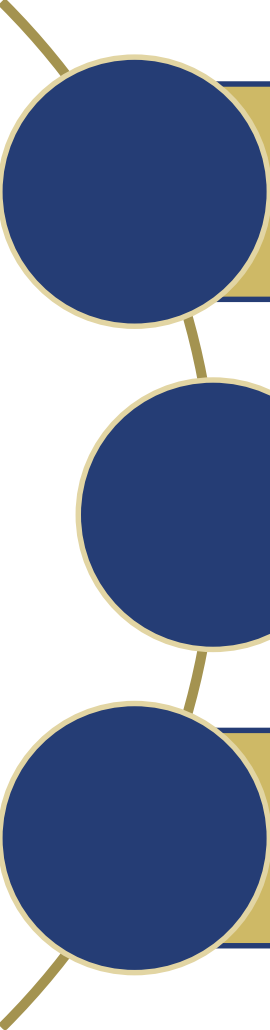




Practicing With Professionalism

Overview of The Florida Bar Discipline System

Today's Objectives



Examine the Disciplinary Process

**Explore Avoiding & Limiting
Grievances**

**Discuss Resources Available to
Members**

The Florida Bar Spotlight



**More than
100,000 attorneys**

**Received over
19,000 inquiries**

**Opened 4,600
cases**

**350+ cases ended
in discipline**

**Regulation costs
total \$20 million
or 48% of Bar's
budget**

Attorney Consumer Assistance & Intake Screening Process

ACAP Process & Intake

Facilitates
informal
resolution

Designed to be
more lawyer/public
friendly

Manages toll free
reporting hotline as
well as written and
email inquiries



Disciplinary Process – Step 1

Complaint

Parties:

COMPLAINANT: Susan Jones

ATTORNEY: John Smith

As a PR for her dad's estate,
Susan Jones contacted ACAP

She alleges that Attorney
Smith has grievously violated
her rights because Smith was
hired in 2015 to handle the
closing of her dad's estate.

It is 2017 and there is still no
resolution

Disciplinary Process – Step 2

COMPLAINT



ACAP INTAKE

Inquiry:

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

Complaint:

- Response requested
- Rebuttal allowed
- Analysis of facts

Options:

- Mediation/Fee Arbitration
- Referral to branch office
- Closure – no action

Disciplinary Process – Step 3

COMPLAINT



ACAP INTAKE

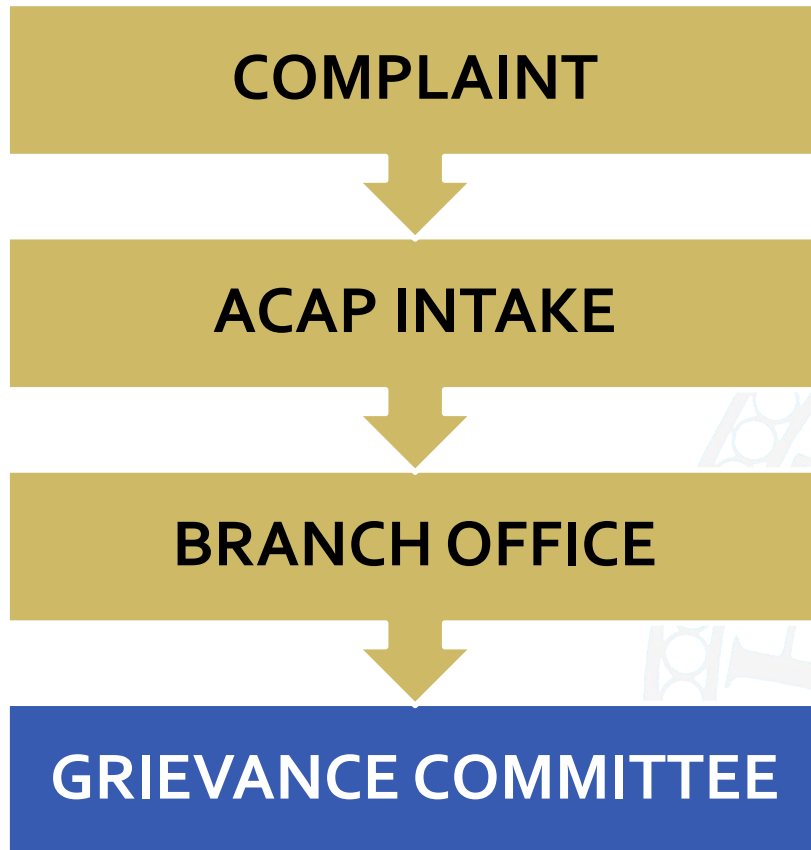


BRANCH OFFICE

Branch Offices

- ☐ Ft. Lauderdale
- ☐ Miami
- ☐ Orlando
- ☐ Tampa
- ☐ Tallahassee

Disciplinary Process – Step 4



Grievance Committee Process

- ☐ Investigating member assigned
- ☐ Additional investigation
- ☐ Hearing or review
- ☐ Grievance Committee action

Grievance Committee Options

1) No Probable Cause (case closed)

2) No Probable Cause with Letter of Advice (case closed)

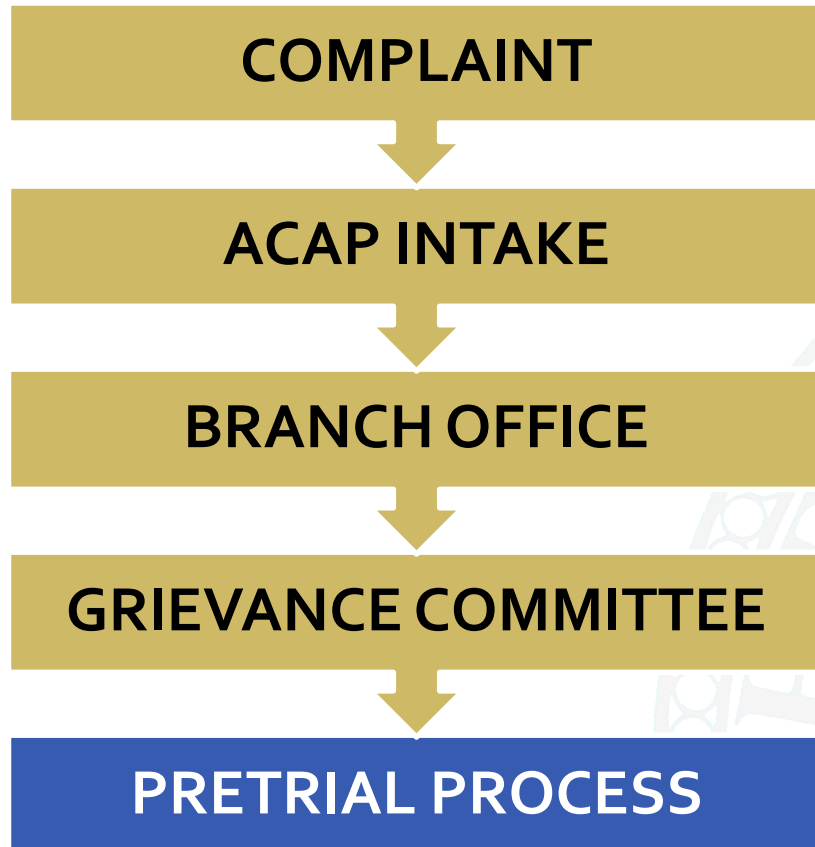
3) Diversion Programs:

- Ethics School
- Trust Accounting Workshop
- Florida Lawyers Assistance, Inc.
- Advertising Workshop
- Stress Management Workshop
- Professionalism Workshop

4) Report of Minor Misconduct

5) Probable Cause with Referral to FL SC

Disciplinary Process – Step 5



Pretrial Process

- ☐ TFB drafts & files complaint with FL SC
- ☐ Referee appointed by SC for Judicial Review
- ☐ Attorney enters a guilty plea (optional)
- ☐ Discovery uses Fla. R. Civ. P

Disciplinary Process – Step 6

COMPLAINT



ACAP INTAKE



BRANCH OFFICE



GRIEVANCE COMMITTEE



PRETRIAL PROCESS

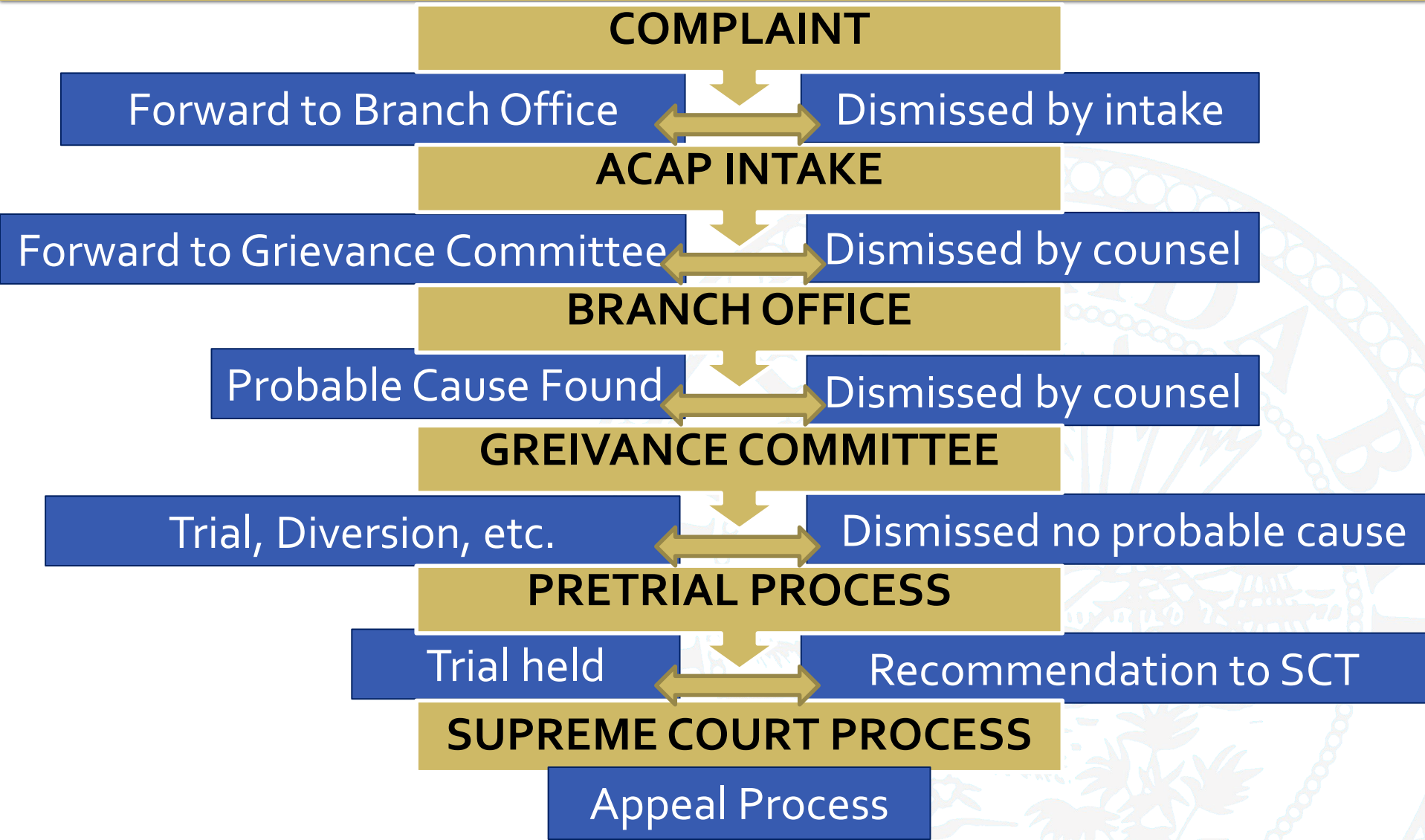


SUPREME COURT PROCESS

FL Supreme Court Process

- ☐ Respondent's answer
- ☐ Referee conducts hearing
- ☐ Referee conducts sanctions hearing
- ☐ "Report of Referee"
- ☐ Supreme Court reviews
- ☐ Supreme Court issues Final Order

Steps in Disciplinary Process





Avoiding & Limiting Bar Grievances

Avoiding & Limiting Bar Grievances

Have a written fee agreement

Supervise your staff

Review your trust account routinely

Communicate with your clients regularly

Avoiding & Limiting Bar Grievances

Conduct conflict checks

Send declination letters

Prepare regular billing statements

Stay current with dues, CLEs & contacts



Resources Available to Florida Bar Members

Resources Available to Florida Bar Members

**Practice
Resource
Institute
(formerly
LOMAS)**

**Legal Fee
Arbitration
&
Mediation**

**Henry Latimer Center
for Professionalism**

Ethics Opinions

**Lawyers
Advising
Lawyers**

ACAP

**Florida
Lawyers
Assistance,
Inc.**

www.FloridaBar.org

Resources Available to Florida Bar Members

The screenshot shows the Florida Bar website with several red annotations. At the top, the navigation bar includes links for **Ethics**, **Rules**, **Professionalism**, **Log In**, and **Follow**. Red arrows point from **Ethics** to **Ethics Opinions** and from **Professionalism** to **Henry Latimer Center for Professionalism**. The main header features the text **THE FLORIDA BAR** and a search bar labeled **Search The Florida Bar**. Below the header, a large image of the Florida Bar building is shown with the text **for the Public** overlaid. To the right of the building image, there are three book covers: **online LRS Lawyer Referral Service**, **Attorney's Fees Do You Have A Will?**, and **Guide for Florida Voters**. Below these covers, a section titled **WHAT DO YOU WANT TO DO?** lists several options: **Find a Lawyer**, **Attorney Discipline Information** (circled in red with an arrow pointing to **ACAP**), **Pro Bono/Legal Aid Offices**, **File a Complaint Against a Lawyer**, and **File a Complaint Against a Non-Lawyer**. A button labeled **More links for the public** is also present. At the bottom of the page, there are three main sections: **Access to Civil Justice Website** (with a logo for the Florida Commission on Access to Civil Justice), **Practice Resource Institute** (with a logo for PRI, circled in red), and **The Florida Bar News** (dated February 15, 2015). On the right side of the bottom section, there is a **Find a Lawyer** form with fields for **Bar Number**, **First Name**, and **Last Name**, and a button labeled **Expanded Search >>**.

Ethics **Rules** **Professionalism** **Log In** **Follow**

Ethics Opinions **Henry Latimer Center for Professionalism**

THE FLORIDA BAR

for the Public

online LRS Lawyer Referral Service **Attorney's Fees Do You Have A Will?** **Guide for Florida Voters**

WHAT DO YOU WANT TO DO?

- Find a Lawyer
- Attorney Discipline Information** **ACAP**
- Pro Bono/Legal Aid Offices
- File a Complaint Against a Lawyer
- File a Complaint Against a Non-Lawyer

More links for the public

Access to Civil Justice Website **Practice Resource Institute** **The Florida Bar News** **Find a Lawyer**

Florida Commission on Access to Civil Justice **PRI Promoting Excellence in the Profession** **Expanded Search >>**

Ethics Hotline

1-800-235-8619
Open Weekdays 9-5

Staffed by licensed attorneys

Offers a searchable ethics opinion database

Members can ask for informal advisory opinions

Members can request a written opinion

Practice Resource Institute

www.floridabar.org/PRI



Helps Bar members
with law office &
technology
management

Provides links to
articles, videos &
podcasts with live
chat features

Legal Fee Arbitration & Mediation

1-850-561-5719

Informal, free service
utilizing volunteer
arbitrators

Resolves fee disputes
between attorneys &
clients, as well as
between attorneys.

Florida Lawyers Assistance, Inc.

1-800-282-8981
www.Fla-lap.org

Confidential process

Assists attorneys with
substance abuse,
compulsive behaviors
& stress management.

Lawyers Advising Lawyers

1-800-342-8060 ext.5807

www.floridabar.org/lawyersadvisinglawyers

Free service that allows you to talk with a seasoned attorney about practice issues & unfamiliar areas of law.

More than **60** areas of substantive & procedural law are available to users.

Attorney Consumer Assistance Program

1-866-352-0707

www.floridabar.org/tfb/TFBConsum.nsf/

Available to
lawyers, judges,
clients &
consumers



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