrals and Amendments to Rule Regulating the Florida Bar 6-10.3, 367 So. 3d 1184 (Fla.2023).

Signed: _____ Date: _____

Revised January 2024