

PROCESSING DISCIPLINARY CASES AGAINST FLORIDA LAWYERS

INITIAL INVESTIGATION

By bar counsel and bar investigator

- Dismissal** – as inquiry, unfounded complaint; unproved complaint
- Diversion** – to practice and professionalism enhancement program
- Mediation** – recommendation of voluntary program
- Referral** – to grievance committee

GRIEVANCE COMMITTEE ACTION

By bar counsel, bar investigator, and grievance committee member

- Dismissal** – no probable cause; no probable cause & letter of advice
- Mediation** – recommendation of voluntary process
- Diversion** – to practice & professionalism enhancement programs
- Minor Misconduct** – results in admonishment and becomes a sanction
- Probable Cause** – reason to believe a rule violation has occurred – trial follows

REVIEW BY DESIGNATED REVIEWER

Local circuit member of board of governors

- Agrees with g.c.** – grievance committee action becomes final
- Disagrees with g.c.** – grievance committee action is referred to disciplinary review committee and then board of governors; board action options same as grievance committee's

FORMAL TRIALS

Adversarial proceeding; due process afforded but limited

- Complaint** – drafted by bar counsel; filed with supreme court
- Referee** – except for 11th circuit, appointed from adjacent circuit; circuit or county court bench
- Trial** – rules of civil procedure generally apply; formal hearings; referee finds facts, recommends guilt and sanctions

REVIEW BY BOARD OF GOVERNORS

Plenary review; appellate capacity only

- Appeals** – bar counsel prepares summary and gives advice; designated reviewer makes recommendation; disciplinary review committee screens cases and makes a report to board; board decides whether to appeal (all confidential)

REVIEW BY SUPREME COURT OF FLORIDA

Possesses ultimate, sole constitutional authority to discipline

- Bar and respondent** – have appellate rights
- Orders** – issued on cases not contested
- Opinions** – issued in contested cases and cases deemed important by the court

Attachment 2 Florida Bar Flowchart.xls

Written Inquiry Required

