

WHY PROFESSIONALISM MATTERS
September 18, 2015



SARAH BOLINDER **Assistant Director**
 The Florida Bar
 Henry Latimer Center
 for Professionalism

OUR PATH TODAY

- I. Discuss what is professionalism
- II. Look at how professionalism is regulated in Florida
- III. Identify why professionalism matters
- IV. Identify tools to aid with professionalism



WHAT IS PROFESSIONALISM?

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Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients of professionalism are **character, competence, commitment, and civility.**

The Florida Bar Standing Committee on Professionalism



REGULATING PROFESSIONALISM

WHY DOES PROFESSIONALISM NEED TO BE REGULATED?



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HOW IS PROFESSIONALISM REGULATED?

- ACAP
- Discipline System
- Professionalism Expectations and the E-Guide

ATTORNEY CONSUMER ASSISTANCE PROGRAM (ACAP)

Processing Professionalism Complaints



DISCIPLINE SYSTEM: CIVILITY PLEDGE

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

DISCIPLINE SYSTEM: RULES

Rule 4-8.4 Misconduct

- (d) May not engage in conduct in connection with the practice of law that is **prejudicial to the administration of justice**, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis,

DISCIPLINE SYSTEM: RULES

Rule 3-4.3 Misconduct and Major Misconduct

- The standards of professional conduct to be observed by members of the bar are not limited to the observance of **rules** and avoidance of prohibited acts, and 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**.

DISCIPLINE SYSTEM: ORDER

Supreme Court of Florida

No. SC13-688

In re: Code for Resolving
Professionalism Complaints

[June 6, 2013]

DISCIPLINE SYSTEM: LOCAL RULES

GOOD FAITH CONFERENCE

- Rule 7026-1(A) Discovery
- Rule 7007-1(A) Adversarial Motion

EXHIBIT SHARING

- Rule 9070-1(A) within 3 days of evidentiary hearing
- Rule 4001-1E within 14 days of Relief from Stay Hearing

DECORUM

- Addendum B(5): Avoid disparaging personal remarks or acrimony toward opposing counsel...

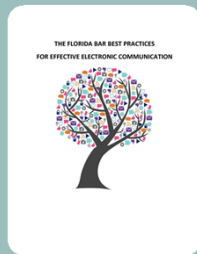
PROFESSIONALISM EXPECTATIONS



E-GUIDE

Bar staff drafted "The Best Practices for Effective Electronic Communication" or the "E-Guide" which includes selected e-topics such as:

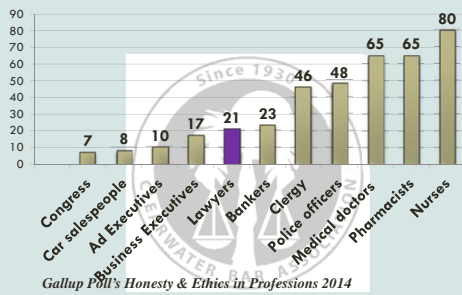
- telephone hostility
- angry emails
- cyber security
- rules for email discussion groups
- laptop/tablet usage in public
- social media and networking issues
- establishing reasonable expectations



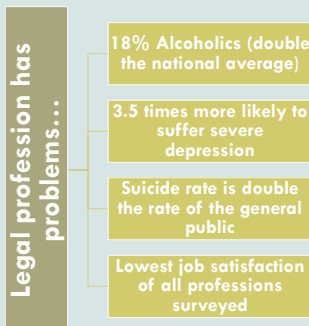


WHY PROFESSIONALISM MATTERS

WHY PROFESSIONALISM MATTERS TO THE PROFESSION



WHY PROFESSIONALISM MATTERS TO HEALTH



WHY PROFESSIONALISM MATTERS TO CLIENTS

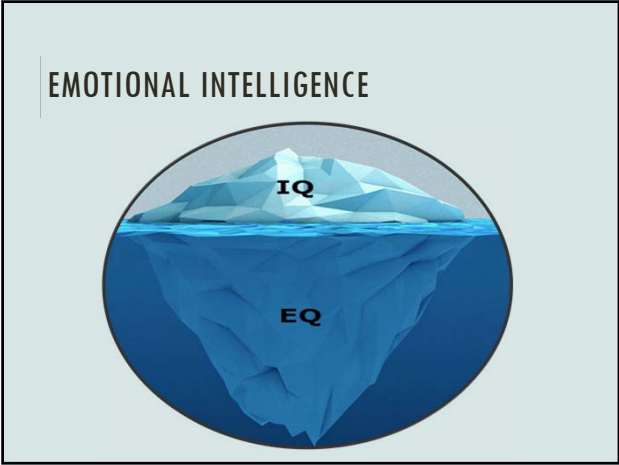
- LESS INTELLIGENT
- LESS RESULTS
- LESS RESPECTED

CAUSES OF UNPROFESSIONALISM

- LONG HOURS
- CLIENT BAGGAGE
- ADVERSARIAL JOB
- MISTAKES CAN BE DEVASTATING

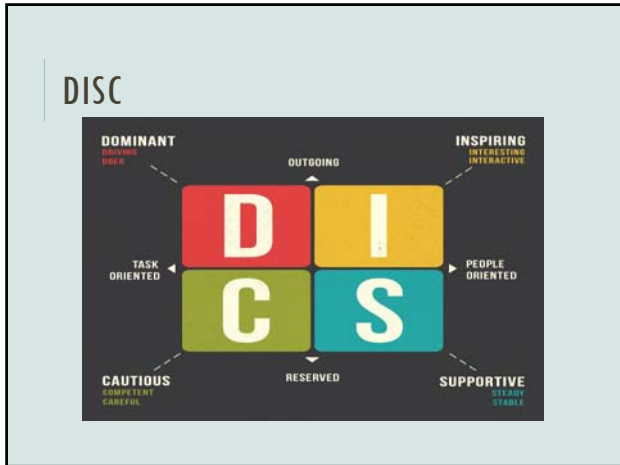


TOOLS TO IMPROVE PROFESSIONALISM





- ### EMOTIONAL INTELLIGENCE
- 1 • Recognize your own and others' strengths and make decisions which highlight these strengths.
 - 2 • Practice the art of objective conflict resolution
 - 3 • Replace negative thoughts with positive ones
 - 4 • Stop interrupting and validate others comments even if you don't agree.



DISC

- D. Likes to be in authority
- I. Enthusiastic
- S. Sensitive feelings
- 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. 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. Peacemaker
- C. Analytical

DOMINANT

Natural Strengths	Natural Weaknesses	How to Communicate with a D	What a D needs at work
<ul style="list-style-type: none"> • Gets things done • Decisive • Persistent • Initiates change 	<ul style="list-style-type: none"> • Impatient • Poor listener • Stubborn • Insensitive 	<ul style="list-style-type: none"> • Speak Directly • Ask them to repeat back what you've said • Don't offer excuses 	<ul style="list-style-type: none"> • Freedom • Variety • Difficult tasks • Ladder to Climb

INSPIRED

Natural Strengths	Natural Weaknesses	How to Communicate with an I	What an I needs at work
<ul style="list-style-type: none"> • Enthusiastic • Optimistic • Persistent • Initiates change 	<ul style="list-style-type: none"> • Impulsive • Verbally manipulative • Lacks follow-through • Can be too talkative 	<ul style="list-style-type: none"> • Be enthusiastic • Share mission or goal • Ask them to repeat back what you've said • Use words of affirmation 	<ul style="list-style-type: none"> • Social activities • Recognition • Freedom from Details

SUPPORTIVE

Natural Strengths	Natural Weaknesses	How to Communicate with a S	What a S needs at work
<ul style="list-style-type: none"> • Patient • Easy Going • Stable • Nurturing 	<ul style="list-style-type: none"> • Indecisive • Gives in • Avoids conflict • Fears change 	<ul style="list-style-type: none"> • In calm area • Show genuine interest • Patiently draw them out • Give time to adapt 	<ul style="list-style-type: none"> • Job security • Low Conflict workplace • Gradual change

CAUTIOUS

Natural Strengths

- Accurate
- Analytical
- Detail oriented
- High standards

Natural Weaknesses

- Overly cautious
- Indecisive
- Critical
- Picky

How to Communicate with a C

- Prepare case in advance
- Delineate pros & cons
- Use precise explanation
- Disagree only with facts

What a C needs at work

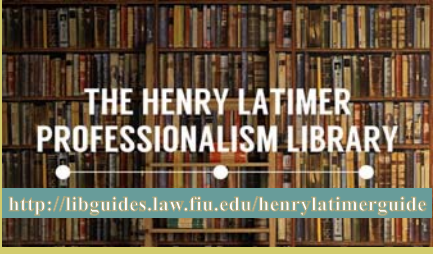
- Detailed instructions
- Freedom to work slowly
- Tasks that require precision
- Security

EQ AND DISC IN PRACTICE



THE PLATINUM RULE





THE HENRY LATIMER
PROFESSIONALISM LIBRARY

<http://libguides.law.fiu.edu/henrylatimerguide>

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