



Unprofessionalism in Word and Deed

Advocacy, civility, candor, and the discipline risk of repeated incivility

Companion viewer packet | Engle Committee Film Series | Decorum.law

At a glance

- The film is inspired by the Florida Supreme Court's Norkin discipline decisions and uses fictionalized scenes to teach the difference between forceful advocacy and unprofessional conduct.
- The recurring question is not whether a lawyer may fight hard. The question is whether the lawyer can pursue the client's lawful objectives while preserving candor, decorum, and respect for the system.

Core takeaway

Incivility becomes more than a personality problem when it disrupts proceedings, misstates law or fact, humiliates others, threatens people for leverage, or becomes a repeated litigation strategy.

Educational note: This packet is a teaching aid based on approved script materials. It is not legal advice and should not substitute for current rules, statutes, case law, or institutional policies.

1. Red Flags in the Scenes

The scenes escalate across settings - mediation, courtroom hearings, chambers, a magistrate proceeding, and a discipline hearing. Each setting tests whether advocacy remains grounded in the merits or becomes an attack on people and institutions.

Scene setting	Professional line-crossing issue	Better focus
Mediation	Personal attacks and threats replace discussion of the merits.	Identify claims, evidence, risk, and settlement options.
Court-appointed officer	Threats and accusations of bias or conspiracy without an appropriate record.	Use motions, evidence, and respectful objections.
Courtroom	Shouting, accusations of dishonesty, and disruption of the tribunal.	Argue facts and law in a moderate tone.
Judge's chambers	Public humiliation of opposing counsel and court staff.	Schedule the hearing and preserve dignity.
Magistrate hearing	Misquoting law, misstating the record, and making unsupported allegations.	Verify authority and make only supportable claims.
Discipline hearing	Refusal to acknowledge conduct and rationalizing incivility as enjoyment or strategy.	Show insight, accountability, and remediation.

Five red flags

- The lawyer attacks the person instead of the argument.
- The lawyer uses threats of personal liability or discipline as leverage.
- The lawyer shouts, interrupts, or refuses to accept rulings.
- The lawyer misquotes a statute or says the record contains what it does not.
- The lawyer claims 'zeal' as a reason to abandon courtesy and candor.

Viewer prompt

Pause the scene at the first red flag. Ask: What did the lawyer want? Could that legitimate goal have been pursued through a professional sentence, motion, objection, or record?

2. Professional Responses in Real Time

A professionalism video is most useful when viewers practice what to say. The goal is not to win a shouting match. It is to preserve the record, protect the client, and keep the proceeding focused on the merits.

Do in the moment

- Return to the merits: 'Let's focus on the relief requested and the evidence.'
- Ask the neutral officer to redirect the proceeding.
- Make a clear, calm record of the conduct without matching the tone.
- Request a break if emotion is interfering with judgment.
- Protect the client from adopting counsel's anger as the case strategy.

Avoid in the moment

- Do not answer insults with insults.
- Do not make unsupported counter-accusations.
- Do not let the event become the case unless relief is needed.
- Do not ignore misconduct that is harming the client or the proceeding.
- Do not confuse professional restraint with weakness.

Issue	First response	Possible follow-up
Rude but isolated conduct	Redirect privately or on the record.	Professional reset or Local Professionalism Panel referral.
Repeated disruption	Ask the judge, mediator, or magistrate to intervene.	Order, sanctions, or professionalism referral.
False statement of law or fact	Correct the record with authority and evidence.	Rule-based motion, order to show cause, or Bar issue if substantial.
Threats or humiliation	State that the conduct is inappropriate and return to the matter.	Document, seek protection, or escalate based on severity and repetition.

Discussion prompts

- Where is the line between incivility and an ethics violation?
- Can being rude ever be a legitimate lawyering technique?
- When should a lawyer file a sanctions motion, professionalism referral, or Bar complaint?
- How should judges and mediators respond without escalating the conflict?

3. Norkin in Context

The Norkin decisions remain a powerful teaching tool because they show how repeated incivility, disruption, threats, and lack of candor can move from professionalism concerns into formal discipline.

Key discipline points for teaching

- In 2013, the Florida Supreme Court approved findings of misconduct, rejected a ninety-day suspension recommendation, and imposed a two-year suspension and public reprimand.
- The Court identified unprofessional behavior toward judges, a senior judge/provisional director, and opposing counsel, including violations involving disruption of a tribunal and conduct prejudicial to the administration of justice.
- In 2015, Norkin was disbarred after continued misconduct during suspension and failure to comply with suspension obligations.
- Florida's professionalism referral system now expressly distinguishes minor or isolated unprofessional conduct from substantial or repeated conduct that may be referred for disciplinary investigation.

Zeal has limits

Rule 4-1.3 requires reasonable diligence and promptness. Its comment recognizes zeal in advocacy, but also states that reasonable diligence does not require offensive tactics or prevent courtesy and respect toward all persons involved in the legal process.

Authorities and resources

Rules Regulating The Florida Bar 4-1.3 - diligence and the limits of offensive tactics.

Rules Regulating The Florida Bar 4-3.3 - candor toward the tribunal.

Rules Regulating The Florida Bar 4-3.5(c) - conduct intended to disrupt a tribunal.

Rules Regulating The Florida Bar 4-8.4(c)-(d) - dishonesty, misrepresentation, and conduct prejudicial to the administration of justice.

The Florida Bar v. Norkin, 132 So. 3d 77 (Fla. 2013).

The Florida Bar v. Norkin, 183 So. 3d 1018 (Fla. 2015).

In re Code for Resolving Professionalism Referrals and Amendments to Rule Regulating The Florida Bar 6-10.3, No. SC2023-0884 (Fla. July 6, 2023).

The Florida Bar Professionalism Expectations - communications, honor, integrity, fair play, and respectful conduct in all settings.

Facilitator closing exercise

Ask participants to rewrite one unprofessional line from the film into a sentence that protects the same client goal while complying with candor, decorum, and civility.