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COMMENTARY

## The Tightrope of Professionalism in the Digital Age: Lessons From the Fla. Supreme Court

As a litigator in South Florida for the past two decades, I've witnessed a dramatic shift in the legal profession. While the core principles of justice and advocacy remain constant, how we interact with colleagues and clients has undergone a significant transformation.

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Special Sections

By Randy Weber | March 14, 2024 at 03:24 PM



As a litigator in South Florida for the past two decades, I've witnessed a dramatic shift in the legal profession. While the core principles of justice and advocacy remain constant, how we interact with colleagues and clients has undergone a significant transformation. This change is largely driven by the ever-increasing reliance on digital communication—emails, texts and social media.

The Florida Supreme Court, known for its stringent approach to lawyer discipline, has been at the forefront of addressing this evolution. Recent disciplinary cases serve as stark reminders that the boundaries of professional conduct have expanded to encompass the digital realm. Behaviors that might have been tolerated in the past—a heated exchange in a hallway conversation, for instance—can now lead to serious consequences in the form of reprimands, suspensions, or even disbarment.

Let's consider a recent anonymized case. Lawyer A sent a scathing email to the opposing counsel, peppered with incendiary accusations. While the email might have blown over in the pre-digital era, the permanent record of the message proved damning. Lawyer A faced disciplinary action for unprofessional conduct. This case highlights a crucial point: the digital footprint we leave behind matters significantly.

Another case involved a lawyer who posted inflammatory comments about a judge on social media. Even though the comments weren't directed at a specific case, they were deemed inappropriate and disparaging to the judiciary. This lawyer faced sanctions for violating the professional code of conduct.

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These scenarios serve as cautionary tales for all legal professionals. The digital age demands a heightened awareness of how our words and actions, both online and offline, can be perceived.

So, how can lawyers navigate this new tightrope of professionalism? Here are a few key steps:

- **Think before you hit send:** In the heat of the moment, it's easy to fire off an email or text without considering the potential consequences. Take a deep breath, step away from the keyboard, and revisit the message later with a cooler head.
- **Maintain a professional tone:** Even in informal communication, a courteous and respectful tone is essential. Avoid sarcasm and personal attacks.
- **Be mindful of social media:** Social media platforms are not appropriate venues for airing grievances about colleagues, judges, or ongoing cases.

- Everything is recorded: Assume that any digital communication can become part of a permanent record.

The legal profession is built on trust and respect. By maintaining professionalism in all interactions, both in-person and digital, we can ensure that the pursuit of justice continues to be a cornerstone of our society.

**Randy Weber** is a partner with *Pita Weber del Prado* in Miami.

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