



ELEVENTH JUDICIAL CIRCUIT OF FLORIDA  
LOCAL PROFESSIONALISM PANEL

BERTILA SOTO  
CHIEF JUDGE

LAWSON E. THOMAS COURTHOUSE CENTER  
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March 1, 2016

**RE: ELEVENTH JUDICIAL CIRCUIT LOCAL PROFESSIONALISM  
PANEL'S DISPOSITION (#469)**

Pursuant to the Florida Supreme Court's opinion *In re: Code for Resolving Professionalism Complaints*, 116 So. 3d 280 (Fla. 2013) and *In re: Eleventh Judicial Circuit Professionalism and Civility Committee and Local Professionalism Panel*, Fla. 11th Cir. Admin. Order No. 14-01 A1 (July 18, 2014), the duly appointed Local Professionalism Panel ("Panel") began receiving, screening, acting upon, and resolving complaints of unprofessional conduct as of September 1, 2014. The Panel seeks to informally resolve professionalism complaints made by members of the public, attorneys, judges, and/or referred by The Florida Bar's Attorney Consumer Assistance Program, against attorneys practicing in the Eleventh Circuit. In the interest of promoting awareness and elevating the standards of professionalism in the local bar, noteworthy dispositions of the Panel are anonymously published in the DCBA Bulletin as well as the Eleventh Judicial Circuit website.

One of the most noteworthy endorsements of the Panels came when the Third District Court of Appeal referred a matter to the Panels in a written opinion. *See Beckles v. Brit*, 176 So. 3d 387 (Fla. 3d DCA 2015). The present disposition arises from the Respondent Attorney's repeated failure to timely respond to deadlines and court orders while handling an appeal as a result of a client's failure to pay.

The Third District's opinion involved a Show Cause Order issued for Appellants' failure to file their initial brief in a pending appeal. Appellants filed a notice of appeal in September 2014, appealing an adverse judgment in the amount of \$2.8 million. On December 29, 2014, after Appellants failed to file an initial brief or a motion seeking an extension of time to file an initial brief, Appellee moved to dismiss the appeal. In response, on December 31, the Third District issued an order requiring Appellants to show cause as to why the appeal should not be dismissed. On January 11, 2015, Appellants' counsel (the Respondent Attorney) filed a motion seeking a 20-day extension to file the initial brief, which the Third District granted. Appellee, however, renewed its motion to dismiss the appeal on January 23, after Appellants again failed to file their initial brief or a motion for extension of time. On March 6, the Third District entered an order stating the appeal would be dismissed if Appellants did not serve their initial brief within ten days of the order. After Appellants yet again failed to file an initial brief or any other responsive papers, the Third District dismissed Appellants' appeal on March 31 and ordered

Appellants' counsel (Respondent Attorney) to show cause as to why sanctions should not be imposed for counsel's failure to comply with the orders. On April 30, Appellants' counsel finally responded, indicating the judgment had "left Appellants without the resources needed to prosecute the appeal."

Upon receipt of the Complaint, the Panel reviewed, screened, and investigated the matter. The Respondent was individually contacted to discuss the Complaint as well as to provide any additional information and/or supporting documentation. An informal hearing was noticed and held, during which the Respondent Attorney voluntarily appeared and fully cooperated with the members of the Panel. Following the hearing, the Respondent Attorney wrote a letter thanking the Panel for its efforts and insight. The Respondent Attorney also wrote an apology letter to the Third District. The Respondent Attorney agreed to become involved with local voluntary bar associations in order to turn this experience into a positive as well as a learning opportunity for others. Lastly, the Respondent Attorney was provided with the Eleventh Judicial Circuit Standards of Professionalism and Civility as well as the specific rules of professional conduct which were involved in the Complaint. He acknowledged he would read the materials and distribute them to his co-workers, colleagues, and friends.