



Recently, the Florida Supreme Court added more than one hundred Professionalism Expectations to the Standards of Professionalism governing the conduct of Florida lawyers.¹ These new Professional Expectations establish higher levels of commitment to equal justice under the law and to the public good; honest and effective communication; and an adherence to the fundamental sense of honor, integrity, and fair play. The Professionalism Expectations also call for fair and efficient administration of justice; decorum and courtesy; and respect for the time and commitments of others. Finally, these new expectations state that a lawyer is duty-bound “to exercise independent judgment in practice and while giving the client advice and counsel.”²

These Professionalism Expectations are not entirely new. They replace the extremely similar Ideals and Goals of Professionalism, which were aspirational guidelines adopted by the Florida Bar’s Board of Governors in 1990.³ In fact, these expectations resulted from a pairing of existing professionalism guides with new technological

concepts.⁴ They were approved by the Board of Governors in 2015 and adopted by the Florida Supreme Court in 2016.⁵

The background for these recent developments began in 2013 with the Florida Supreme Court opinion, *In re Resolving Professionalism Complaints*.⁶ There, Justice R. Fred Lewis, writing for the court, stated, “Members of the Florida Bar shall not engage in unprofessional conduct.” Unprofessional conduct means substantial or repeated violations of the Standards of Professionalism. These standards include the Oath of Admission to the Florida Bar, the Florida Bar Creed of Professionalism, and the Florida Bar Ideals and Goals of Professionalism, which have now been replaced by the Professional Expectations.⁷

The intentions are clear. The Florida Supreme Court means business. Even the titles of the two documents are instructive. The Ideals and Goals of Professionalism were guidelines that Florida lawyers should follow in ideal situations. Now, the Professionalism Expectations describe what is expected of Florida lawyers in all situations. The message from the



Professionalism Expectations remind Florida lawyers of their duty to adhere to a fundamental sense of honor, integrity, and fair play.

Florida Supreme Court is strong: the court will no longer tolerate unprofessional conduct.

The addition of more than 100 highly detailed Professionalism Expectations can be concerning for those in the legal profession, for they seem a large task to learn, much less follow. But the principles established in

the Professional Expectations are based, in part, on the Florida Rules of Professional Conduct.⁸ And the guidance of the Professionalism Expectations comes from both “the ethical duties established by the Florida Supreme Court in the Rules Regulating the Florida Bar and long-standing customs of fair, civil, and honorable legal practice in Florida.”⁹

This distinction is best explained in the Preamble: Where a Professionalism Expectation is based upon a lawyer’s ethical duty as found in the Florida Rules of Professional Conduct, “the expectation is stated as an imperative, cast in the terms of ‘must’ or ‘must not.’” But where

Continued on page 67

CHECK OUT HCBA’S WEBSITE AND ONLINE MEMBER DIRECTORY AT HILLSBAR.COM!

Continued from page 66

a Professionalism Expectation is drawn from a professional custom, “the expectation is stated as a recommendation of correct action, cast in terms of ‘should’ or ‘should not.’”¹⁰

Professionalism Expectations remind Florida lawyers of their duty to adhere to a fundamental sense of honor, integrity, and fair play. They can be found at www.floridabar.org/tfb/TFBProfess.nsf.

¹ *In re: Amendments to the Code for Resolving Professionalism Complaints*, No. SC15-944 (Fla. Feb. 2, 2016).

² *The Florida Bar Professionalism Expectations* (January 30, 2015), available at [http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/1ACF11084FDADAA285257DE7006B5511/\\$FILE/Professionalism%20Expectations.pdf?OpenElement](http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/1ACF11084FDADAA285257DE7006B5511/$FILE/Professionalism%20Expectations.pdf?OpenElement) [“Professionalism Expectations”].

³ *The Florida Bar Ideals and Goals of Professionalism*, (May 16, 1990), available at [https://www.floridabar.org/TFB/TFBResources.nsf/Attachments/F25F0275EE5AC973852571C6006F039F/\\$FILE/3IdealsAndGoals.pdf?OpenElement](https://www.floridabar.org/TFB/TFBResources.nsf/Attachments/F25F0275EE5AC973852571C6006F039F/$FILE/3IdealsAndGoals.pdf?OpenElement).

⁴ *Professionalism Expectations*.

⁵ *In re Amendments to the Code for Resolving Professionalism Complaints*, No. SC15-944 (Fla. Feb. 2, 2016).

⁶ *In re Code for Resolving Professionalism Complaints*, 116 So. 3d 280, 282 (Fla. 2013).

⁷ *Id.*

⁸ *Rules Regulating the Florida Bar, Chapter 4* (2013).

⁹ *Professionalism Expectations*.

¹⁰ *Id.*

Author: Thomas Newcomb Hyde - Attorney at Law



YLD QUARTERLY LUNCHEON

YLD Quarterly's Luncheon on February 24 was on a fun and informational topic: fantasy sports league gambling. Brett Metcalf, Esq. and Sam Harden, Esq. of Metcalf Harden, P.A. both spoke on the issue. The YLD would like to thank its luncheon sponsor:



 **C1 Bank**
Clients 1st. Community 1st.

