

Supreme Court of Florida

No. SC2023-0884

**IN RE: CODE FOR RESOLVING PROFESSIONALISM REFERRALS
AND AMENDMENTS TO RULE REGULATING THE FLORIDA BAR
6-10.3.**

July 6, 2023

PER CURIAM.

In May 2021, The Florida Bar created the Special Committee for the Review of Professionalism in Florida. The Special Committee's charge was to consider the state of professionalism among Florida lawyers and to develop recommendations for this Court and The Florida Bar on: the teaching of professionalism throughout a lawyer's career; the content of Florida's professionalism standards; and the enforcement of those standards. The Court is grateful for the Special Committee's hard work and its thorough and thoughtful report and recommendations.

A key focus of the Special Committee's study was the Code for Resolving Professionalism Complaints, which this Court adopted in

2013 and later amended twice. *See In re Code for Resolving Professionalism Complaints*, 116 So. 3d 280 (Fla. 2013); *In re Amend. Code for Resolving Professionalism Complaints*, 156 So. 3d 1034 (Fla. 2015); *In re Amends. Code for Resolving Professionalism Complaints*, 174 So. 3d 995 (Fla. 2015). The Special Committee has proposed that the Court replace the 2013 Code with a new code, the Code for Resolving Professionalism Referrals. The Special Committee also asks the Court to amend Florida’s Professionalism Expectations and Rule Regulating The Florida Bar 6-10.3 (Minimum Continuing Legal Education Standards). We grant the Special Committee’s requests with modifications.¹

First, the Court replaces the 2013 Code with the Code for Resolving Professionalism Referrals. This new code will clarify and enhance the important role of local professionalism panels, entities that are independent of The Florida Bar and established in each circuit for the purpose of informally resolving referrals of claimed

1. We have jurisdiction. Art. V, § 15, Fla. Const. (“The supreme court shall have exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.”).

unprofessional conduct by lawyers practicing in that circuit. Importantly, the code we adopt today clarifies the distinction between the informal local professionalism panel process and the formal grievance process for investigating and adjudicating possible violations of the Florida Rules of Professional Conduct. The Court agrees with the Special Committee that the informal, peer-to-peer mentoring approach offered by local professionalism panels can materially improve professionalism among Florida lawyers.

Second, we amend the Professionalism Expectations as recommended by the Special Committee. The Professionalism Expectations are one of four sources that make up the standards of professionalism in Florida; the other sources are the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, and the Rules Regulating The Florida Bar. The revised Professionalism Expectations that we adopt today emphasize that Florida's professionalism standards apply to all forms of communication, including online communication, and to both in-person and remote (video or audio) interactions with others.

Third, we amend Bar Rule 6-10.3(b) (Minimum Hourly Continuing Legal Education Requirements). The existing CLE rule

generally requires Bar members to complete a minimum of 33 credit hours of approved continuing legal education activity every three years. The existing rule further mandates that at least one of the 33 hours consists of an approved professionalism program.

Adopting in part a recommendation of the Special Committee, today we amend the CLE rule to require Bar members to complete, during each reporting cycle, a two-hour legal professionalism course produced by The Florida Bar and approved by this Court. This two-hour course, which the Bar will offer free of charge, replaces the existing one-hour professionalism program requirement.

Finally, the Court on its own motion today makes two additional changes to the existing CLE rule. First, the overall CLE requirement is reduced to 30 hours per reporting cycle. This change restores the required hourly total in place when the Court first imposed mandatory CLE in 1987, and it aligns the total CLE hours requirement for lawyers with the corresponding continuing education requirement for judges. *See Fla. Bar re Amend. to R. Regulating Fla. Bar (Continuing Legal Educ.)*, 510 So. 2d 585 (Fla. 1987); Fla. R. Gen. Prac. & Jud. Admin. 2.320(b)(2).

Second, the current CLE rule says in part that “[a]t least 5 of the 33 credit hours must be in approved legal ethics, professionalism, bias elimination, substance abuse, or mental health and wellness programs.” Today the Court amends the rule by removing “bias elimination” from that list. The Court believes that non-discrimination principles and civility can and should be addressed in the context of legal ethics and professionalism. Courses in “bias elimination” that meet The Florida Bar’s general course approval requirements will continue to count toward the fulfillment of Bar members’ overall 30-hour CLE requirement; but such courses will no longer count toward fulfillment of the five-hour sub-requirement specified in the rule.

We hereby adopt the Code for Resolving Professionalism Referrals as reflected in Appendix A, which replaces the 2013 Code for Resolving Professionalism Complaints. We also hereby amend the Professionalism Expectations as reflected in Appendix B and Rule Regulating The Florida Bar 6-10.3 as reflected in Appendix C. In Appendices B and C, new language is indicated by underscoring, while deletions are indicated by struck-through type.

The Code for Resolving Professionalism Referrals and the amendments to the Professionalism Expectations are effective immediately. The amendments to Bar Rule 6-10.3 shall be effective January 8, 2024. Any “bias elimination” courses taken prior to the effective date of the amendments to Bar Rule 6-10.3 will count toward a member’s fulfillment of the five-hour sub-requirement for the member’s applicable reporting cycle. For any member who has less than three months remaining in his or her CLE reporting cycle on the effective date of the Bar Rule 6-10.3 amendments, the requirement to take the two-hour Bar-produced course on professionalism will not apply until the member’s subsequent reporting cycle.

Because the amendments were not published for comment previously, interested persons shall have 75 days from the date of this opinion in which to file comments with the Court.²

2. All comments must be filed with the Court on or before September 19, 2023, 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 Florida Courts E-Filing Portal (Portal). If filed by a nonlawyer or a lawyer not licensed to practice in Florida, the comment may be, but is not required to be, filed via the

It is so ordered.

MUÑIZ, C.J., and CANADY, LABARGA, COURIEL, GROSSHANS,
and FRANCIS, JJ., concur.
SASSO, J., did not participate.

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

Original Proceeding – Code for Resolving Professionalism Referrals
and Florida Rules Regulating The Florida Bar

Portal. 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.