

PRACTICING WITH PROFESSIONALISM



The Florida Bar – Henry Latimer Center for Professionalism

Learning Objectives

I. Discuss professionalism, civility, and ethics

II. Explore how professionalism is regulated

III. Journey through common pitfalls

IV. Identify why professionalism matters and learn how to improve professionalism



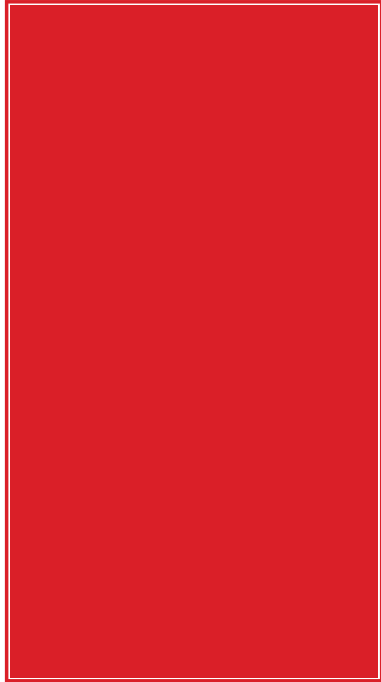
EXPLORING PROFESSIONALISM, CIVILITY, AND ETHICS



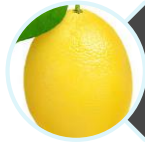
What is Professionalism?



Defining Professionalism



Character



Competence



Commitment

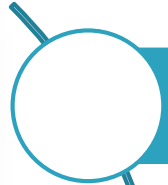


Civility

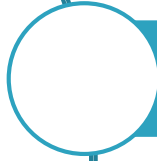
Civility



**“You’re Out of Order! Dealing with
the Cost of Incivility in the Legal
Profession”**



Media portrayal



Inexperience



Aggressive advocacy



Technology

“

**... to opposing parties and their
counsel, I pledge fairness,
integrity, and civility, not only in
court, but also in all written and
oral communications ...**”

THE CIVILITY PLEDGE IN OATH OF ADMISSION

Civility

Civility Gone Wrong



“Wow, you are delusional!!
What kind of drugs are you
on??? I can handle anything
a little punk like you can
dish out...otherwise, go back
to your single wide trailer in
the dumps of Pennsylvania
and get a life!!”

Civility in Action

"I propose that we hit the **'reset button'** & start fresh... "



Ethics and Professionalism



The Ethics Rules regulating The Florida Bar are the minimum standard of the floor that supports our status as a lawyer in good standing.

is intended to be within the scope of the assignment for the Company.] 3. Warranties
performed in a professional and
under this Agreement is or
(ii) all work und
ices or Inv

REGULATING PROFESSIONALISM

Regulating Professionalism



Regulating Professionalism

The Florida Bar v. Ratiner, 46 So. 3d 35 (Fla. 2010)

Attorney publicly reprimanded and suspended for 60 days for unprofessional conduct at a videotaped

Regulating Professionalism



Regulating Professionalism

COMPLAINT INTAKE

- **Attorney Consumer Assistance Program (ACAP)**

DISCIPLINARY SYSTEM

- **Cases**
- **Rules Regulating The Florida Bar**
- **The Code: SC13-688**

PROFESSIONALISM RESOURCES

- **Professionalism Expectations**
- **Best Practices for Effective Electronic Communication (E-Guide)**

Regulating Professionalism



Complaint



Assessment



Investigation & Action



Disposition



The Florida Bar v. Norkin



“A lawyer shall not:
(d) engage in conduct in connection
with the practice of law that is
**prejudicial to the
administration of justice.”**

RULE 4-8.4 MISCONDUCT

Disciplinary Rules

“ ... the enumeration herein of certain categories of misconduct as constituting grounds for discipline shall **not** be deemed to be **all-inclusive** nor shall the failure to specify any particular act of misconduct be construed as tolerance thereof. **The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise, whether committed within or outside the State of Florida, and whether or not the act is a felony or misdemeanor, may constitute a cause for discipline.**”

RULE 3-4.3 MISCONDUCT AND MINOR MISCONDUCT

Disciplinary Rules

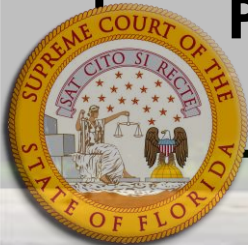
Disciplinary System: Code

Supreme Court of Florida

No. SC13-688

**IN RE: CODE FOR RESOLVING
PROFESSIONALISM COMPLAINTS**

[June 6, 2013]



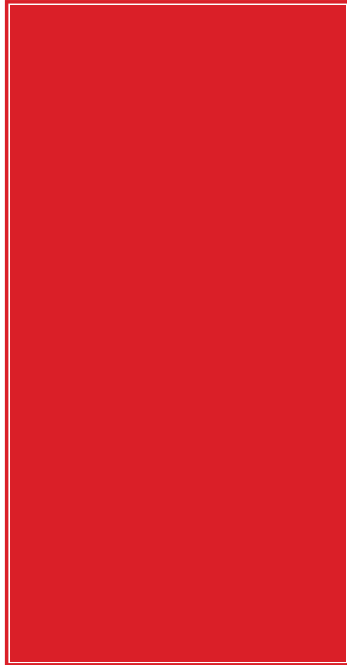
The Best Practices for Effective Electronic Communication

Bar staff drafted “The Best Practices for Effective Electronic Communication” (“E-Guide”), which includes topics such as:

- Telephone hostility
- Angry emails
- Cyber security
- Laptop/tablet usage in public
- Social media and networking issues



Professionalism Expectations





PROFESSIONALISM IS AN EXPECTATION IN FLORIDA



**What can we do
when we observe
or become a
party to
unprofessional
conduct?**



COMMON PITFALLS

Common Pitfalls



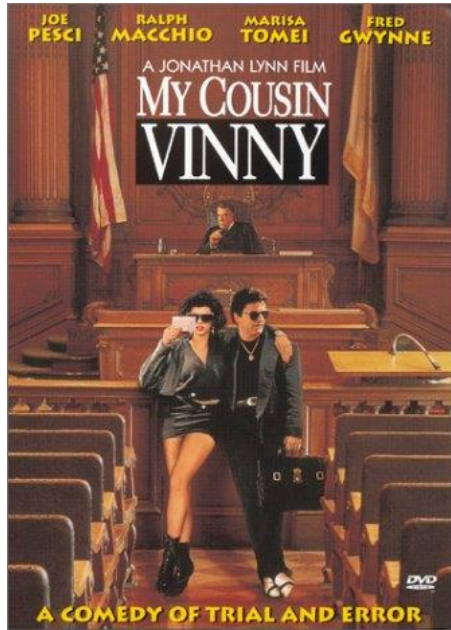
(1) Lack of respect for the judiciary

(2) Misrepresentation

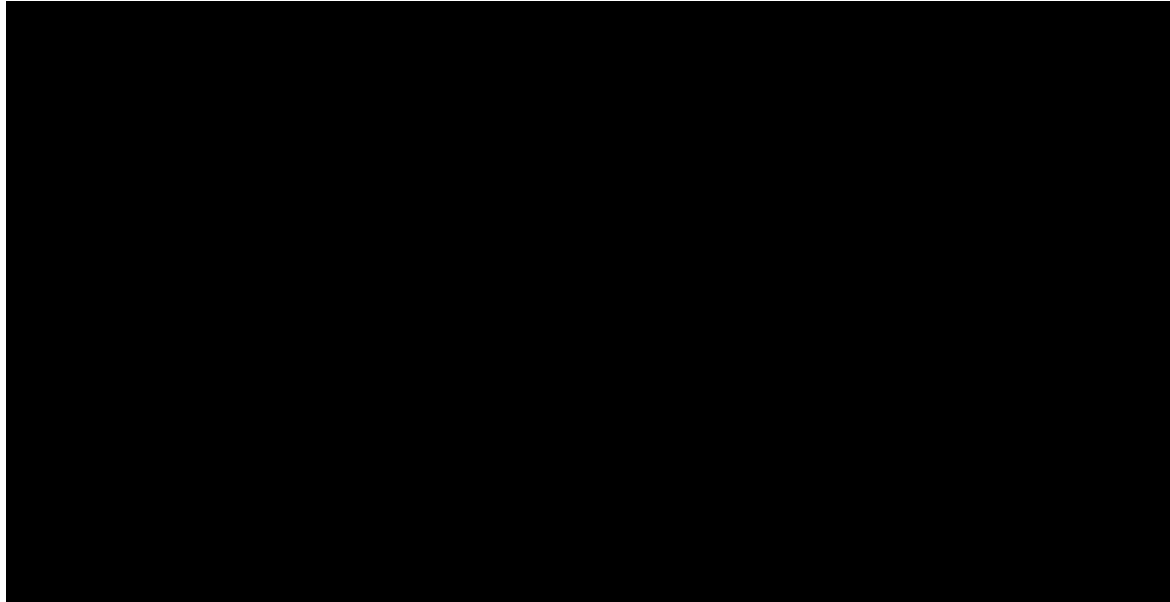
(3) Improper solicitation

(4) Misuse of social media

Lack of Respect for the Judiciary



Lack of Respect for the Judiciary



Lack of Respect for the Judiciary

4-1.1

- Competence

4-3.5(c)

- Impartiality and decorum of the tribunal

4-8.2(a)

- Judicial and legal officer
- Impugning qualifications and integrity of judges

“When lawyers display reverence for the law, the judicial system, and the legal profession by acting with respect, decorum, and courtesy, they earn the trust of the public and help to preserve faith in the operation of a fair judicial system.”

PROFESSIONALISM EXPECTATIONS – SECTION 5

Lack of Respect for the Judiciary



How can we respectfully disagree with a judge?



Misrepresentation

GEORGE CLOONEY CATHERINE ZETA-JONES

Intolerable CRUELTY



Misrepresentation



Misrepresentation

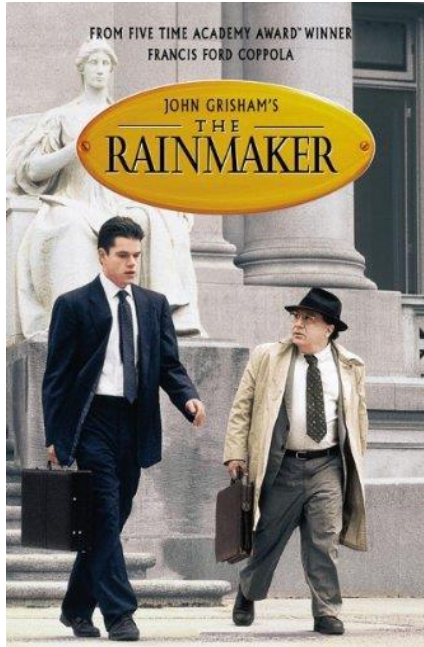
4-4.1

- Truthfulness to others
- Cannot make a material false statement to others

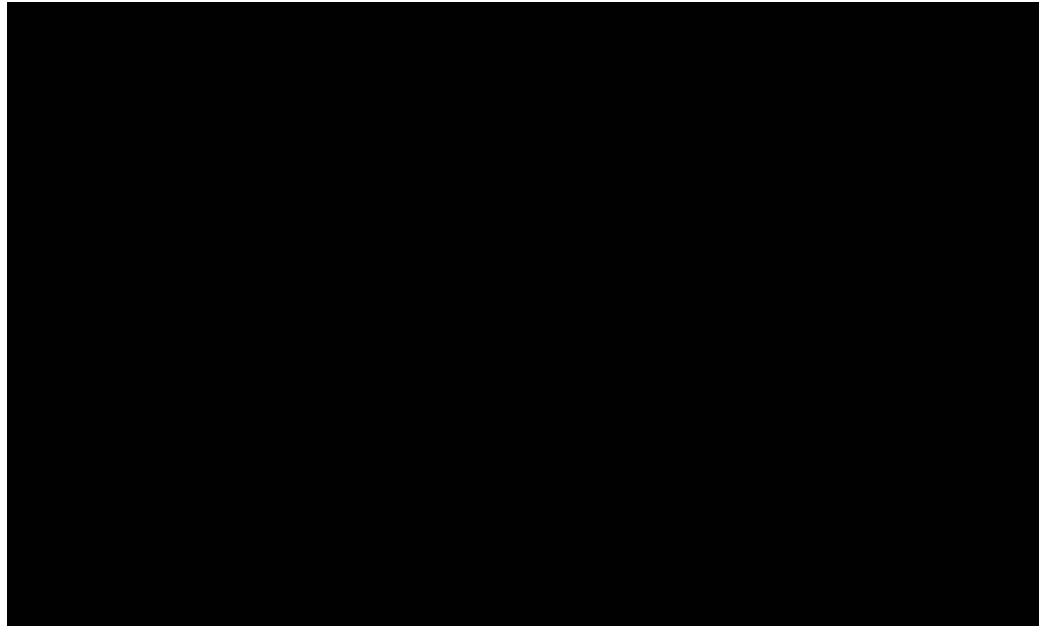
4-3.3

- Candor toward the tribunal is required
- Cannot make false statements to court

Improper Solicitation



Improper Solicitation



Improper Solicitation

4-1.5

- **Duty to communicate basis or rate of fee to client**

4-2.1

- **Must give candid advice; cannot guarantee results**

4-7.4(a)

- **No soliciting prospective client**

4-8.3(a)

- **Required to report misconduct of others**

4-8.4(a)

- **Cannot use non-lawyers to violate rules**

Misuse of Social Media



“Social media must not be used to disparage opposing parties, lawyers, judges, and members of the public. (*See* R. Regulating Fla. Bar 4-8.2(a) and 4-8.4(d))”

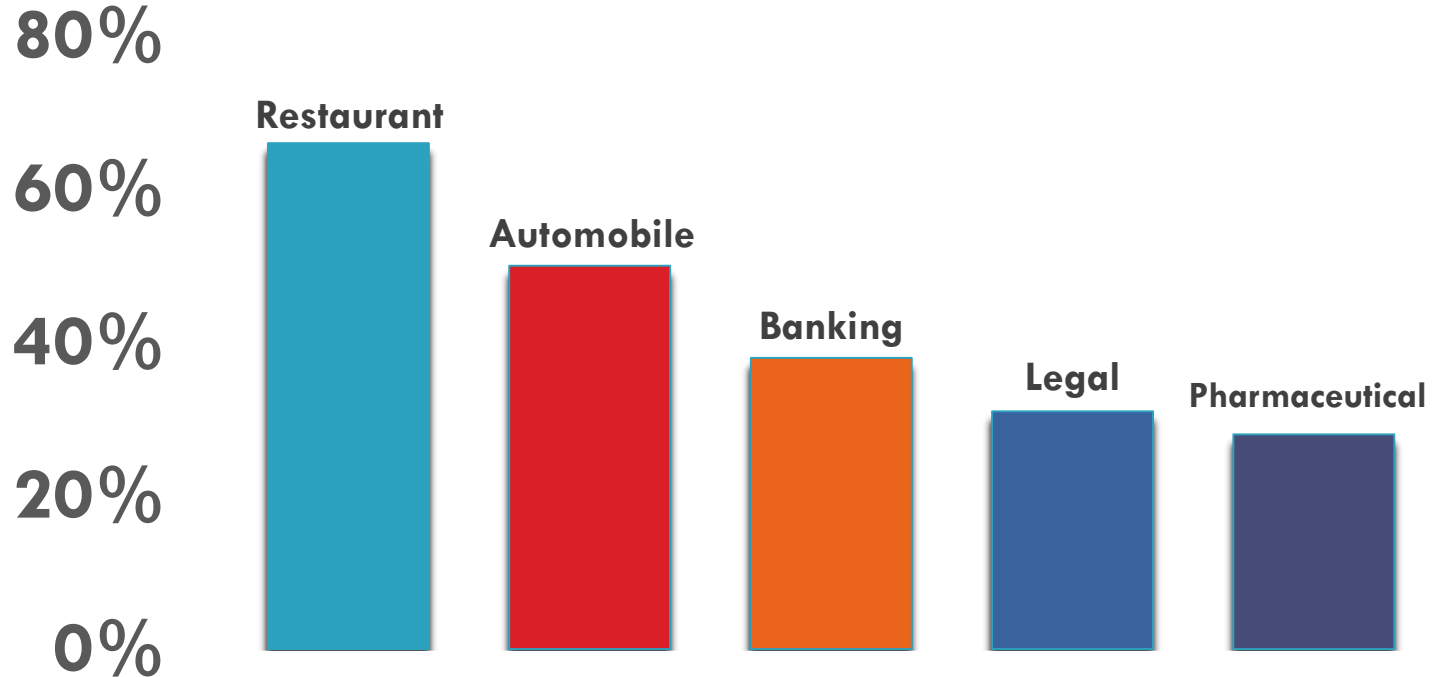
PROFESSIONALISM EXPECTATIONS 2.13

Misuse of Social Media



WHY PROFESSIONALISM MATTERS

Why Professionalism Matters



3x



1:3



1:3



70%





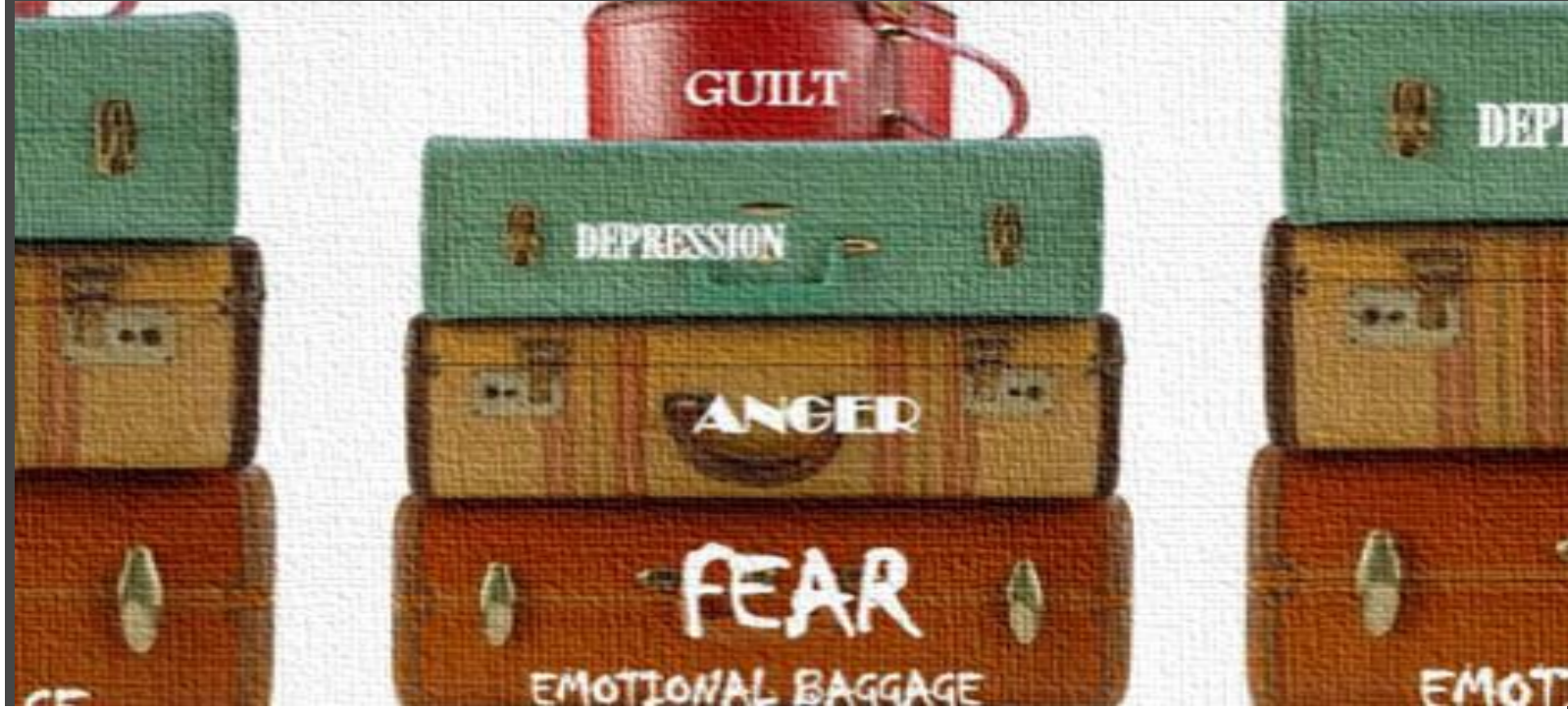
WHY?



ADVERSARIAL



ALL WORK AND NO PLAY



EMOTIONAL BAGGAGE

Tools to Improve Professionalism



Emotional Intelligence



EQ Quadrants



Ways to Improve Your EQ





KNOW WHEN YOU ARE STRESSED



READ BODY LANGUAGE



KNOW YOUR STRENGTHS AND WEAKNESSES



EMPATHIZE



LISTEN AND STOP INTERRUPTING

DISC



DISC



DISC



DISC Assessment



DISC

- D. Likes to be in authority
- I. Enthusiastic
- S. Reliable
- C. Likes instruction

DISC

- D. Problem solver
- I. Enjoys popularity
- S. Gives in to others
- C. Factual

DISC

- D. Takes charge
- I. Takes risks
- S. Loyal
- C. Accurate

DISC

- D. Productive
- I. Fun-loving
- S. Avoids confrontations
- C. Responsible

DISC



- D. Determined
- I. Visionary
- S. Calm
- C. Consistent

DISC

- D. Bold
- I. Likes variety
- S. Sensitive
- C. Prefers perfection

DISC

- D. Enterprising
- I. Verbal
- S. Enjoys routine
- C. Predictable

DISC

- D. Decision maker
- I. Spontaneous
- S. Nurturing
- C. Detail oriented

DISC

- D. Competitive
- I. Promoter
- S. Dislikes change
- C. Practical

DISC



- D. Persistent
- I. Inspirational
- S. Peace maker
- C. Analytical



The Platinum Rule:
DO UNTO OTHERS AS THEY
WOULD DO UNTO THEMSELVES

DISC as a Communication Tool

D

- **Be direct**
- **Focus on change**
- **Do not touch**
- **Summarize**

- **Allow social time**
- **Lighten the mood**
- **Give recognition**
- **Use touch**

I

C

- **Use data and facts**
- **Keep on task**
- **Disagree with fact only**
- **Do not over-criticize**

- **Build trust**
- **Draw out opinions**
- **Give warning of change**
- **Involve in planning**

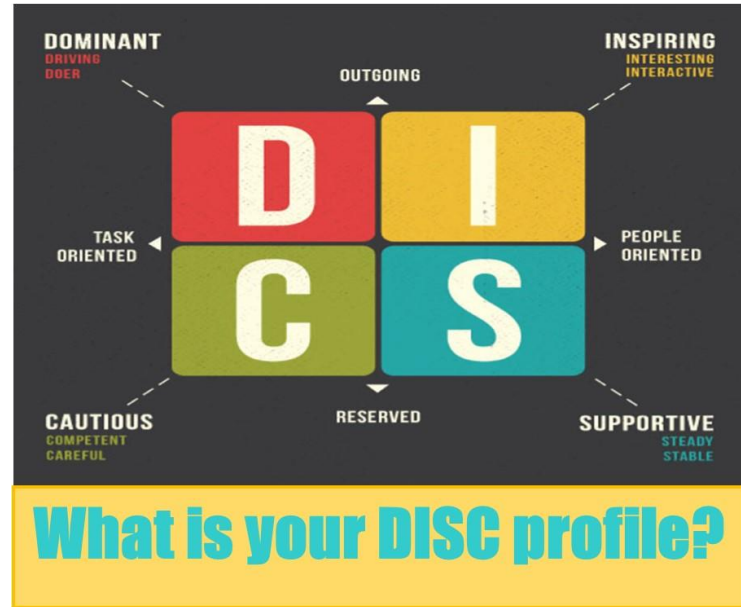
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DISC and EQ in Action



EQ/DISC Assessments

What is your EQ?



A scenic landscape at sunset with mountains and a valley. The sun is low on the horizon, casting a warm, golden glow over the scene. The mountains are silhouetted against the bright sky, and the valley below is filled with soft, hazy light. The overall mood is peaceful and contemplative.

If it doesn't challenge you,
it doesn't change you.

Fred DeVito

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