

Gary Rosen in Law360 on Court Program to Improve Attorney Behavior

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Managing Shareholder **Gary Rosen** spoke with *Law360* in a May 16th article titled “*Fla. Court Program Seeks To Curb Unprofessional Behavior.*” The article describes a new pilot program Gary created along with Jamie Cole of Weiss Serota Helfman Cole & Bierman PL and a committee of Broward County managing partners to improve professionalism and civility among litigators.

This program, called “Volunteer Professionalism and Civility Magistrate Pilot Program,” was approved by Chief Judge Jack Tuter in early May and will soon be implemented with the Broward County Bar Association in three divisions of Florida’s Seventeenth Judicial Circuit Court.

In attempting to address what many judges and attorneys see as an increase in unprofessional behavior, both in and outside of the courtroom, Mr. Rosen explained to Law360 that “the notion behind the program is that attorney behavior will not change and generally isn’t modified unless there is a strong incentive or disincentive to create that change.”

The program Rosen and Cole crafted will put experienced litigators (at least 20 years of civil litigation experience and a primary office in Broward) in place to hold expedited hearings on complaints of unprofessional behavior. These attorneys will then recommend potential sanctions to the judge. The goal is to move from complaint to recommendation in 45 days. “I think many lawyers on the opposite side of this behavior are reluctant to complain or move for sanctions because there is such a long delay between complaint and hearing and consequence,” Rosen said. “They simply throw up their hands and say it’s not worth it.”

Attorneys failing to respond to scheduling requests from opposing counsel, attorneys disrupting questioning or harassing witnesses in depositions and complaints about male attorneys behaving improperly toward female colleagues are but some of the incivilities the program seeks to address.

Both Gary Rosen and Jamie Cole will be honored at the Broward County Bar Association’s annual gala on June 23rd for their joint work on this program.