

SUPREME COURT OF FLORIDA

CASE NO.: SC12-2495

**INQUIRY CONCERNING A JUDGE,
NO. 11-550**

RE: JUDITH W. HAWKINS

**COMMISSION'S REPLY TO RESPONDENT'S ANSWER
TO THE COURT'S ORDER TO SHOW CAUSE**

COMES NOW the Florida Judicial Qualifications Commission ("JQC"), by and through undersigned special counsel, and hereby files Commission's Reply to Respondent's Answer to the Court's Order to Show Cause, and states as follows:

This Court has ordered Respondent to show cause why she should not be removed from office. In answering this Order, she has done the opposite. Respondent has demonstrated not only a disdain for the Rule of Law, but a dangerous failure to comprehend what it requires of all citizens, especially judges.

On November 16, 2012, Respondent told the investigative panel of the JQC that she had only sold her books to "personal friends" and those with whom she had a "personal relationship." This testimony was false. (Finding of Facts, p.p. 15, 19, 27)

In the same hearing, she denied that her judicial assistant used state resources or time to work on Respondent's personal, for-profit business. This testimony was false. (Finding of Facts, p.p. 16, 25, 29)

In her Answer to the Notice of Formal Charges filed in December 2012, Respondent asserted that her books were written at her home, during her own time, using her own equipment, and that her judicial assistant did not work on her book during court hours. These statements were false. (Finding of Facts, p.p. 17, 25, 29)

In her February 2013 deposition, Respondent testified that she had “no independent recollection of giving her [judicial assistant] anything over 50 bucks.” This testimony was false. (Finding of Facts, p.p. 20, 21)

When the investigative panel subpoenaed evidence that would confirm the falsity of Respondent’s testimony, she did more than merely refuse to produce it. She attempted to conceal the evidence from the JQC. (Finding of Facts, p.p. 20, 21, 24-25, 30) She made false statements concerning its existence. (Finding of Facts, p.p. 23, 30) She even destroyed this evidence to keep it out of the hands of JQC investigators. (Finding of Facts, p.p. 23, 30). At the final hearing, in contradiction to her own deposition testimony, she falsely testified that she did not destroy evidence. (Finding of Facts, p.p. 18-19, 27)

Respondent justifies her false testimony and deception by asserting that her “faith” instructed her “like many other litigants, to hold fast to my innocence and

fight the good fight.” (Answer, p. 12) No other statement in the whole of these proceedings so thoroughly demonstrates the wisdom of removal. There is no proof more convincing of Respondent’s unfitness to continue to sit in judgment upon any litigant.

Intentional misrepresentations, destruction of evidence, and obstruction of justice do not constitute a “good fight” in a court of law. Respondent’s conduct before the investigative and hearing panels of the JQC was not designed to portray her innocence; it was calculated to hide her guilt.

Her response to legal process was to act illegally. The legitimate tools to express Respondent’s ostensible concern that she was being treated unfairly were readily available to her. She was represented by distinguished counsel. She could have filed objections or motions to quash. Her contempt for, and lack of appreciation of the Rule of Law, and her responsibilities to it are manifest in her testimony before the hearing panel as to why she withheld evidence subpoenaed by the JQC: “My position is that you are investigating me. Why would you expect me to give you information with which to investigate me. That’s the whole problem.” (Final Hr’g Tr. 6, p. 584)

With regard to the object of a disciplinary proceeding concerning a judge's conduct, and as this Court explained in *In re McMillan*, 797 So.2d 560, 571 (Fla. 2001):

This Court has emphasized that the object of disciplinary proceedings is not for the purpose of inflicting punishment, but rather to gauge a judge's fitness to serve as an impartial judicial officer. *See In re Kelly*, 238 So.2d 565, 569 (Fla. 1970). In making that determination, the Court has often pointed out that judges should be held to higher ethical standards than lawyers by virtue of their position in the judiciary and the impact of their conduct on public confidence in an impartial justice system. *See In re Boyd*, 308 So.2d 13, 21 (Fla. 1975). At the same time, the Court has recognized that the discipline of removal should not be imposed upon a judge unless the Court concludes that "the judge's conduct is fundamentally inconsistent with the responsibilities of judicial office." *In re Graziano*, 696 So.2d 744, 753 (Fla. 1997).

That is precisely the situation presented in this case. If attorneys conducted themselves the same way Respondent did in this case, they would be sanctioned severely. If not, they would feel empowered and encouraged to ignore legal process, ignore court orders, refuse to produce discovery, and destroy evidence. Respondent's actions throughout this case demonstrate conduct fundamentally inconsistent with the responsibilities and conduct expected of a judge.

Respondent proclaims her efficacy in "responding to the challenges" presented by domestic batteries, wayward youths, DUIs and abusive partners. (Answer, p.p. 3-4) She fails to recognize that a judge who neither respects nor

complies with the law cannot secure the public confidence necessary to effectively discharge her responsibilities to any litigant. Her efficacy is at an end. Respondent should be removed.

Respectfully Submitted,

/s/ Gregory R. Miller

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and Electronic Mail, this 1st day of August, 2014, to:

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