

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE

CASE NO.: SC09-1182 09-01

N. JAMES TURNER

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JQC Case No.: 09-01

**RESPONSE TO JQC'S REQUEST FOR ADMISSIONS**

Respondent, Judge N. James Turner, by and through his undersigned counsel, pursuant to Rule 12 of the Rules of the Florida Judicial Qualifications Commission and Rule 1.370 of the Florida Rules of Civil Procedure, hereby files his response to the Request for Admissions dated November 9, 2009, and states as follows:

1. Admit that during the 2008 campaign, you personally solicited monetary contributions to your campaign.

**Denied. A Grievance Committee of The Florida Bar, in Complaint by The Florida Bar Against N. James Turner, Attorney 203041, Case No. 2009-30,S6S(09E), after reviewing the same allegations as are before the JQC, found that there was no probable cause for further disciplinary proceedings against Judge Turner in respect to improper solicitation of campaign funds.**

2. Admit that attached hereto as Exhibit A is a true and correct copy of an e-mail dated August 27, 2008 from you to "Friends, colleagues and voters" soliciting

monetary contributions for your campaign.

**Objection. This request is mischaracterizes the e-mail in question.**

**Notwithstanding the objection, Respondent admits that the attachment to the original Request is a true and correct copy.**

3. Admit that controlling Florida law in 2008 prohibited judicial candidates from personally soliciting monetary contributions for their campaigns.

**Denied. The prohibition on solicitation of political contributions by judicial candidates was determined unconstitutional by *Weaver v. Bonner*, 309 F.3d 1312 (11th Cir. 2002).**

4. Admit that you knew in August 2008 that controlling Florida law prohibited judicial candidates from personally soliciting monetary contributions for their campaigns.

**Admitted that the Canons appeared to prohibit this conduct. Accordingly, in August of 2008, Respondent knowingly avoided direct solicitation.**

5. Admit that during the 2008 campaign, you personally promoted the attendance of others at a partisan, political event where Joe Biden's sister was scheduled to appear.

**Denied.**

6. Admit that attached hereto as Exhibit B is a true and correct copy of an

email dated September 19, 2008 from you to various women identified therein inviting your “women friends” to attend a partisan, political event where Joe Biden's sister was scheduled to appear.

**Objection. This request is leading, misleading and mischaracterizes the email. Respondent did not invite anyone to this function. Notwithstanding the objection, Respondent admits that the attachment is a true and correct copy.**

7. Admit that during the 2008 campaign, controlling Florida law prohibited you, as a judicial candidate, from promoting attendance by others at a partisan, political event.

**Admitted.**

8. Admit that you knew during the 2008 campaign that controlling Florida law prohibited you from promoting attendance by others at a partisan, political event.

**Admitted.**

9. Admit that you knew during the 2008 campaign that, as a judicial candidate, you were prohibited from promoting the candidacy of partisan, political candidates for elective office.

**Admitted.**

10. Admit that you knew during the 2008 campaign that, as a judicial

candidate, you were prohibited from campaigning for the election of any partisan, political candidates for elective office.

**Admitted.**

11. Admit that you knew during the 2008 campaign that, as a judicial candidate, you were responsible for the conduct of your paid campaign workers.

**Denied. However, Respondent admits that he was responsible for actions of his campaign workers that were authorized and approved by him.**

12. Admit that during the 2008 campaign that, as a judicial candidate, you were responsible for the conduct of your volunteer campaign workers.

**Denied. However, Respondent admits that he was responsible for actions of his campaign workers that were authorized and approved by him.**

13. Admit that during the 2008 campaign, you had regular communications with Alan Grayson and members of his staff regarding the 2008 elections.

**Denied.**

14. Admit that on or about August 27, 2008, you represented to others via e-mail that you had “won a plurality of the votes cast in yesterday's judicial election” and thus “had to go to a runoff election on November 4, 2008.”

**Admitted.**

15. Admit that as of August 27, 2008, the election results as between you and Fred Schott were too close to call.

**Denied. The margin of victory in the August primary was over 700 votes.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this 17th day of November, 2009, to the persons on the attached Service List.

\_\_\_\_\_/s/\_\_\_\_\_  
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