

BEFORE THE FLORIDA JUDICIAL
QUALIFICATIONS COMMISSION
STATE OF FLORIDA

CASE NO. 07-774

INQUIRY CONCERNING A
JUDGE NO. 06-249 RE: JUDGE
MICHAEL E. ALLEN

**JUDGE MICHAEL ALLEN'S MOTION TO
CANCEL AUGUST 30, 2007 TELEPHONIC HEARING**

A telephonic hearing has been set for August 30, 2007 on Judge Allen's Motion to Dismiss. The hearing will be conducted by the Chairman of the Hearing Panel, the Honorable Paul Backman. It is undersigned counsel's understanding that either party may then seek review of Judge Backman's ruling before the Hearing Panel. Thus it seems superfluous to have a single Hearing Panel member consider the Motion to Dismiss when the Motion will inevitably be presented to the full Hearing Panel. In addition, the first round ruling creates the specter of Judge Backman either not participating in the full Hearing Panel consideration of the Motion, or being in the position of already having ruled on it and having to reconsider his own ruling.

The published Rules of the Judicial Qualifications Commission do not address this concern. Because the Motion to Dismiss in this case presents serious

and substantial issues, we respectfully request the cancellation of the August 30, 2007 telephonic hearing so that full Hearing Panel consideration may be given to this matter.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to counsel listed below, by Facsimile and U.S. Mail this 24th day of August, 2007:

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