



STATE OF FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

Hon. Krista Marx, Chair

2017 ANNUAL REPORT

Introduction

This annual report is a look back at the 2017 calendar year, but it will be posted on our new website www.floridajqc.com. The website contains much of the information that in the past would be contained in an annual report, therefore this report will focus on the activities of the Commission and public matters that may be disclosed.

Confidentiality

The Florida Constitution, in establishing the Commission, provides that all proceedings by and before the commission are confidential until the Investigative Panel finds probable cause to believe that a judge has violated the Code of Judicial Conduct. When probable cause is found, formal charges are filed with the Clerk of the Supreme Court. Only then, are all further proceedings of the Hearing Panel open to the public.

Complaints to the Commission about judicial misconduct are reviewed and investigated by the Investigative panel. Their actions and decisions remain confidential, even after probable cause is found. Also, until the Investigative Panel determines that there is a reasonable basis to proceed with a complaint, the judge is not contacted about the existence of a complaint. In fact, the judge never receives a copy of the complaint, even after the filing of formal charges.

Complaints

In 2017 the Commission received 593 complaints of judicial misconduct. This figure does not include complaints about officials outside of the Commission's jurisdiction, such as magistrates, federal judges, or attorneys. To put this in perspective here are the number of complaints for the last five years.

2013	650
2014	750
2015	632
2016	609
2017	593

Actions by the Investigative Panel

The Investigative Panel reviews all complaints to the Commission. Most complaints are dismissed because the concerns they raise involve dissatisfaction with rulings and decisions or raise perceived legal or procedural errors. Absent more, those matters generally do not demonstrate any ethical dimension.

For those complaints that do allege inappropriate conduct or behavior, the Rules of the Commission provide that the Investigative Panel can issue to a judge a 6(b) Notice of an Investigation or a 6(c) Notice of a Required Appearance.

6(c) Hearings

Under the JQC Rule 6(c) a judge may be required to appear before the Investigative Panel of the Commission to respond to the Commission's concerns about the judge's conduct or behavior. If the Investigative Panel is satisfied with the response by the judge, the matter is concluded and no further action is taken.

In 2017 the Investigative Panels of the Commission held four (4) 6(c) hearings.

6(b) Hearings

Under JQC Rule 6(b) a judge is invited to appear and respond to the Investigative Panel's questions and concerns. The response by the judge may satisfy the Investigative Panel that the allegations are unfounded or without merit. In that case the inquiry is dismissed.

If the Investigative Panel determines that the judge appreciates the Commission's concerns and has taken measures to prevent repeat occurrences, then the matter may be concluded without further public action. Up to this point, all the proceedings by the Commission are confidential, pursuant to the Florida Constitution.

The 6(b) Notice of Investigation is also a procedural step toward the filing of formal charges against a judge. If the Investigative Panel finds that probable cause exists that a judge has violated the Code of Judicial Conduct, it will direct that formal charges are filed with the Clerk of the Supreme Court. With that filing, all further proceedings are public and a Hearing Panel is chosen to conduct a trial.

In 2017 the Investigative Panels of the Commission held seventeen (17) 6(b) hearings.

Formal Charges

If the Investigative Panel finds probable cause that a judge violated the Code of Judicial Conduct, it files formal charges with the Clerk of the Florida Supreme Court.

In 2017 the Investigative Panels of the Commission filed formal charges in two inquiries.

Judge Dana Santino was a newly elected Palm Beach County Judge. It was alleged that during the judicial election she inappropriately disparaged her opponent, and failed to take steps to ameliorate her misconduct. The matter was tried before a Hearing Panel of the Commission in August, 2018, and the Hearing Panel recommended the Supreme Court that she be removed from office. The matter is awaiting a final decision by the Supreme Court.

On November 30, 2017 the Investigative Panel filed formal charges against Broward County Judge Claudia Robinson along with a Stipulation with the Judge that she inappropriately directed mediation cases to an attorney that assisted her in her campaign. It was agreed that the Judge should receive a public reprimand, be suspended from office for 30 days, and pay the Commission's costs. Judge Robinson later resigned from office on February 2, 2018, so the case was dismissed.

Other Public Proceedings

On March 7, 2017 the Supreme Court issued an opinion in the case of Andrew Decker, III of the 3rd Circuit. It issued a public reprimand, a six month suspension from office without pay, and to pay costs. The discipline was imposed for campaign violations and a conflict of interest between clients as an attorney.

In 2016 formal charges had been filed against Judge Mark Hulsey, III a 4th Circuit Judge. In 2017 Judge Hulsey resigned from office. As a result, the Commission dismissed the case.

In September 2015 the Commission filed formal charges against Judge Kimberly Shepard, a 9th Circuit Judge for falsely claiming that the Orlando Sentinel had endorsed her in her judicial election. On May 4, 2017 the Supreme Court ordered that she receive a public reprimand, be suspended from office for 90 days without pay, and to pay costs.

In December 2016, formal charges were filed against St. Lucie County Judge Philip Yacucci, for his inappropriate and retaliatory actions against an attorney who was running against him in a judicial election. A trial before a Hearing Panel was held May 1, 2017. The Panel recommended that Judge Yacucci, receive a public reprimand, be suspended for 30 days without pay, take an ethic class, and

pay costs. On November 2, 2017, the Supreme Court adopted the Panel's recommendation.

In November 2016, an Investigative Panel of the Commission filed formal charges against Judge Scott DuPont. Trial was held on December 11, 2017. The Panel recommended that Judge DuPont be removed. The matter is presently awaiting a final disposition by the Supreme Court.

2018 Scheduled Meetings of the Investigative Panel*

January 25 & 26

March 8 & 9

April 26 & 27

June 7 & 8

July 19 & 20

August 30 & 31

October 11 & 12

November 15 & 16

*Meetings of the Investigative Panel are not open to the public.