

**IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER NO. A-2023-37**

**ADMINISTRATIVE ORDER ESTABLISHING THE FIFTH  
JUDICIAL CIRCUIT LOCAL PROFESSIONALISM PANEL AND  
PROCEDURES FOR RESOLVING PROFESSIONALISM  
COMPLAINTS**

**AND**

**RESCINDING ADMINISTRATIVE ORDERS  
A-2019-23-A; C-2015-54-D; H-2015-62-D; L-2019-28-C;  
M-2015-57-E; AND S-2015-58-D**

**WHEREAS**, the Supreme Court of Florida has issued AOSC2023-0884 IN RE: CODE FOR RESOLVING PROFESSIONALISM REFERRALS AND AMENDMENTS TO RULE REGULATING THE FLORIDA BAR (corrected opinion) on July 6, 2023; and

**WHEREAS**, AOSC2023-0884 was issued, *inter alia*, to “clarify and enhance the important role of local professionalism panels, entities independent of The Florida Bar and established in each circuit for the purpose of informally resolving referrals of claimed unprofessional conduct by lawyers practicing in that circuit;” and

**WHEREAS**, Appendix A of AOSC2023-0884 titled “The Code for Resolving Professionalism Referrals” (“the Code”) mandates the establishment of local professionalism panels (LPPs) in each judicial circuit; and

**WHEREAS**, the Code tasks the Chief Judge with creating and maintaining “in continuous operation a local professionalism panel (“LPP” or “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[;]”

DBM/TN

and

**WHEREAS**, the Fifth Judicial Circuit, being a multi-county circuit, has previously maintained a professionalism panel for each county, which now must be replaced with a single local professionalism panel (LPP) in compliance with the provisions of **The Code for Resolving Professional Referrals**; and

**WHEREAS**, the Code mandates the Chief Judge to appoint an LPP Chair, and empowers the Chief, or his or her designee, to select the number and members of the LPP. The members of the LPP must include judges and local attorneys that are in good standing with The Florida Bar, from diverse areas of practice with varying levels of experience, and who have been eligible to practice law at least 5 years.

It is therefore,

**ORDERED and ADJUDGED as follows:**

1. The Fifth Judicial Circuit Local Professionalism Panel is hereby established for the purpose of receiving, screening, and acting upon referrals of unprofessional conduct by lawyers practicing in the Circuit, including appellate practice and transactional practice. The LLP is independent of The Florida Bar and shall address those referrals informally, if possible, or refer said referrals to the Florida Bar for investigation.

2. The Code for Resolving Professionalism Referrals as currently found in Appendix A to AOSC2023-0884 and which may be amended from time to time, is hereby adopted in full, incorporated, and made part of this Order. Any future amendment(s) to the Code is hereby adopted, incorporated, and made a part of this Order without further order of the Chief Judge. Any provision of this Order which may become contravening to the Code is overridden until such time as this Order may be amended.

3. The Fifth Judicial Circuit Local Professionalism Panel consists of a Chair, current or senior judges, and local attorneys in good

standing with The Florida Bar of varying practice areas, who have practiced at least 5 years. The appointment of the LPP Chair, the initial LPP, the procedures for appointment of subsequent LPP members, and the staggering of 3-year terms to be served by LPP members will be addressed by separate administrative order.

**4.** Each LPP member will serve a 3-year term, beginning on July 1<sup>st</sup> of the year they are appointed. LPP member terms are to be equally staggered, to the extent possible, such that no LPP, other than the initial LPP, shall consist of entirely new members, and each year the LPP will consist of approximately one-third new members.

**5.** Pursuant to the Code for Resolving Professionalism Referrals, the members of the LPP, staff assisting the LPP, members of the Fifth Judicial Circuit Committee on Professionalism, and staff assisting the Committee, have absolute immunity from civil liability for all acts in the course and scope of their duties under the Code.

**6.** LPP members must undergo training by experienced lawyers involved in The Florida Bar disciplinary process prior to serving on the panels.

**7.** Every other year, beginning in 2023, the LPP Chair, or the LPP member designated by the LPP Chair, must attend a conference organized by The Florida Bar to review the Code and make any recommendations for change to the Florida Supreme Court, review the forms used by the circuits to maintain uniformity of the forms (allowing for each circuit to modify the forms to meet the needs of the individual circuits), and review the procedures used by the circuits to maintain uniformity of procedures (allowing for each circuit to modify procedures to meet the needs of the individual circuits). The person who represents the Circuit at the conference must report to the LPP regarding the substance of the conference for the purpose of discussing the policies and procedures of the circuits to facilitate continued enhancement of the program.

**8.** Documents and records provided to, and proceedings before, the LPP are confidential. LPP referrals to the bar do not remain confidential under Rule Regulating The Florida Bar 3-7.1.

**9.** The LPP must file a 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.

**a.** The biannual report must include the following information for each referral for the six 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 referrals against the respondent.

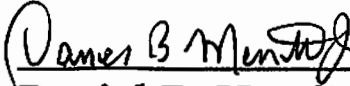
**b.** The reports must not include identifying information for the respondent or the party who submitted the referral.

**c.** The LPP biannual reports will be published on the Fifth Judicial Circuit's website.

**10.** The Office of the General Counsel of the Fifth Judicial Circuit shall serve as the Panel Liaison and be responsible for communicating between the Circuit Professionalism Practice Chair, Circuit Professionalism Education Chair, the LPP Chair, and LPP members.

**11.** Administrative Order A-2019-23-A is vacated and replaced by this Order. Administrative Orders C-2015-54-D, H-2015-62-D, L-2019-28-C, M-2015-57-E, and S-2015-58-D are hereby rescinded.

**DONE AND ORDERED** in Chambers, in Brooksville,  
Hernando County, Florida, this 10<sup>th</sup> day of October 2023.

  
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**Daniel B. Merritt, Jr.**  
**Chief Judge**  
**Fifth Judicial Circuit**