

**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
LAWYER REGULATION AND DISCIPLINE
COURSE SYLLABUS
Spring 2021**

PROFESSORS' CONTACT INFORMATION:

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OFFICE HOURS:

Please contact professors via e-mail to schedule appointment.

COURSE DESCRIPTION:

One of the most important functions of The Florida Bar is lawyer regulation and discipline. Sanctions for disciplinary violations can have severe ramifications on a lawyer's privilege of practicing law and reputation in the legal community. Each year, the Florida Bar opens over 4,000 discipline files per year from inquiries or complaints from clients, opposing counsel, judges and others, and the Florida Supreme Court ultimately issues hundreds of discipline orders. Many other cases result in diversion to practice and professionalism enhancement programs in lieu of discipline.

The purpose of the course is to expose law students to the lawyer discipline system before they begin their careers, with the hopes that they have a better understanding of the conduct that can land a lawyer in trouble so they can avoid issues once they enter the profession. This course will provide students with an overview of the Florida lawyer discipline system, including the purposes, participants, process (from investigation to final determination), sanctions, common violations, discipline case studies, and an overview of fundamental ethics and trust accounting rules and practice tips for avoiding rule violations. The course also will involve review of various disciplinary cases for discussion in small group breakout sessions.

The course will be taught by two UF Law alumni who have both served as chair of the Disciplinary Review Committee of The Florida Bar Board of Governors. The course will include guest speakers who are participants in the various stages of the system, and it is expected to include Florida Bar ethics and discipline counsel, defense counsel, a former grievance committee chair, and a Florida Supreme Court justice.

ACADEMIC HONESTY:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

GRADING INFORMATION AND GRADING SCALE:

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

| Letter Grade | Point Equivalent |
|------------------|------------------|
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0 |

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

ACCOMMODATIONS:

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

ONLINE COURSE EVALUATION PROCESS

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens, and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via ufl.bluera.com/ufl/. Summaries of course evaluation results are available to students [here](#).

RECORDINGS OF CLASS DISCUSSIONS

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University's Office of Student Conduct and Conflict Resolution.

COVID POLICIES

Many students will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions. I may take noncompliance into account when grading students or determining if a student may remain in the course.

- You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
- This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
- Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
- Be mindful of how to properly enter and exit the classroom. Practice physical distancing to the extent possible when entering and exiting the classroom.
- If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return to campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
- Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>

CLASS MEETING TIMES AND ATTENDANCE:

The class will meet on the following dates and times:

| | |
|-------------------------------------|---------------------------------|
| Monday, January 11, 2021: | 10:00 a.m. to 12:50 p.m. |
| Tuesday, January 12, 2021: | 10:00 a.m. to 12:50 p.m. |
| Wednesday, January 13, 2021: | 10:00 a.m. to 12:50 p.m. |
| Thursday, January 14, 2021: | 10:00 a.m. to 12:50 p.m. |
| Friday, January 15, 2021: | 10:00 a.m. to 11:50 a.m. |

You are required to attend all scheduled class meetings. If there is some reason why you must miss class, please contact the instructors in advance via email and ask for an excused absence. Your final grade in the course may be lowered one level (e.g., B to B-) for each unexcused absence. If you miss a class, you are responsible for finding out what you missed, handing in assignments on time, and obtaining any handouts or assignments. The law school's policy on attendance can be found at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#3>. The class will meet three hours each on Monday through Thursday, and two hours on Friday.

WORKLOAD/CLASS PARTICIPATION:

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class. Students will not need to purchase a textbook. The reading materials are available online or will be provided by the professors, and links to most are included in this syllabus. Additional materials may be assigned by the professors and will be available on Canvas.

COURSE EVALUATION AND GRADING:

You will be expected to be prepared for class each day, and to participate in the discussions. Your grade in the course will be based 20% on class participation and 80% on a final exam.

LEARNING OUTCOMES:

After completing this course, students should be able to:

1. Describe the purposes of the lawyer disciplinary system;
2. Demonstrate an understanding of the disciplinary process and procedures, its various stages, the nature and role of the participants in the disciplinary process, and the considerations undertaken by the decision-makers at the various levels;
3. Explain the different levels of disciplinary sanctions and alternatives to discipline;
4. Identify and discuss conduct that could result in a disciplinary violation, and the implications of that conduct;
5. Demonstrate an understanding of actions that lawyers can take to avoid potential disciplinary violations, and best practices for avoiding trust accounting violations.

COURSE TOPICS AND READING MATERIALS:

Note: some topics and speakers may be taken out of order, based on available scheduling. In addition, some reading materials will be taken in a different order, and any changes to the assignment of reading materials will be announced during class the prior day.

Monday, January 11, 2021 - Day 1 Topics:

- 1. Introduction and Course Overview; Purposes of Lawyer Discipline; Role of the Florida Supreme Court and The Florida Bar.** This session will include an overview of the course and objectives, and an explanation of the fundamentals and purposes of lawyer discipline.
- 2. Overview of Florida Bar Ethics Rules and Trust Accounting Rules.** Discussion topics will include an overview of the major Florida Bar ethic rules, including duties of diligence, communication, and candor, maintaining client confidences, dealing with opposing counsel and third parties, and prohibited conduct (misrepresentation, solicitation, etc.). This will also include an overview of the general principles and purposes of trust accounting rules, which are a major source of disciplinary violations.
Guest Speaker: Elizabeth Tarbert, Ethics Counsel, The Florida Bar
- 3. Types of Discipline; Diversion and Other Alternatives to Discipline.** This session will include a discussion of the various types of discipline that attorneys face for violation of the Bar rules and the impact these sanctions have on the ability to practice law, from a public reprimand to suspension to disbarment. This will also include a discussion of emergency measures the Bar can take, such as felony or emergency suspension and interim probationary measures. There will also be a discussion of alternative measures the Bar can take in lieu of discipline, including mediation, fee arbitration and diversion to a practice and professionalism enhancement program. The students will be shown several videos of the administration of public reprimands.

Reading Materials for Day 1:

- A. Florida Constitution, Article V, § 15
www.leg.state.fl.us/statutes/index.cfm?submenu=3
- B. Florida Bar Rules of Professional Conduct, Chapter 4 of the Rules Regulating The Florida Bar https://www-media.floridabar.org/uploads/2020/09/Ch-4-2021_03-SEP-RRTFB-9-3-2020.pdf (Students should give these rules a high-level read for general familiarity with the various potential rule violations that a lawyer faces. In addition to this high-level read, students should review the Preamble to Chapter 4 and Rule 4-8.4.)¹

¹ Note: If students have trouble accessing the links to the individual chapters of the Rules Regulating The Florida Bar, all rules can be accessed at <https://www.floridabar.org/rules/rtfb/>

- C. Rules Regulating Trust Accounts, Chapter 5 of the Rules Regulating The Florida Bar https://www-media.floridabar.org/uploads/2020/09/Ch-5-2021_03-SEP-RRTFB-9-3-2020.pdf (Students should give these rules a high-level read for general familiarity)
- D. Students also should explore The Florida Bar Legal Fuel’s website on trust accounting resources for general familiarity <https://www.legalfuel.com/trust-accounting-resources/>
- E. Rules of Discipline, Chapter 3 of The Rules Regulating The Florida Bar: https://www-media.floridabar.org/uploads/2020/09/Ch-3-2021_03-SEP-RRTFB-9-3-2020.pdf
1. Rules contained in Subchapters 3-1
 2. Rules contained in Subchapters 3-2
 3. Rules contained in Subchapters 3-3
 4. Rules contained in Subchapters 3-4
 5. Rules contained in Subchapters 3-5
 6. Rule 3-7.2
 7. Rule 3-7.12
- F. Florida Standards for Imposing Lawyer Sanctions (June 17, 2020) <https://www-media.floridabar.org/uploads/2020/06/Florida-Standards-For-Imposing-Lawyer-Sanctions-6-17-2020.pdf>
1. §§ 1.1 to 1.3
 2. §§ 2.1 to 2.8
- G. Standing Board Policies of the Board of Governors of The Florida Bar https://www-media.floridabar.org/uploads/2020/02/2020_07-JAN-SBPs-1-31-20.pdf
1. Policy 15.50
 2. Policy 15.60
 3. Policy 15.65
 4. Policy 15.70
 5. Policy 15.92
- H. Grievance Mediation and Fee Arbitration, Chapter 14 of the Rules Regulating The Florida Bar https://www-media.floridabar.org/uploads/2020/09/Ch-14-2021_03-SEP-RRTFB-9-3-2020.pdf
- I. Brian D. Burgoon, “Florida’s Lawyer Discipline System: What Every Attorney Needs to Know,” *The Florida Bar Journal*, Volume 95, No. 1 (January/February 2021) <https://www.floridabar.org/the-florida-bar-journal/floridas-lawyer-discipline-system-what-every-attorney-needs-to-know/>

Tuesday, January 12, 2021 - Day 2 Topics:

4. **Intake of Inquiries/Complaints; the Initial Investigation and Branch Investigation of Discipline Cases by Bar Counsel.** This session will include a discussion of the source of discipline inquiries/complaints, the initiation of a bar complaint/inquiry, role of Bar counsel and the Bar's ACAP Department, the preliminary investigation by ACAP/Intake Counsel, available options (including dismissal/file closure, recommendation for diversion or further investigation), the conversion of an inquiry into to a bar complaint/case and continued investigation, notice to and response from the respondent, and then the forwarding of the case to a Bar branch office for additional investigation by Branch counsel.
5. **Grievance Committee Process.** The discussion topics for this session will include the structure and role of the Grievance Committees, the role of the Florida Bar Board of Governors designated reviewer, Bar counsel, and the Grievance Committee Chair. This will include a discussion of the Grievance Committee investigation process, including the appointment of the investigating member, the use of staff investigators and auditors, issuance of subpoenas, taking statements from the respondent, the consideration by the Grievance Committee of the case upon completion of the investigation through either a paper hearing or in-person hearing, probable cause findings and other potential findings/recommendations that a Grievance Committee can make, and the review of those outcomes by the Designated Reviewer and, where applicable, the Florida Bar Board of Governors and the Board's Disciplinary Review Committee. The availability of consent judgments, and the process for consideration of consent judgments will also be discussed.
Guest Speaker: Tad Yates, Past Chair, 9th Circuit Grievance Committee and current Florida Bar Board of Governors member
6. **Filing of a Formal Complaint and Disciplinary Trial Before a Referee.** This session will include a discussion of the filing of a Formal Complaint with the Florida Supreme Court for those cases in which a Grievance Committee has found probable cause (as well as those cases that do not require a probable cause finding), the appointment of a referee, the pretrial process and consent judgments after referee appointment, the trial, burden of proof, report of referee including the findings of facts, conclusions of law, guilty/not guilty recommendations, aggravating/mitigating factors and other standards for imposing lawyer sanctions, and recommended sanction.
7. **Board of Governors/Disciplinary Review Committee Review.** The role of the Board of Governors and Disciplinary Review Committee in determining the position of the Florida Bar with respect to disciplinary matters will be discussed, including review of reports of referee following trials and other pretrial dispositive orders, review of consent judgments, petitions for disciplinary revocation and reinstatement petitions.
8. **Florida Supreme Court Review.** This will include a discussion of the Florida Supreme Court's role as the final authority to regulate the practice of law, admission of attorneys and discipline, the procedures for petitioning for review of the report of referee by the

Bar of the respondent, the Supreme Court's review of disciplinary cases when there has been a petition for review and when there has not, including sua sponte requests by court for briefing, and the ultimate decision on guilt/innocence and sanctions by the Supreme Court.

Reading Materials for Day 2:

- A. Rules of Discipline, Chapter 3 of the Rules Regulating The Florida Bar:
https://www-media.floridabar.org/uploads/2020/09/Ch-3-2021_03-SEP-RRTFB-9-3-2020.pdf
1. Rule 3-7.1
 2. Rule 3-7.3
 3. Rule 3-7.4
 4. Rule 3-7.5
 5. Rule 3-7.6
 6. Rule 3-7.7
 7. Rule 3-7.9
 8. Rule 3-7.11
- B. Florida Standards for Imposing Lawyer Sanctions (June 17, 2020)
<https://www-media.floridabar.org/uploads/2020/06/Florida-Standards-For-Imposing-Lawyer-Sanctions-6-17-2020.pdf>
1. §§ 3.1 to 3.4 (aggravating/mitigating factors)
 2. §§ 4.1 to 8.1 (students should give a high-level review of these sections for familiarity)
- C. Standing Board Policies of the Board of Governors of The Florida Bar
https://www-media.floridabar.org/uploads/2020/02/2020_07-JAN-SBPs-1-31-20.pdf
1. Policy 15.30
 2. Policy 15.40
 3. Policy 15.42
 4. Policy 15.75
 5. Policy 15.76
 6. Policy 15.90

Wednesday, January 13, 2021 - Day 3 Topics

9. **Reinstatement of Lawyers with Rehabilitative Suspensions.** Lawyers suspended from the practice of law for 91 days or more must be reinstated to the practice of law upon conclusion of the period of time of the suspension and compliance with the terms of the suspension order. The process for reinstatement will be discussed, including the petition for reinstatement, required showings including no disqualifying conduct and rehabilitation (and what must be proven), additional requirements for lawyers who have not been eligible to practice for three years and five years, the Bar's investigation, summary proceedings if no evidence to oppose reinstatement, hearing before the referee, report of referee, Board of Governors' review and determining position of the Bar, and Florida Supreme Court review of petition for reinstatement.

10. **Enforcement of Disciplinary Orders through Contempt Proceedings.** This session will include a discussion of the mechanism for enforcing the Florida Supreme Court’s disciplinary orders through contempt proceedings, including the filing of a Petition for Contempt and Order to Show Cause, the appointment of a referee if factual findings are needed, and sanctions available to the Florida Supreme Court for contempt.
11. **Placement on the Inactive List for Incapacity Unrelated to Misconduct.** This will include discussion of the availability of proceedings to place a lawyer on the inactive list for incapacity unrelated to misconduct, interim placement on the inactive list, effective of placement on the inactive list, and procedures for removal from the inactive list.
12. **Deferral of Investigations and Statute of Limitations for Prosecution of Bar Complaints.** This session will include a discussion of the deferral of investigations when parallel civil, criminal or administrative proceedings involving the same facts are present, as well as a discussion of the required time to bring a disciplinary complaint.
13. **Reciprocal Discipline.** This will include a discussion of The Florida Bar’s jurisdiction over lawyer regardless of where conduct committed, the concurrent disciplinary authority of other state and federal bars over Florida lawyers for the same misconduct, and the different procedures for reciprocal discipline cases.
14. **Public Nature of Lawyer Discipline.** An overview of the public nature of the Florida lawyer discipline system, as well as aspects that are confidential.
15. **Discussion and Q&A with Florida Bar Counsel on High Profile/Complex Bar Cases.** This discussion with The Florida Bar Tampa Branch’s Chief Branch Discipline Counsel Sheila Tuma, will include an in-depth discussion of one or more high-profile disciplinary prosecutions, as well as a discussion of trends and suggestions of ways to avoid rule violations in a lawyer’s practice.
Guest Speaker: Sheila Tuma, Chief Branch Discipline Counsel, Florida Bar Tampa Branch
16. **Case Studies - Small Group Breakout Sessions.** The students will break out into small groups to review and discuss various discipline cases to identify and get an understanding for important issues of concern for the Bar, referees and the Florida Supreme Court in each case.

Reading Materials for Day 3:

- A. Rules of Discipline, Chapter 3 of the Rules Regulating The Florida Bar:
https://www-media.floridabar.org/uploads/2020/09/Ch-3-2021_03-SEP-RRTFB-9-3-2020.pdf
 1. Rule 3-7.10
 2. Rule 3-7.12
 2. Rule 3-7.13
 3. Rule 3-7.16

- B. Florida Standards for Imposing Lawyer Sanctions (June 17, 2020)
<https://www-media.floridabar.org/uploads/2020/06/Florida-Standards-For-Imposing-Lawyer-Sanctions-6-17-2020.pdf>
1. § 2.9 (reciprocal discipline)
 2. § 2.10 (readmission and reinstatement)
- C. Standing Board Policies of the Board of Governors of The Florida Bar
https://www-media.floridabar.org/uploads/2020/02/2020_07-JAN-SBPs-1-31-20.pdf
1. Policy 15.80
- D. *The Florida Bar v. Diaco, Adams & Filthaut* (Fla. Supreme Ct. Case Nos. SC14-1052, SC14-1054, SC14-1056)
- Formal Complaint (Diaco):
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/53117440022B00CF85257F3C0010F6B8/\\$FILE/12.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/53117440022B00CF85257F3C0010F6B8/$FILE/12.PDF)
 - Report of Referee: https://efactscc-public.flcourts.org/casedocuments/2014/1052/2014-1052_miscdoc_322135.pdf
 - Order to Show Cause (Diaco): https://efactscc-public.flcourts.org/casedocuments/2014/1052/2014-1052_order_207921.pdf
 - Interim Suspension (Diaco): https://efactscc-public.flcourts.org/casedocuments/2014/1052/2014-1052_disposition_133991.pdf
 - Interim Suspension (Filthaut):
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/7A31159A2ABB9F6685257F3C0010F7F2/\\$FILE/19.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/7A31159A2ABB9F6685257F3C0010F7F2/$FILE/19.PDF)
 - Petition for Disciplinary Revocation (Diaco):
[https://www.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/79DAA98A1201180A85257F3C0010F70F/\\$FILE/999792_13.DOC](https://www.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/79DAA98A1201180A85257F3C0010F70F/$FILE/999792_13.DOC)
 - Opinion (Diaco): https://efactscc-public.flcourts.org/casedocuments/2014/1052/2014-1052_disposition_134162.pdf
 - Opinion (Adams/Filthaut):
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/57E80AF399132EFD8525801C000A62DB/\\$FILE/6.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/57E80AF399132EFD8525801C000A62DB/$FILE/6.PDF)
- E. *The Florida Bar v. Winters & Yonker* (Fla. Supreme Ct. Case No. SC10-1332)
- Formal Complaint (Yonker):
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/C5F3378F48A2D36D85257A770004DBA1/\\$FILE/1058_4.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/C5F3378F48A2D36D85257A770004DBA1/$FILE/1058_4.PDF)
 - Formal Complaint (Winters):
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/A480DB024D5A290B85257A770004DB5E/\\$FILE/437263_2.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/A480DB024D5A290B85257A770004DB5E/$FILE/437263_2.PDF)
 - Report of Referee (Winters & Yonker):
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/87213419DF1424EB85257A8800062706/\\$FILE/437263_2.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/87213419DF1424EB85257A8800062706/$FILE/437263_2.PDF)
 - Opinion:

[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/14CBB11F8FEC604F85257A770004DB83/\\$FILE/1058_3.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/14CBB11F8FEC604F85257A770004DB83/$FILE/1058_3.PDF)

- F. *In re: Petition of Wolf*, 257 So. 2d 547 (Fla. 1972).
- G. *In re: Petition of Wilson* (Fla. Supreme Ct. Case No. SC15-1026)
- Report of Referee: [https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/FB08914FD34FE12D85257F6C000F9E81/\\$FILE/_25.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/FB08914FD34FE12D85257F6C000F9E81/$FILE/_25.PDF)
 - Order: [https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/18E6E0DF84FF0FE885257F6B000F754C/\\$FILE/_9.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/18E6E0DF84FF0FE885257F6B000F754C/$FILE/_9.PDF)
- H. *In re: Petition of Green* (Fla. Supreme Ct. Case No. SC17-6)
- Report of Referee: https://efactssc-public.flcourts.org/casedocuments/2017/6/2017-6_miscdoc_338527.pdf
 - Order: https://efactssc-public.flcourts.org/casedocuments/2017/6/2017-6_disposition_141013_d03o.pdf
- I. Additional materials may be assigned in class the previous day

Thursday, January 14, 2021 - Day 4 Topics

17. **Discussion and Q&A with Defense Counsel.** This will include a discussion by defense counsel of their perspectives for defending a bar discipline case, common disciplinary violations, and suggestions of ways to avoid rule violations in a lawyer's practice.
Guest Speaker: Warren Lindsey, Defense Counsel, Former Florida Bar Board of Governors Member and Past Co-Chair, Florida Bar Board Disciplinary Review Committee
18. **Case Study - Small Group Breakout Sessions.** This will include discussion of various discipline cases. In addition, students will break up into small groups to review and discuss facts and exhibits from a disciplinary case. Students will be asked to identify issues relevant to the disciplinary case, from the prosecution and defense perspective, and discuss their recommended approach to handling the disciplinary case from either the prosecution or defense perspective, the issues they believe would arise at the trial before a referee, and a discussion of the appropriate sanction or sanctions. At the conclusion of this exercise, the ultimate result of the trial before a referee and Florida Supreme Court decision will be discussed.

Reading Materials for Day 4:

- A. *The Florida Bar v. Alters* (Fla. Supreme Ct. Case No. SC14-100)
- Petition for Emergency Suspension: [https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/174C8C1515091891852579E400094DF9/\\$FILE/111790_8100.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/174C8C1515091891852579E400094DF9/$FILE/111790_8100.PDF)

- Emergency Suspension:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/E2B2E54D4185CB52852579E400094DBE/\\$FILE/111790_8098.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/E2B2E54D4185CB52852579E400094DBE/$FILE/111790_8098.PDF)
- Report of Referee recommending dissolution of emergency suspension:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/30882EE67B71D81E85257DE1000E4672/\\$FILE/_9.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/30882EE67B71D81E85257DE1000E4672/$FILE/_9.PDF)
- Dissolution of Emergency Suspension:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/17BEBE0AF7373C77852579E400094DB3/\\$FILE/111790_8097.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/17BEBE0AF7373C77852579E400094DB3/$FILE/111790_8097.PDF)
- Report of Referee: https://efactscc-public.flcourts.org/casedocuments/2014/100/2014-100_miscdoc_333910.pdf
- Oral Argument Video (41 minutes):
<https://wfsu.org/gavel2gavel/viewcase.php?eid=2483>
- Sua Sponte Suspension: https://efactscc-public.flcourts.org/casedocuments/2014/100/2014-100_disposition_142632_d31ia.pdf
- Opinion:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/77700EE5693C83DF8525835B004A344F/\\$FILE/_13.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/77700EE5693C83DF8525835B004A344F/$FILE/_13.PDF)

B. *The Florida Bar v. Gardiner* (Fla. Supreme Ct. Case No. SC11-2311)

- Formal Complaint:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/1F7BA6A9BCBECACD85257CEF0007FC0D/\\$FILE/735280_11.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/1F7BA6A9BCBECACD85257CEF0007FC0D/$FILE/735280_11.PDF)
- Report of Referee:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/7B0BEB693F7878F585257CEF0007FC18/\\$FILE/735280_12.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/7B0BEB693F7878F585257CEF0007FC18/$FILE/735280_12.PDF)
- Opinion:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/0BC8C2F53ACD940485257CF60007E9FA/\\$FILE/735280_10.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/0BC8C2F53ACD940485257CF60007E9FA/$FILE/735280_10.PDF)

C. *The Florida Bar v. Scheinberg* (Fla. Supreme Ct. Case No. SC11-1865)

- Formal Complaint:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/91C2C511C543A2C3852583D6000A8541/\\$FILE/717533_44.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/91C2C511C543A2C3852583D6000A8541/$FILE/717533_44.PDF)
- Report of Referee:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/778273B5FAAE07A2852583D6000A8552/\\$FILE/717533_47.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/778273B5FAAE07A2852583D6000A8552/$FILE/717533_47.PDF)
- Opinion:
[https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/6DB8C64C354A4BA3852583D6000A855D/\\$FILE/717533_48.PDF](https://lsg.floridabar.org/dasset/DIVADM/ME/MPDisAct.nsf/DISACTVIEW/6DB8C64C354A4BA3852583D6000A855D/$FILE/717533_48.PDF)

D. Additional reading materials may be assigned in class the previous day

Friday, January 15, 2021 - Day 5 Topics

19. **Discussion and Q & A Session with Florida Supreme Court Justice Alan Lawson regarding the Florida lawyer discipline system.** Florida Supreme Court Justice Alan Lawson will provide insight into the lawyer discipline system from the perspective of the Florida Supreme Court, as well as trends regarding discipline cases and penalties.
Guest Speaker: The Honorable Alan Lawson, Justice, Florida Supreme Court
20. **Additional Case Studies/Breakout Sessions.** The students will again break out into small groups to review and discuss fact patterns and analyze issues from various discipline cases.

Reading Materials for Day 5:

Reading materials will be assigned in class the previous day