

IN THE SUPREME COURT OF THE STATE OF FLORIDA

INQUIRY CONCERNING A
JUDGE, TIMOTHY R. SHEA,
NO. 10-265

S. CT. CASE NO.: SC11-1067

FILED
THOMAS D. HALL
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CLERK, SUPREME COURT

SECOND FINDINGS AND RECOMMENDATION OF DISCIPLINE

The Florida Judicial Qualifications Commission has found, based upon information and evidence received as a result of the continuing investigation and preparation for trial in this matter, probable cause does not exist to proceed on six (6) of the original eleven (11) allegations in the Notice of Formal Charges, and, in the interest of justice, amendments to the Formal Charges are appropriate and necessary.

A Notice of Amended Formal Charges, containing five (5) allegations, was served on Circuit Judge Timothy R. Shea, Ninth Circuit, pursuant to Rules 6(f) and 16 of the Florida Judicial Qualification Commission Rules.

The Investigative Panel of the Commission has entered into a Second Stipulation with Judge Shea in which he has admitted to the allegations alleged in the Notice of Amended Formal Charges. He has admitted he engaged in inappropriate behavior in court and that such conduct is unbecoming a member of the judiciary, brings the judiciary into disrepute, and could have the effect of impairing citizens' confidence in him as a judge and in the integrity of the judicial system.

The Commission, therefore, finds the facts to be as set forth in the Second Stipulation. The Commission finds there is sufficient evidence to proceed in this matter and discipline Judge Shea. However, based upon further investigation by the Investigative Panel of the Commission, the case against him is substantially less egregious than originally alleged. Moreover, additional mitigating evidence has been received. Based upon the review of transcripts and/or audio

recordings of court proceedings and interviews of witnesses, much of Judge Shea's conduct followed conduct by attorneys in his courtroom that he perceived as unprofessional, discourteous or, potentially, unethical. In no way does this excuse Judge Shea's misconduct, but it places it in context and, in the view of the Commission, helps shed light on the atmosphere that existed in Judge Shea's courtroom. Though not a defense to the allegations, this evidence has contextual relevance and, in the view of the Commission, constitutes mitigation evidence. But, in the final analysis, it is the duty of every judge to strive to remain in control of the courtroom and maintain the proper decorum expected of our judicial officers.

At the time of the alleged incidents, Judge Shea was undergoing a particularly stressful time in his personal life. Judge Shea sought treatment and counseling on his own months before receiving the Notice of Formal Charges from the Commission. In the past two years since Judge Shea's testimony at the 6(b) proceedings, Judge Shea has continued treatment, which included anger management as a part of his individual and family therapy.

Judge Shea has taken positive steps to deal with the complained of actions by seeking advice and counsel of other experienced and respected judges in his circuit. During an interview with David Rothman, Esq., who is serving as Special Counsel to the Commission on this matter, one of the judges of the same circuit disclosed that, in her opinion, Judge Shea is now much better at controlling his emotions and is doing a much better job of figuring out what to do without resorting to emotional reactions or responses. The judge also opined that, there is no question Judge Shea's experiences, including this matter, have had a major impact on him and have made him a much better judge.

Judge Shea has expressed remorse for his conduct. He admits that it should not have

occurred and has apologized for such conduct.

Due to these more recent developments and considered in light of significant mitigating factors, particularly the circumstances relating to Judge Shea's son and the substantial positive efforts voluntarily taken by Judge Shea to remedy his behavior, the Commission respectfully suggests that a sanction involving a suspension is not warranted.

Accordingly, the Commission finds and recommends that, in the interest of justice, the public welfare and sound judicial administration will be well served by a public reprimand, personally delivered by the Court, letters of apology to those individuals identified in the Notice of Amended Formal Charges, and continuing mental health treatment as recommended by his doctor and family therapist.

Dated this th 7 day of December, 2012

Respectfully submitted,



Miles A. McGrane, III, Chair
Florida Judicial Qualifications Commission
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