

SUPREME COURT OF FLORIDA

CASE NO.: SC12-2495

INQUIRY CONCERNING A JUDGE,
NO. 11-550

RE: JUDITH W. HAWKINS

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

COMES NOW the Respondent in this matter and files Respondent's Response to the Commission's Reply to the Respondent's Answer to the Court's Order to Show Cause in answer to why removal from office is not the appropriate sanction in this case and states:

The Commission's Reply to Respondent's Answer to the Court's Order to Show Cause was filed by the Special Prosecutor for the Investigative Panel of the Florida Judicial Qualifications Commission (FJQC), rather than the FJQC Hearing Panel Chair. As such, the Special Prosecutor's Answer seeks to relitigate matters already decided in accordance with Rule 7 of The Florida Judicial Qualifications Commission Rules. The Rule authorizes "The Hearing Panel shall receive, hear and determine formal charges from the Investigative Panel."

As the fact finder, the Hearing Panel reached its Recommendations after carefully considering, reviewing, and weighing all the evidence presented by the Investigative Panel. The Hearing Panel's assessment of the Investigative Panel's case against Judge Hawkins did not recommend removal. It clearly stated:

Judge Hawkins believes in extending second chances to others. The Hearing Panel concluded that her conduct in response to the FJQC investigation was an aberration, that she is devoted to the community, is still capable of able service and she, likewise, is entitled to a second chance. (Pages 34-35).

Thus, based upon the Hearing Panel's Recommendations, removing Judge Hawkins from the bench is unwarranted. Her mistakes in no way interfered with or prejudiced the litigants or the administration of justice. In her Answer she accepted responsibility for her actions; took corrective actions; accepted the Hearing Panel Recommendations; and apologized to the Investigative Panel of the FJQC, and to all of the people who were affected by her actions, and to the Justices of this Distinguished Court.

A review of this Court's most recent sanctions imposed upon judges for ethical violations does not support that the ultimate sanction of removal would be appropriate in Judge Hawkins' case. *In re Nelson*, 95 So.3d 122 (Fla. 2012) this Court affirmed two guiding principles regarding ethics violations: "[W]e give the findings 'persuasive force and great weight' in our consideration of the JQC's recommended discipline." *In re Maloney*, 916 So.2d 786 (Fla. 2005). Also, "[T]he 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." *In re McMillian*, 797 So.2d 560, 571 (Fla. 2001).

A county judge received a public reprimand resolving charges that he used “his position as a ‘bully pulpit’ . . . and undermin[ed] the role of a judge ‘as a neutral and detached magistrate.’” However, “[T]he commission found that ‘despite Judge Cohen's statements, his rulings and decisions were not adversely affected.’”¹ *In re Cohen*, 134 So.3d 448 (Table) (Fla. 2014).

In the case of a circuit judge convicted for DUI, this Court did not remove her from the bench even though the Court found her conduct was “reprehensible” and “not only violated Florida’s criminal law but also endangered the public.” *In re Sheehan*, 139 So.3d 290, 292 (Fla. 2014). See also *In re Cohen*, 99 So.2d 926 (Fla. 2012), where a judge inappropriately used the courtroom to work out his personal issues with attorneys.

Further, this Court imposed a public reprimand after finding that “The evidence established that public confidence in the integrity of the judiciary was impaired by Judge Singbush’s unexcused, habitual tardiness and inappropriate statement regarding religion.” *In re Singbush*, 93 So.3d 188, 193 (Fla. 2012).

Although the above cases are distinguishable from Judge Hawkins’ case, this Court affirmed the various panels’ recommendations and disciplined the judicial officers accordingly. Likewise, this Court should also follow this Hearing Panel’s

¹ http://articles.sun-sentinel.com/2013-04-03/news/fl-judge-barry-cohen-reprimand-20130403_1_judge-cohen-misconduct-charges-reprimand

Recommendations that

. . . considered Judge Hawkins' lengthy judicial career and exemplary conduct for many years before the JQC investigation, the absence of personal gain, and her initial motive, which was to better her community through performing charitable works. The Hearing Panel has weighed these positive attributes against the Canon violations at issue, and is recommending a combination of disciplinary measures. (Page 34).

Respectfully, Judge Hawkins submits that the Hearing Panel of the Florida Judicial Qualification Commission weighed all the evidence and recommended appropriate sanctions, which this Court should not enhance.

Date this 14th day of August 2014.

_____/ S /_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via e-mail this 14th day of August, 2014 to:

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HON. JAMES A. RUTH, JUDGE jruth@coj.net

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