

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA
CASE NO.: 06-249

FILED
THOMAS D. HALL

2008 MAR 31 P 12:32

CLERK, SUPREME COURT

S.Ct. Case No. SC07-774

INQUIRY CONCERNING JUDGE
MICHAEL E. ALLEN,

SECOND ORDER SCHEDULING FINAL HEARING AND PRE-HEARING CONFERENCE

A final evidentiary hearing before the Judicial Qualifications Commission (JQC) Hearing Panel on the Formal Charges is scheduled for 8:00 a.m. Monday, June 9th, 2008. This hearing will occur in a Courtroom to be designated by a further order in Leon County, Florida. The members of the Hearing Panel are: (1) Judge Paul Backman (Chair), (2) Judge Thomas Freeman, (3) attorney Miles McGrane, III, (4) attorney Michael Nachwalter (*ad hoc* member), (5) lay member Ricardo Morales; and (6) another lay member (to be announced).

All original pleadings are to be filed in the Florida Supreme Court. Copies of all pleadings shall be served on the Hearing Panel Chair, counsel to the Hearing Panel, and all of the persons listed on this order, using both above case numbers.

A telephonic pre-hearing conference is hereby set for May 2nd, 2008, at 10:00a.m. The call-in number is (888) 808-6959, Access Conference Code: 1149597. A court reporter will be provided by the JQC and counsel will be furnished copies of the transcript. At least 7 (seven) days prior to the pre-hearing

conference, counsel shall, by fax or delivery, provide the Chair and all other counsel with an updated Pre-hearing Statement containing schedules of all of the witnesses to be called and all of the exhibits to be introduced. The subject matter of the testimony of each witness shall be stated in the schedule. If there are objections to any exhibit or witness, a list of objections shall be filed before the pre-hearing conference. The schedules of witnesses and exhibits may be supplemented only pursuant to further orders of this Panel.

Before the pre-hearing conference, counsel shall confer concerning the scheduled final hearing and be prepared to make commitments concerning the following:

(1) **Length of hearing**. Counsel shall state their good faith estimates of the time required to try the case by the prosecution and the case by the respondent.

(2) **Factual stipulations**. Counsel are urged to stipulate to facts which are not genuinely contested and to be prepared to give written details on such factual agreements at the time of the conference.

(3) **Discovery**. Counsel shall complete all depositions and discovery, prior to the pre-hearing conference. Counsel shall disclose any agreed upon further depositions and discovery and show cause why this discovery was not completed in a timely manner.

(4) **Undisposed of motions and legal issues of importance.**

Any undisposed of motions shall be argued at the pre-hearing conference and shall be delivered to opposing counsel, the hearing panel Chair and counsel to the hearing panel at least 7 days before the conference.

(5) **Amendments to charges and defenses.** If there are any proposed amendments to the charges or the defenses, they shall be filed at least one week prior to the conference unless leave is granted for a later filing.

(6) **Inspection of and objection to exhibits.** Counsel shall exchange exhibits before the pre-hearing conference for inspection by opposing counsel. Counsel shall confer concerning objections and if there are unresolved objections to any proposed exhibits, a schedule of those objections shall be furnished one week before the pre-hearing conference.

(7) **Policy on Limitation of Character Witnesses.** Pursuant to the general policy of the Hearing Panel, the parties are notified that at the formal hearing the respondent Judge will be limited to a total of (3) three live character witnesses. In addition to witnesses, affidavits as to character may be filed by the respondent Judge and will be considered by the Hearing Panel.

Trial Memoranda. At least one week prior to the scheduled

hearing, the parties shall submit trial memoranda outlining their legal positions. Trial memoranda are limited to 30 pages in length, and must be doubled spaced.

SO ORDERED this 26th day of March, 2008.

FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION

By: 

JUDGE PAUL BACKMAN

Chairman, Hearing Panel,
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Copies furnished in accordance with the attached list.

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