

Supreme Court of Florida

No. SC15-75

IN RE: AMENDMENT TO THE CODE FOR RESOLVING PROFESSIONALISM COMPLAINTS.

[January 29, 2015]

PER CURIAM.

In 2013 the Court adopted the Code for Resolving Professionalism Complaints (Code), after considering the request of the Supreme Court of Florida Commission on Professionalism. See In re Code for Resolving Professionalism Complaints, 116 So. 3d 280 (Fla. 2013). The Code provides a process to address attorney professionalism issues at a crucial point, which is the local level. After further study of the Code by the Commission on Professionalism, the Court, on its own motion, amends the Code.¹

The Code provides for the establishment of Local Professionalism Panels. These are entities independent of The Florida Bar that are “established at the local

1. We have jurisdiction. See art. V, § 15, Fla. Const.

level for the purpose of resolving complaints of alleged unprofessional conduct by attorneys practicing in [those circuits].” Id. at 283. The structure for addressing professionalism issues also includes Circuit Committees on Professionalism. The Committees were established pursuant to the Administrative Order issued by this Court on June 11, 1998, that directed the Chief Judge of each circuit to create and maintain in continuous operation a Circuit Committee on Professionalism. Id. at 281. After considering the responsibilities performed by the Local Professionalism Panels and the Circuit Committees on Professionalism, we hereby amend the Code by adding Section 4, “Immunity,” to provide immunity from civil liability to members of the Local Professionalism Panels and members of the Circuit Committees on Professionalism, as well as to staff persons for these entities, for all acts performed in the course of their official duties. See generally R. Regulating Fla. Bar 10-10.1 (Immunity); R. Regulating Fla. Bar 14-7.1(a) (Immunity).

Accordingly, the Court amends the Code for Resolving Professionalism Complaints as set forth in the appendix to this opinion. The amendment shall become effective immediately upon the release of this opinion. Because the amendment was not previously published for comment, interested persons shall

have sixty days from the date of this opinion in which to file comments with the Court.²

It is so ordered.

LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, POLSTON, and PERRY, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THESE AMENDMENTS.

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2. All comments must be filed with the Court on or before March 30, 2015, with a certificate of service verifying that a copy has been served on the Director of The Florida Bar Center for Professionalism, Linda Calvert Hanson, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300, lcalvert@flabar.org, as well as a separate request for oral argument if the person filing the comment wishes to participate in oral argument, which may be scheduled in this case. If filed by an attorney in good standing with The Florida Bar, the comment must be electronically filed via the Portal in accordance with In re Electronic Filing in the Supreme Court of Florida via the Florida Courts E-Filing Portal, Fla. Admin. Order No. AOSC13-7 (Feb. 18, 2013). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment must be electronically filed via e-mail in accordance with In re Mandatory Submission of Electronic Copies of Documents, Fla. Admin. Order No. AOSC04-84 (Sept. 13, 2004). Electronically filed documents must be submitted in Microsoft Word 97 or higher. Any person unable to submit a comment electronically must mail or hand-deliver the originally signed comment to the Florida Supreme Court, Office of the Clerk, 500 South Duval Street, Tallahassee, Florida 32399-1927; no additional copies are required or will be accepted.

APPENDIX

Section 4. Immunity

4.1. Local Professionalism Panels and Circuit Committees on Professionalism: The members of the Local Professionalism Panels, staff persons assisting those panels, members of the Circuit Committees on Professionalism, and staff persons assisting those committees, shall have absolute immunity from civil liability for all acts in the course and scope of their official duties.