How do you define “Professionalism?” Perhaps it is like recognizing another “P” word, as United States Supreme Court Justice Stewart famously said, “I know it when I see it...” See Jacobellis v. Ohio, 378 U.S. 184 (1964). Embracing professionalism is a positive experience for everyone — counsel, the court, and, most importantly, our clients and the public. Professionalism makes the practice of law (a stressful occupation by its very nature) more enjoyable, while at the same time enhancing the quality of the work that we accomplish together for justice. When lawyers accept that professionalism can coexist with zealous advocacy, the noble calling of our service to the public is more enriched and helps silence the denigrating lawyer jokes.

So what attributes shape professionalism? “Profession” is defined by Merriam-Webster as a calling requiring specialized knowledge and often long and intensive academic preparation. More specific to the law, the very first Professionalism Expectation - one of seven approved by The Florida Bar Board of Governors on January 30, 2015, to replace the Ideals and Goals of Professionalism — identifies the practice of law as a *privilege*. Expectation one guides us:

A license to practice law is a *privilege* that gives the lawyer a special position of trust, power, and influence in our society. This privilege requires a lawyer to use that position to promote the public good and to foster the reputation of the legal profession while protecting our system of equal justice under the law.

Yes, as a licensed attorney, you are called with specialized knowledge after much legal study to exercise the privilege of promoting the public good and fostering the reputation of the legal profession — all while protecting our system of equal justice under the law. Still wondering what professionalism looks like?

I suggest a few attributes for your consideration that seem to frame our obligations
Chair’s Report
from page 1

and correlate to the privilege we enjoy as attorneys:

1. Dedication to serving clients before self.
2. Dedication to serving the public interest, improving the law, and improving the practice of law.
3. Devotion to honesty, integrity, and good character.
4. Passion for excellence.
5. Maintenance of competence in a specialized body of knowledge and skills

These are likely some of the elements that caused us to enter the legal profession. If we focus on the first Professionalism Expectation – that it is a privilege to practice law, the above attributes follow.

For example, we naturally want to serve clients before ourselves, not simply to log in billable hours, but out of gratitude for the ability to help someone else and make a difference. If we acknowledge the privilege, we want to serve the public interest that could range from not knowingly assisting a client to commit a crime or a fraud, to promoting an improvement in the law where we see a “gap” or need for protection for those without a voice. If we see our bar license as a privilege, as opposed to a right simply because we passed the Bar exam, then we will strive for honesty, integrity, and good character by expecting trust from our colleagues and extending it. Our word is our bond.

One of my favorites, if we are truly grateful for the privilege to practice, is excellence - a goal until we no longer breathe! Being our very best is what transforms us into the best advocates for our clients. We are not form-fillers or computers, but evolving thinkers searching for the best solution. Of course, as we strive for excellence, we gladly accept the professional responsibility of continuing legal education and our pursuit of improving our problem-solving skills, research and writing, analytical skills, and oral advocacy.

Finally, our privilege to practice coexists with the weighty burden of independence and self-regulation of our profession. We have chosen our profession in part because it mandates that we exercise independent professional judgment on behalf of our clients. We follow a code of professional ethics, and insist, through self-regulation, that all lawyers do so.

After considering some attributes that define professionalism, how do we achieve it?

In order to achieve that positive experience with the greatest yield for professional satisfaction, we must employ patience and restraint. It is easy to be professional with colleagues on your bar committee or opposing counsel with whom you see in the synagogue, church, or local community club. It is far more challenging to exercise the requisite patience and restraint with those who attack out of fear, anger, or other negative emotions.

In the words of a past Chair of the Florida Bar Standing Committee on Professionalism, Caroline Johnson Levine, “Growing in professionalism and leadership skills requires patience, but it is worth the wait as the struggle from the chrysalis into glorious winged flight is not without a lengthy struggle.” The Professional, Vol. XII, No. 3 (Winter 2015). In these days of electronic communication that occurs in seconds, how does one develop patience or restraint in responding to overly charged emails dripping with negativity or worse?

Regarding the email vortex, the answer is simple: Count to 10, then count to 20, count to 200 if you must. If possible, pick up the phone. If the old fashioned phone is not possible, briefly reply with facts, no tone, and only if a reply is necessary. The key is to remove emotion or personal animus in order to accomplish the duty of representing your client and respecting our profession. Unless someone is about to be harmed, take a time out. Just because you have the privilege to practice law does not mean you have any right to lose your temper with opposing counsel (or the Court). If you were not naturally blessed with a relaxed disposition, patience and restraint are muscles that have to be trained.

Some might agree that patience is treating others the way you would like to be treated. The Golden Rule finds its genesis in the Bible, or possibly can be traced even farther to ancient Asian culture. http://www.iep.utm.edu/goldrule/ Wherever the origin, the concept of treating others fairly with kindness and grace is an enduring one that holds great weight in our profession. Like any other muscle, developing patience and restraint takes time. When you fill your head and heart with gratitude for the privilege to practice law, you will seek fairness and patience will exist.

NOW ACCEPTING NOMINATIONS!

THE STANDING COMMITTEE ON PROFESSIONALISM IS NOW ACCEPTING NOMINATIONS FOR:

- William M. Hoeveler Judicial Professionalism Award
- Law Faculty/Administrator Professionalism Award
- Group Professionalism Award

FOR MORE INFORMATION https://www.floridabar.org/prof/pawards/
“Mr. Grimes, what is professionalism?”

This question from a student on the Chiles High School Mock Trial Team was about the only one I had not prepared for as a coach. I was ready to go on evidentiary standards, relevance, hearsay, hearsay exceptions, admissions, expert standards, the structure of the court system, and the rules of the competition, but it never occurred to me that I would be teaching professionalism.

My first thought was, “I can’t define professionalism for you, but you’ll know it when you see it.” I decided against this since it would be quite unhelpful in governing future behavior. My next thought was, “While professionalism is hard to define, unprofessional behavior is when opposing counsel does something you don’t like.” While I enjoyed this definition more, it did not seem like a worthy way to introduce professionalism and the law.

In keeping with the legal community’s focus on professionalism, the Florida Law Related Education Association added “professionalism and ethics” points to the scoring rubric for the state mock trial competition. This seemed like a great idea, however, professionalism is a difficult concept for attorneys to get—how would I go about in teaching this to aspiring lawyers who had not finished high school and had no idea what The Florida Bar is? I thought back to my experience as an advocate and no idea what The Florida Bar is? I thought back to my experience as an advocate and never quite how to govern future behavior. My next thought was, “While professionalism is hard to define, unprofessional behavior is when opposing counsel does something you don’t like.” While I enjoyed this definition more, it did not seem like a worthy way to introduce professionalism and the law.

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Be Competent
The first factor in my test, and the mandatory prong, is be competent, and most importantly, admit when you are not. Competence itself is a somewhat difficult concept to nail down, but at its core, you need to know the law, know the facts, know your client’s position, know the rules of the game, and know when you are out of your league.

It can be hard to admit you need assistance or you can’t manage everything you want to, but the best attorney in the world is no good to their client unless they devote the time necessary to the case. Your skills as an orator will not repair the damage of a missed deposition. A thorough understanding of a complex legal theory will not be enough if you show up to with a banker’s box of disorganized, loose-leaf exhibits and can’t marshal the facts for a decision maker.

While it can be a challenge, part of being a professional is looking yourself in the mirror and truthfully evaluating and addressing your own limitations so that they don’t prejudice your client. And if you have trouble with that, ask someone to make that assessment for you.

Be Collegial
On the pragmatic side of things, law, more than many other professions, remains collegial. Collegiality is a coin with two sides:

On the one side, you are part of a group of individuals with the same calling. Our clients may change from day to day, and our roles in the system may change, but we, as a body, will continue to do what we do time and again. When you are interacting with other members of the profession, odds are it won’t be the last time you see each other—be governed accordingly.

On the other side, we need to hold each other accountable. This is not just the responsibility of the regulatory arm of The Florida Bar, but is also the duty of each individual. When we see a colleague miss the mark, we shouldn’t just look the other way. And when we see a colleague engage in exemplary behavior, we should celebrate them.

Be Kind
Finally, you should be kind. Just because you can do a thing does not mean you need to do a thing. There will be rare instances where the needs of your client mandate that you push every advantage, but that is not always necessary. It’s ok for the benefit of the court and in the interest of justice if you happen to occasionally make things easier for opposing counsel; remind them of a deadline, provide a copy of a document, accede to a request for an extension of time, etc. Obviously your client’s interests come first, but that doesn’t always have to be at the expense of kindness and courtesy.

The Final Tally
While my standard of professionalism is by no means dispositive, I think it’s a good place to start. I’m not sure that everyone else agrees, but that kind of dialog is healthy in a profession like ours. For what it’s worth, the kids I coach get 10 out of 10 points in the professionalism category almost every time. I’m always tempted to chalk the less than perfect scores up to errors by the judges, but that doesn’t feel professional.

David W. Grimes is an attorney with The Florida House Democratic Office and is the head Mock Trial coach at Lawton Chiles High School in Tallahassee. He is an alumnus of FSU College of Law.
NEED PROFESSIONAL INSPIRATION? TRY JUSTICE TEACHING.

If you find yourself in a professional slump, one great way to be inspired is to walk into a classroom.

In response to research which shows that Americans in general have little knowledge about the operation of the justice system or Constitutional rights and privileges, the Justice Teaching Program was begun in 2006 by then Florida Supreme Court Chief Justice R. Fred Lewis to promote law-related education across the State.

Attorneys like Michael Lee of the Department of Children and Families are paired with schools to promote an understanding of Florida’s justice system and our laws, develop critical thinking abilities and problem-solving skills, and demonstrate the effective interaction of courts within the constitutional structure. Mr. Lee and his staff have spent the past seven years teaching civics education lessons and giving Constitution Week presentations within Leon County High Schools.

For more information on how you can get involved, visit the Justice Teaching website, justiceteaching.org, or call, (850) 488-0007.
Towards a More Professional Approach to State Court Demands for Sanctions

By: Avery S. Chapman

Chances are that if you litigate in state court, you will frequently encounter a motion for sanctions or a request for attorneys fees in an initiating or responsive pleading. It may seem that your adversary is using those tactics as a sword and shield to turn the tide. The questions these tactics raise are: are they appropriate and what should be the right perspective to adopt when considering such tactics?

1. Considerations before bringing a motion or making a demand for sanctions.

Discretion is the better part of valor. When considering whether to bring a motion or make a demand for sanctions in state court, consider first the federal perspective on the matter. Under Fed.R.Civ.P. 11, sanctions in federal practice are proper only in the following circumstances:

- (1) when a party files a pleading that has no reasonable factual basis;
- (2) when a party files a pleading that is based on a legal theory that has no reasonable chance of success and that cannot be advanced as a reasonable argument to change existing law; and
- (3) when a party files a pleading in bad faith for an improper purpose.


Pundits have acknowledged that identifying misbehavior by counsel in litigation is “a matter of ‘complex discretionary judgment’ that cannot be reduced to formula or algorithm.” W. Bradley Wendel, Regulation Of Lawyers Without The Code, The Rules, Or The Restatement: Or, What Do Honor And Shame Have To Do With Civil Discovery Practice?, 71 Fordham L.Rev. 1567, 1594 (2003). Therefore and closer to home, our local state Circuits have developed certain conduct standards pursuant to the establishment of their Local Professionalism Panels, pursuant to the Florida Supreme Court directive establishing those panels. In Re: Code for Resolving Professionalism Complaints, SC13-688 (June 6, 2013).

Before bringing a 57.105 motion, you may be best served to review those materials. For example, in the Fifteenth Judicial Circuit In and For Palm Beach County, the Local Professionalism Panel has published Standards of Professional Courtesy, which provide that “Attorneys should not knowingly misstate, misrepresent, or distort any fact or legal authority to the court, tribunal or opposing counsel and shall not mislead by inaction of silence.” Standard IV, Candor to the Court/Tribunal and Opposing Counsel. Likewise, “Attorneys should encourage principled negotiations and and efficient resolution of of disputes on their merits.” Standard V, Efficient Administration. Measuring your own potential 57.105 motion against those Standards, a practitioner may self-regulate the necessity and appropriateness of such a motion.

If you do not self-regulate, you could find a Court turning the tables on you and impose sanctions on the party bringing the sanctions motion. In Claudet v. First Federal Credit Control, Inc., Case 6:14-cv-02068-CEM-DAB (M.D.FL) [DE 25 Filed 11/17/1] the Court did just that, finding that the party bringing the sanctions motion did so only for the purposes of harassment: “In sum, the unexceptional nature of Defendant’s motion bespeaks an ancillary purpose. Indeed, it is evident that a degree of unprofessionalism persisted between plaintiff and defense counsel. ... [T]he Motion for Sanctions was filed for an improper purpose. See Fed. R. Civ. P. 11(b)(1) (describing an ‘improper purpose’ to include harassment).” Id. at * 6-7.

2. Testing and responding with aplomb to the 57.105 sanctions motion or demand.

When you receive such a motion or a request for fees in a responsive pleading, once you peer through any hyperbole and ad hominem attacks on you and your client, the best approach is cast a highly advantageous ruling by confining fire with fire and you are likely to obtain nothing is to be gained by meeting fire with fire and you are likely to obtain a more advantageous ruling by confining yourself to the deficiencies in your adversary’s motion than meeting their nonlegal arguments. See Claudet, supra.

Turning to the testing of the motion, requests for attorneys fees, whether by motion or in the responsive pleading, often are premature and unresponsive. See Turlington v. Atlanta Gas Light Co.,135 F.3d (Order Granting Rule 11 Sanctions), citing

continued...
That process, however, consumes valuable resources. From a professionalism perspective, a demand for attorneys fees that does not set forth one of the Gilbert bases for the request is not only a nullity, but either purposefully or negligently wastes the time and resources of the parties and the Court. Therefore, such demands should be avoided and brought sparingly. Unfortunately, in our state courts, counsel appear more willing to bring specious demands, claiming entitlement under F.S. §57.105. In comparison, counsel litigating in our federal courts are more reluctant to bring Rule 11 motions. The point of professionalism here is that state court practitioners should adopt that same perspective to sanctions motions as their federal colleagues.

Additionally, applying the statutory elements of F.S. § 57.105 is always appropriate analysis. For sanctions to be imposed, the Court must find that the claim or defense: (a) Was not supported by the material facts necessary to establish the claim or defense; or; (b) Would not be supported by the application of then-existing law to those material facts. § 57.105(1)(a)-(2), Fla. Stat. (2010) (emphasis added). Keep in mind that although subsection (3)(b) of the current version of section 57.105 provides that the court may not award monetary sanctions “against the losing party’s attorney if he or she has acted in good faith, based on the representations of his or her client as to the existence of those material facts.” § 57.105(3)(b), Fla. Stat. (2010). However, although this “good faith finding” is a justification for denying a 57.105 motion for fees, nothing in the plain language of the statute suggests that the court is required to find that there was not good faith before granting an award. Proman v. Styles, Case No. 4D12–2279 (4th DCA 2015) at fn. 3.

3. Conclusion.

As a consequence of this stringent of federal law and procedure, federal practitioners have cast a more skeptical eye on the routine filing of sanctions motions and demands. Further, federal courts have standing administrative orders that require voice or in-person consultation before such motion practice. The result has been a marked decrease in routine sanctions litigation. Best practice would suggest that state court practitioners should, to the extent possible, emulate the federal bar’s perspective upon bringing such motions and requests for sanctions. When meeting the unfounded sanctions motion, focus upon the statutory deficiencies to the motion and allow the Court to make any further findings as to motive of the moving party. Unnecessary F.S. § 57.105 motions and routine requests for sanctions in responsive and initiating state pleadings, as well as unprofessional responses thereto, serve no purpose other than to foment litigation and divert attention from the merits of the matter.

Endnotes:
1. © Avery S. Chapman, Esq. of Chapman Law Group, PLC, is a member of the Palm Beach County Bar Association Professionalism Committee. Mr. Chapman practices in Wellington, Florida where he counsels members of the business and equine communities on a wide range of matters including complex litigation and business law. Amongst his other volunteer efforts, he is Chair of The Equine Law Committee of The Florida Bar and past Recipient of the Palm Beach County Legal Aid Society Pro Bono Award and the American Bar Association Military Pro Bono Project Outstanding Legal Services Award.
2. This column does not discuss motions brought pursuant to Rule 1.525, post-judgment motions to fees and costs, which also is a driver of a significant amount of post-judgment litigation.
Avoid “Acrimony”: Get Rid of Blaming Language and Get Results

By: Kirsten K. Davis, Standing Committee on Professionalism

Florida’s Professionalism Expectations remind lawyers that they must “avoid . . . acrimony” in their communication with others. “Acrimony” generally means to speak with harshness in an attacking manner. Acrimony is also associated with acid or bitterness. In other words, to speak acrimoniously is like spewing acid from one’s mouth.

Of course, lawyering often requires dealing with others who speak harshly. Sometimes, acrimonious speech is about you or directed toward you. It’s easy to want to spew acid right back. But, avoiding reciprocal acrimony may benefit you. Studies suggest that one is more influential (i.e., better at getting what one wants) when that person is likable, and one is not-so-likable when one is harsh and bitter. Turns out that old saying, “You catch more flies with honey than vinegar,” is true.

Have you ever been on the receiving end (or delivering end) of statements like this?

• You are being unreasonable! This is an excellent settlement offer!
• You never produce your discovery on time, and that’s causing all the problems with this case.
• You don’t keep my calendar updated. I don’t know what is going on because you aren’t doing your job.

These sentences are examples of what blaming, harsh speech looks and sounds like. They are examples of a type of acrimony.

Even if the speakers are correct about whom to blame, the listeners’ responses to these statements are likely to be defensive, resistant, and angry. By using harsh speech, the speaker is less influential and the listener is less likely to change his or her behavior or engage in problem-solving—the exact things the speaker wants to have happen.

Try these messaging tactics in face-to-face communication or everyday emails to be less acrimonious and more influential:

1. Don’t use language that blames “you”—even if you think the listener is at fault.
   • I think this is a good settlement offer. Could I go over the rationale for it with you again?

In this example, the speaker focuses on the quality of the offer rather than the attitude of the listener. Instead the speaker offers a way to move forward that has nothing to do with who is to blame. By inviting the listener to participate, the speaker is more likely to keep the conversation going and generate problem-solving responses.

2. Avoid intensifiers like “all,” “never,” or “always.”
   • I didn’t get your discovery responses by the deadline. This is holding up the case. I’d like to agree that we’ll get those responses by next Monday.

In this example, the speaker avoids the intensifiers “all” and “never” and instead specifies the problem with this case right now. In other words, the speaker stays focused on the problem at hand rather than blaming the listener for every discovery delay in history. Notice, too, that the “blaming you” language is gone. Keep in mind that nothing about this approach stops the speaker from pursuing legal remedies for the discovery delay; but, if one’s goal is to avoid pursuing a legal remedy, this approach is more likely to open up the conversation about producing discovery rather than encouraging the listener to dig in his heels.

3. Use “I” statements to ask for what you want or need, and ask for participation in getting it.
   • I am lost without an up-to-date calendar, and my calendar has not been updated this week. In fact, I missed an appointment that was not on my calendar. I need for you to update it daily. What do we need to do to make that happen?

In this example, the “blaming you” disappears and the “problem-solving I” appears. Here, the speaker first details the problem. Then, the speaker makes clear what he or she needs: a calendar that is updated daily. “You” is used appropriately here—to make a request for action, not to blame the listener for past errors. Moreover, this approach invites the listener to participate in solving the problem and opens the door for the speaker to learn new information that might be part of the problem and its solution.

Speaking to a co-worker like this lets them save face for their mistakes and puts them in a position to do exactly what you request. Of course, you could always dismiss this person from your employ, but if that’s not your goal or in your control, this approach is more likely to put the listener in a state of mind to work with you and get your problem solved.

Kirsten K. Davis, J.D., Ph.D., is a Professor of Law and Director of the Institute for the Advancement of Legal Communication at Stetson University College of Law in Gulfport, FL. She is an Affiliate Member of The Florida Bar and serves on the Standing Committee on Professionalism. She teaches, speaks, and writes about effective professional legal communication.
The Florida Bar Standing Committee on Professionalism

2016 Law Student Professionalism YouTube Contest Award

For the third consecutive year, students from Stetson University College of Law have been named the winners of the Law Student Professionalism YouTube Contest sponsored by The Florida Bar’s Standing Committee on Professionalism (SCOP) and the Henry Latimer Center for Professionalism. Congratulations to Katie Holland, Eva Seif, Christian Anderson, Shaheen Nouri, Natalie Yello, and Colby Connell for their hard work, commitment, and enthusiasm in submitting such a high-quality parody, “Law and Order: Ethical Victims Unit.”

This contest was created to promote professionalism among law students and showcase how integral professionalism expectations are to ensuring success in our profession.

Stetson alum, Zack Zuroweste, presented the award to Katie Holland on behalf of the group at the recent Florida Bar Annual Convention.
MEDIATION: THE PROFESSIONAL APPROACH

By: Jeffrey M. Fleming

Among the rules for certified and court-appointed mediators is a specific provision that mediation is to be “non-adversarial.” But what does that really mean when it comes to a lawyer’s duty to advocate? Is that duty somehow suspended during mediation? Of course not, but professionalism and skillful advocacy will fit the occasion.

The goal of mediation is generally to determine whether a case can be settled without the need for commencing or continuing litigation. In a sense, mediation allows adversaries to pause the adversarial process. It is important to remember that mediation is not about winning arguments. It’s about compromise.

Experienced lawyers seem to know this. I suspect younger ones do too, but they sometimes seem to have a harder time holding back at mediation, especially during opening statements. Ironically, the high success rate of mediation, in eliminating the need for trials, may cause some attorneys to view mediation as the last and best opportunity to display their advocacy skills. However, professionalism requires an understanding of context. The most effective advocates during mediation are those who matter-of-factly set forth their client’s position without arguing their case. There will be plenty of time for zealous advocacy if the case doesn’t settle.

The other big challenge to professionalism during mediation is to keep emotions in check. Regardless of scale or complexity, litigation can bring out intense feelings. The same is true for mediation. That is not necessarily a bad thing and is often an integral part of the process. The problem arises when lawyers allow frustration with the other side to obscure their better judgment. Professionalism requires that counsel be ever mindful that the case will ultimately come down to the facts and the law. Losing sight of this during mediation may result in a foregoing a valuable settlement opportunity.

Jeffrey M. Fleming is shareholder with the ADR firm of Upchurch, Watson, White and Max. He is a Florida Supreme Court Certified Circuit Mediator and Qualified Arbitrator, and is also a Fellow of the Academy of Court-Appointed Masters. Mr. Fleming was admitted to The Florida Bar in 1985. He is a Board Certified Civil Trial Lawyer and a former Orange County and Ninth Circuit Judge.
Putting the “Pro” in Professionalism

In April, the Standing Committee on Professionalism (SCOP) and the Henry Latimer Center for Professionalism hosted its Putting the “Pro” in Professionalism Symposium at the Hilton West Palm Beach.

The powerhouse event focused on discovering professionalism from within through core soft skills training.

After an introduction by then President-elect of The Florida Bar, Michael Higer, Past President of The Florida Bar Eugene Pettis delivered the keynote address, “Reconnecting to Your ‘Why.’” His speech was followed by breakout sessions hosted by three of the state’s most celebrated scholars. Professor Scott Rogers of University of Miami School of Law spoke on mindfulness; Professor Larry Krieger of Florida State University College of Law discussed his research on what makes lawyers happy; and Professor Kirsten Davis of Stetson Law School lectured on impression management for lawyers.

The Symposium also included a judicial panel discussion moderated by John Howe and featuring Judge Dorian Damoorgian, Judge Robin Rosenberg, Judge Robert Scola, and Judge Sarah Zabel.

Following the question and answer session with the judicial panel, attendees were treated to a highly interactive and engaging session with Dr. Mimi Hull of Hull and Associates, who discussed DISC behavior styles. She included strategies for effective conflict management, reducing stress, and increasing professionalism to become a better leader and to more effectively work with clients and co-workers.

The day concluded with Tim Chinars, then-Chair of SCOP, hosting a panel discussion on Florida’s professionalism expectations with Past President of The Florida Bar Greg Coleman, D. Culver “Skip” Smith, III, and Kara Berard Rockenbach.

The Putting the “Pro” in Professionalism Symposium is now available as an on-demand CLE seminar for purchase on The Florida Bar’s website and is worth five (5) Professionalism credits.
The Palm Beach County Bar Association Group Professionalism Award-Winning Breakfast with Judges

The Palm Beach County Bar Association was named this year’s winner of the Group Professionalism Award for its Breakfast with Judges program. The award was presented in April, at the Putting the “Pro” in Professionalism Symposium hosted by the Standing Committee on Professionalism (SCOP) and the Henry Latimer Center for Professionalism, to then-Chief Judge of the Fifteenth Circuit, Jeffrey Colbath, and Liz Herman, Chair of the Palm Beach County Bar Association’s Judicial Relations Committee.

Then-Chief Judge Jeffrey Colbath of the 15th Circuit and Liz Herman

The purpose of the Group Professionalism Award is to recognize one organization that has an innovative program that can be implemented by other organizations to promote and encourage professionalism within the legal community.

Breakfast with Judges grew out of a desire to promote professionalism and collegiality among members of the Bar and to foster the avoidance of unnecessary judicial involvement in the resolution of minor pretrial disputes. The goal was to create a social situation that would build camaraderie between practicing lawyers and judges and create a dynamic where opposing attorneys are required to interact prior to hearings. Monthly breakfasts are hosted before the early morning Uniform Motion Calendar (UMC) hearings, and all judges are invited to attend and socialize with members of the Bar. Further, signup sheets for UMC hearings are placed at the breakfast, encouraging attendance.

The combination of the opportunity to socialize with members of the judiciary, to talk informally to litigation opponents, to get hearing time priority, and to get a free cup of coffee has resulted in an impressive turnout from the start of the program. In fact, the degree of success has led to consideration of expanding the concept to use on a more frequent, perhaps daily basis.
The Honorable Robert Paul LeBlanc of the Ninth Judicial Circuit was named this year’s recipient of the William M. Hoeveler Judicial Professionalism Award and was honored at the Judicial Luncheon held at The Florida Bar’s Annual Convention in Boca Raton.

The purpose of this award is to recognize an active judge who best exemplifies strength of character, service, and competence as a jurist, lawyer, and public servant and who have communicated their dedication to the ideals of justice and demonstrated diligence in inspiring others to the mission of professionalism.

Judge LeBlanc is known to have an open door policy with attorneys who appear before him in court. He regularly mentors law students, serves as a guest lecturer in local universities, serves as a Mock Trial coach and judge for area high schools, and demonstrates commitment to the professional growth of those with whom he works. In addition, he has served the past six years as lead judge for the Pathways in Law Program, which exposes impoverished youth in Orange County to various careers available in the legal field. He is also a founding member of Teen Alternatives, Inc., the fundraising arm of Teen Court.

Judge LeBlanc believes, “It is not just a privilege, but my honor and duty to foster professionalism between the judiciary and the young lawyers of the Bar, who are not yet set in their ways.”
Associate Dean for Academic Affairs Debra Moss Curtis of Nova Southeastern University’s Shepard Broad College of Law has been named the 2017 Law Faculty Professionalism Award recipient by the Standing Committee on Professionalism (SCOP) and The Henry Latimer Center for Professionalism.

This award was created to recognize a faculty member from Florida law schools who, through teaching, scholarship, and service to the profession, best supports and exemplifies SCOP’s mission to promote the fundamental ideals and values of professionalism within the legal system and to instill those ideals of character, competence, commitment, and civility in all those persons serving therein.

In 2013, Dean Curtis was chosen to lead Vision 2016’s legal education group where she brought together academics, practitioners and judges to develop competencies of new lawyers, models for legal education reform, and identify obstacles to change. Previously, she was also entrusted as a reporter for the Hawkins Commission on Discipline, Chair of the Judicial Independence Committee, and a founder of the Our Courts America partnership nationally, seeking to educate the public about the court system and the independence of the judiciary.

In 2016, Dean Curtis was chosen as one of eight fellows internationally for the National Institute for Teaching Ethics and Professionalism Fall workshop where she was asked to attend a select working group and present her work on professional identity and professionalism in the law school curriculum through the adoption of learning outcomes.

Dean Curtis has been a recognized leader in The Florida Bar for more than a decade, serving on task forces, committees and commissions to advance the professional competency ideals of the legal profession. In addition, she was named Professor of the Year at Nova Law in both 2014 and 2015.
The Mentoring Corner
By: Judge Sarah Zabel, Standing Committee on Professionalism

"Mentoring is all about paying it forward. I was extremely fortunate to have Mahira Kahn as my mentee. We were paired during a speed mentoring event for Miami-Dade Florida Association of Women Lawyers (FAWL). It was an instant connection. Mahira could not find a summer job or internship after her first year of law school and asked me if she could intern for me. We grew even closer as mentor/mentee during that summer. Since then, Mahira has graduated from law school, and she gave me the honor of swearing her in when she passed the bar. I was also invited to her beautiful wedding. We have kept in contact over the last few years, and our mentor/mentee relationship has fused into a lasting friendship."

Judge Zabel has an undergraduate degree from Florida State University and JD from Nova Law School. Judge Zabel has been a member of The Florida Bar since 1993. Judge Zabel first took the Bench in 2003. She has served in the Juvenile, Criminal and Civil divisions. She is currently sitting in the Family Division.

Mahira Kahn primarily represents residential mortgage lenders and servicers in contested foreclosure litigation. Her experience has also included immigration and family law, as well as probate litigation. While in law school, Mahira served as a student attorney at the Health, Ethics, Law and Policy Clinic, interned at the 11th Judicial Circuit of Florida with the Honorable Judge Sarah Zabel, and interned as a legal editor with the Bloomberg BNA Patent, Trademark, & Copyright Journal.

The Henry Latimer Center for Professionalism and the Standing Committee on Professionalism’s Mentoring Initiatives Working Group invite you to share your mentoring success stories to be published in the new feature, “Mentoring Corner.” Share how you met, how your mentor/mentee relationship developed, and be sure to include any special moments you have experienced together. Photos are encouraged.

For more details or to email submissions, please contact Rebecca Bandy, Assistant Director for the Henry Latimer Center of Professionalism, at rbandy@floridabar.org.
SELECTED PUBLICATIONS: PROFESSIONALISM DEFINED

On the Web

• “Ask the Hiring Attorney: What does it mean to ‘be professional’?” by Shauna Bryce is an ABA Before the Bar post which gives advice to law students about what it means to “look” and “act like a professional.”


• “Professional Relationships” by Jeri L. Whitfield, of the North Carolina Chief Justice’s Commission on Professionalism, gives practical advice for building professional relationships in the legal field, as well as providing insight into how to address unprofessional behavior.


• “Recapturing Public Confidence,” is an article published by the New Jersey State Bar Association’s Commission on Professionalism to promote professional responsibility within the legal community.


• “20 Professionalism Tips for Millennial Attorneys” by Michelle Silverthorn of the Illinois Supreme Court Commission on Professionalism helps define “professionalism” and gives very specific tips for young attorneys.

https://www.2civility.org/20-professionalism-tips-millennial-attorneys/

Scholarly Articles

• “No Shots, No School, No Kidding: The Legal Profession needs a Vaccine to Ensure Professionalism” by Debra Moss Curtis of Nova Southeastern University (see profile on page 13), discusses the professionalism crisis in the legal field and argues that preventative measures should be taken to address it with young lawyers in the formative stages of their careers.


• “The Emotionally Intelligent Law Professor: A Lesson from the Breakfast Club” by Heidi K. Brown of Brooklyn Law School discusses the importance of Emotional Intelligence (EI) in law school professionalism courses, how law professors can become more emotionally intelligent themselves, and analyzes the post-millenial generation so that educators can break-away from behavioral stereotypes.


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Words to the Wise

“Lawyers have a professional and moral duty to represent the underrepresented in our society, to ensure that justice exists for all, both legal and economic justice.”

~Supreme Court Justice Sonia Sotomayor

“A professional is one who does his best work when he feels least like working.”

~Frank Lloyd Wright

“People always say to me, ‘Your image is this, your image is that.’ Your image isn’t your character. Character is what you are as a person. That’s what I worry about.”

~Derek Jeter