PROFESSIONALISM

IN THE PRACTICE OF LAW,

DEATH PENALTY LITIGATION,

AND

THE LEGISLATIVE PROCESS

PRESS RELEASE

HOSTED BY: ITA M. NEYMOTIN, REGIONAL COUNSEL,
OFFICE OF CRIMINAL CONFLICT AND CIVIL REGIONAL COUNSEL,
SECOND DISTRICT COURT OF APPEAL

Ms. Ita M. Neymotin, Regional Counsel, Office of Criminal Conflict and Civil Regional Counsel, Second District Court of Appeal, hosted the "Professionalism in the Practice of Law, Death Penalty Litigation, and the Legislative Process" Virtual Zoom Seminar with two sessions which aired on June 29 and July 1, 2021, featuring many wonderful guest speakers. All of the presentations given by the speakers were informative and educational.



Honorable Senator Keith Perry, Chair of the Senate Appropriations Subcommittee on Criminal and Civil Justice, discussed how being a small business owner affects his outlook on leadership. Senator Perry stated that in order to be a successful leader, one must learn how to motivate, how to inspire, build trust, and avoid micromanaging others. Senator Perry thoroughly believes that good government is necessary and that the future of Florida depends on good government that does not over govern. Senator Perry also emphasized that education and trade skill training are as important as infrastructure development to keep Florida competitive and a great place to live.



Mr. Michael Grant Tanner, The Florida Bar President, 2021-2022, spoke about how the Supreme Court of Florida and The Florida Bar worked together to encourage and later to require professionalism from Florida attorneys. Mr. Tanner also discussed the history of the creation of the Henry Latimer Center for Professionalism, the Florida Supreme Court Commission on Professionalism, and the creation of the Local Professionalism Panels. Mr. Tanner concluded his presentation with a discussion of the various resources for professionalism, including the Henry Latimer Center and the Professionalism Handbook



Ms. Michele A. Gavagni, Executive Director Florida Board of Bar Examiners, discussed professionalism and how it relates to The Florida Bar admissions and to practicing attorneys. She emphasized the importance of candor and full disclosure to the Florida Board of Bar Examiners by applicants. Ms. Gavagni also discussed the new portal for applicants applying to The Florida Bar. This portal allows applicants to view their application status online, read any documents from the Florida Board of Bar Examiners such as requests for information, and then also submit documents by uploading them directly to the Florida Board of Bar Examiners on the portal.



Mr. Gary Lesser, The Florida Bar President-Elect, 2021-2022, talked about how professionalism is a top priority for The Florida Bar, and a real challenge for the lawyers in Florida. Mr. Lesser discussed a brief history of The Florida Bar and its efforts to promote professionalism among its members. Further, Mr. Lesser cautioned that professionalism lapses could further develop into behaviors that lead to ethics violations. He said that the goal of The Florida Bar is to provide guidance and tools to Florida Bar members to increase the overall level of professionalism in The Florida Bar.



Ms. Rebecca Bandy, Director of the Henry Latimer Center for Professionalism, discussed the Professionalism Expectations as a whole. Ms. Bandy stressed that the same Professionalism Expectations are in effect during an attorney's whole career from the first day all the way up to retirement. Ms. Bandy also spoke about mental health challenges facing attorneys, and the high percentages of attorneys who suffer from depression and general loneliness, the high rates of suicide, alcoholism, and other substance abuse problems. Further, she discussed some of the resources available to attorneys to assist them in dealing with those issues.



Honorable Judge Kimberly Bonner, Chief Judge for the Twelfth Judicial Circuit of Florida, discussed applying professionalism in the current technology driven court environment. With court cases being held virtually, files being digitized, COVID-19 challenges, the social media boom, and the emphasis on remote video communications, new challenges regarding professionalism are introduced almost daily. Judge Bonner also reiterated that although electronic communication is becoming more and more common, upholding client and courtroom expectations is still as important as ever. The Oath of Admission to The Florida Bar is fundamental in centering the courts and attorneys. By implementing professionalism in the Courts, it defines what courts were, what courts currently are, and the future evolution of the courts.



Honorable Ed Brodsky, State Attorney for the Twelfth Judicial Circuit of Florida, spoke about professionalism and the way attorneys engage in the practice of law with the public, with one another, and with the courts. Mr. Brodsky emphasized that when lawyers engage with the court, with colleagues, and with witnesses, those attorneys must express themselves professionally. Mr. Brodsky pointed out that prosecutors have a special responsibility to be vigorous in pursuing justice while safeguarding the innocent. The attorney profession is not about winning at all costs, it is about conducting oneself properly, legally, ethically, morally, and with care for due process.



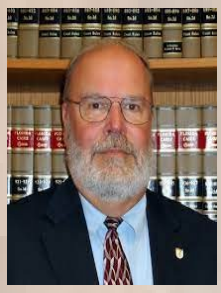
Honorable Brian Haas, State Attorney for the Tenth Judicial Circuit of Florida, expressed that the essence of professionalism is a repetitive obligation to act with character, competence and civility. Mr. Haas stressed the importance of consistent professionalism during capital cases when stressors are high and small mistakes can have huge impacts. Mr. Haas reminded attorneys that during these often very emotional cases, the victim's families, and the defendant's families are often watching to gain confidence in the judicial process. The public must believe that the judicial process produces a just result, and an attorney's expression of professionalism, conduct, and demeanor go a long way toward establishing that belief.



Honorable Andrew Warren, State Attorney for the Thirteenth Judicial Circuit of Florida, discussed public opinion on death penalty and how it has changed in the past few decades. Mr. Warren discussed death penalty statistics in America and other countries. He outlined some of the challenges with the death penalty such as the cost of incarceration for death row inmates. Mr. Warren believes that the death penalty should be fair, impartial, and rare; and that the evidence provided to the jury should be convincing enough that the jury decides unanimously. As such, aggravators must outweigh mitigators and the defendant must be shown to be undeserving of mercy. Mr. Warren firmly believes that awarding the penalty of death requires a systematic and methodical approach.



Honorable Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of Florida, talked about how professionalism affects everything we do and makes us more successful. Ms. Fox recalled this last year and how everyone in the Twentieth Judicial Circuit showed great teamwork when making difficult decisions. Ms. Fox attributed that to people treating each other professionally and with respect for many years when working together. Ms. Fox was proud of the fact that the Twentieth Judicial Circuit was one of the first to come back online doing full scale court events. Everyone operates with core values that underline what professionalism is: honesty, integrity, and respect. Because of those values members of the Twentieth Judicial Circuit are able to trust each other. Ms. Fox reminded everyone that the most valuable thing you have is your reputation.



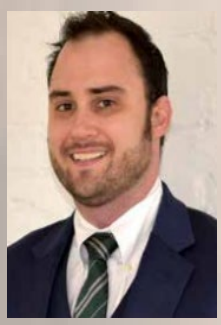
Honorable Howard 'Rex' Dimmig, Public Defender for the Tenth Judicial Circuit of Florida, discussed how the exercise of professionalism at the local circuit level is now more important than it has ever been, in what is commonly called, the modern era of capital punishment. With considerations such as politics, religion, or personal morality affecting the decision to impose or forgo the death penalty, professionalism is the only assurance of impartiality. Mr. Dimmig cautioned attorneys against allowing any consideration other than the demands of justice to influence the decision to seek or impose the death penalty.



Honorable Julianne M. Holt, Public Defender for the Thirteenth Judicial Circuit of Florida, talked about growing up in early childhood, her family history, and how she learned early on about bias and prejudice when she lived in a community that had separation and division of cultures. Ms. Holt ran for office in 1992 and made it her mission to create an office where the moment a person walked in, that person felt the professionalism and inclusion which would shine through accountability and responsibility. Ms. Holt emphasized that attorneys must advocate with true passion knowing that every single day, they can make a difference in someone's life; and, how this pandemic showed us exactly how people's lives can be placed at a standstill if not for continued diligence and professionalism from law professionals.



Honorable Kathleen A. Smith, Public Defender for the Twentieth Judicial Circuit of Florida, discussed how professionalism played a major role in keeping the Twentieth Judicial Circuit courts in operation during the COVID-19 pandemic. All stakeholders in the circuit including state agencies, the judges, the private bar, and the Sheriff's Departments all had to work together to ensure continued court operations. Only a high degree of professionalism allowed all the disparate parts to work together smoothly to identify which court operations could be done remotely, which court operations needed to be in person, and the necessary precautions to take, that would enable in-person court proceedings to occur, while preserving everyone's rights, including all the rights of the accused.



Mr. Blake P. Hampton, President Lee County Bar Association, discussed Elder Law and the scope of representation of the elderly along with the challenges that come with that type of law practice. Mr. Hampton discussed issues and problems that arise when the elderly client is not present during the initial consultation, and when the client is an incapacitated person. Mr. Hampton stressed how important it is to treat the client with respect, as if they have mental capacity even if they don't. Mr. Hampton explained that in his scope of representation he is a counselor and an advisor. One of the ways he ensures diligence is by putting recommendations in writing and including a checklist to ensure the process is clear, and as transparent as possible, for his clients and their representatives.



Mr. Henry Lee Paul, Member, The Florida Bar Student Education and Admissions Committee, spoke about the importance of Standards of Professionalism, and how standards for professional behavior are becoming part of disciplinary proceedings. Mr. Paul discussed the Standards of Professionalism, the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, The Florida Bar Professionalism Expectations, and decisions of the Florida Supreme Court. Mr. Paul explained that these are the highest of guidelines for professional conduct, ethics, and standards of a lawyer's profession.



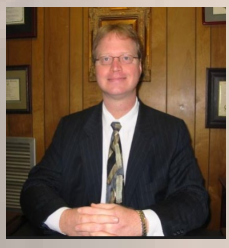
Ms. Ita M. Neymotin, Regional Counsel, Office of Criminal Conflict & Civil Regional Counsel, Second District Court of Appeal, spoke about her family's journey to freedom as well as the importance of professionalism and keeping our justice system the best in the world. She pointed out that professionalism is especially important when dealing with the death penalty and she offered the example of her own grandfather who was executed by the USSR twenty years before he was declared innocent of the crime for which he had been executed.



Mr. Byron Hileman, Homicide Chief, Office of Criminal Conflict & Civil Regional Counsel, Second District Court of Appeal, started by reminiscing about his first death penalty case, which he tried in 1977. Mr. Hileman has handled over 150 death penalty cases during his career and has seen how the Florida death penalty judicial process has evolved over the last 44 years. Mr. Hileman explained that the most important thing he learned and can pass on to other attorneys is that trust is vital. Mr. Hileman wants everyone to always keep in mind that you are only as good as your word, and that even when being adversarial, all interactions must be in good faith, and that adversarial relationships do not preclude civility or even congeniality.



Ms. Karen Meeks, Homicide Training Supervisor, Office of Criminal Conflict and Civil Regional Counsel, Second District Court of Appeal, talked about the importance of mitigation, which always starts with investigation. Ms. Meeks explained the importance of investigation even if the client's wishes are not to investigate, and stressed that attorneys have an obligation to look into the matter further as there are case laws and responsibilities to the client that have to be maintained. Ms. Meeks reminded us that even with frustrating clients, attorneys still have a duty to the client and must be professional as it is literally a matter of life and death.



Mr. Christopher Boldt, Homicide Division, Managing Attorney, Office of Criminal Conflict & Civil Regional Counsel, Second District Court of Appeal, discussed professionalism in death penalty litigation. Mr. Boldt reminded us that both empathy and passion are needed to litigate cases. Mr. Boldt further discussed how important it is to demonstrate confidence, knowledge, integrity, consciousness, emotional intelligence, appropriateness, and competence. Additionally, Mr. Boldt emphasized that we should never forget to treat everyone with respect, whether it is co-workers or clients or anyone else you come in contact with.