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Lawyer Regulation

Standards for Imposing Lawyer Sanctions

Link to PDF version of [Standards for Imposing Lawyer Sanctions](#) with commentary.

STANDARDS FOR IMPOSING LAWYER SANCTIONS AND BLACK LETTER RULES

The Board of Governors of The Florida Bar adopted an amended version of the ABA Standards for Imposing Lawyer Sanctions and thereby provided a format for Bar counsel, referees and the Supreme Court of Florida to consider each of these questions before recommending or imposing appropriate discipline:

- (1) duties violated;
- (2) the lawyer's mental state;
- (3) the potential or actual injury caused by the lawyer's misconduct;
- (4) the existence of aggravating or mitigating circumstances.

The Bar will use these standards to determine recommended discipline to referees and the court and to determine acceptable pleas under Rule 3-7.9.

For reference purposes, a list of the black letter rules is set out below.

1. "Injury" is harm to a client, the public, the legal system, or the profession which results from a lawyer's misconduct. The level of injury can range from "serious" injury to "little or no" injury; a reference to "injury" alone indicates any level of injury greater than "little or no" injury.
2. "Intent" is the conscious objective or purpose to accomplish a particular result.
3. "Knowledge" is the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result.
4. "Negligence" is the failure of a lawyer to heed a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the standard care that a reasonable lawyer would exercise in the situation.
5. "Potential injury" is the harm to a client, the public, the legal system or the profession that is reasonably foreseeable at the time of the lawyer's misconduct, and which, but for some intervening factor or event, would probably have resulted from the lawyer's misconduct.