

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

N. JAMES TURNER,

Respondent.

_____ /

Case No. SC12-282
[TFB File No. 2010-31,372(09E)]

FILED
THOMAS D. HALL
2012 FEB 16 AM 10:20
CLERK OF SUPREME COURT
BY _____

**PETITION FOR APPROVAL OF CONDITIONAL
GUILTY PLEA FOR CONSENT JUDGMENT**

COMES NOW, The Florida Bar, by and through undersigned counsel, and respectfully requests this Court approve the Conditional Guilty Plea for Consent Judgment filed and attached as Exhibit A and says:

1. Respondent is, and at all times mentioned in the above-referenced disciplinary matter was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

2. Respondent tendered to The Florida Bar a Conditional Guilty Plea for Consent Judgment on his pending disciplinary case prior to the filing of a formal complaint with the Florida Supreme Court. The original copy of the Conditional Guilty Plea for Consent Judgment is attached hereto as Exhibit A.

3. Pursuant to Rule 3-7.9 of the Rules of Discipline of The Florida Bar, respondent's Consent Judgment was approved by the Board of Governors of The Florida Bar and the Designated Reviewer.

4. Respondent's Consent Judgment contains within it the proposed discipline as to his violations of the Rules of Professional Conduct of The Florida Bar. As an appropriate discipline for such misconduct, respondent agrees to a ninety-day suspension from the practice of law and payment of the bar's costs.

WHEREFORE, The Florida Bar respectfully requests that respondent's Conditional Guilty Plea for Consent Judgment be accepted and that the proposed discipline be imposed.

Jan Wickulski # 381586
for KENNETH H. P. BRYK
Bar Counsel
The Florida Bar
1000 Legion Place, Suite 1625
Orlando, Florida 32801-1050
(407) 425-5424
Florida Bar No. 164186

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been furnished by regular mail to Clerk, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1927; a true and correct copy has been furnished by certified mail 7160 3901 9843 2748 8905, return receipt requested, to Barry William Rigby, Respondent's Counsel, Law Offices of Barry Rigby, P.A., 55 East Pine Street, Orlando, Florida 32801-2617; and a copy of the foregoing has been furnished by regular mail to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, on this 14th day of February, 2012.

Jan W. Bryk # 381586

for Kenneth H. P. Bryk
Bar Counsel

FILED
THOMAS J. HALL

2012 FEB 16 AM 10:25 IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
BY _____

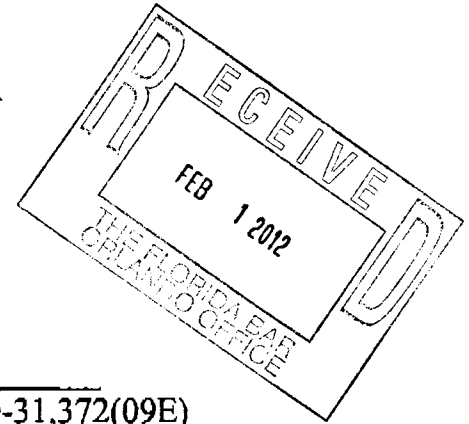
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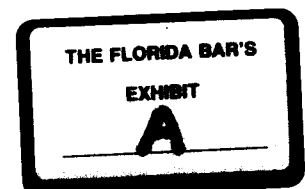


CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, N. James Turner, and files this Conditional Guilty Plea pursuant to R. Regulating Fla. Bar 3-3.2(b)(6), 3-4.5 and 3-7.9(a).

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida. On or about December 23, 2008, respondent assumed the bench as a judge of Florida's Ninth Judicial Circuit.

2. On January 4, 2011, the Hearing Panel of the Florida Judicial Qualifications Commissions filed with this Court the Findings, Conclusions and Recommendations of the Hearing Panel, Florida Judicial Qualifications Commissions which found respondent guilty of multiple canon violations and recommended his removal from judicial office. By order of this Court dated



November 18, 2011 respondent was removed as a judge of Florida's Ninth Judicial Circuit.

3. The respondent is acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is represented by counsel in this matter.

4. The disciplinary measures to be imposed upon the respondent are as follows:

- A. Ninety-day suspension from the practice of law; and,
- B. Payment of the bar's costs.

5. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. On or about August 27, 2008, during his campaign for circuit court judge, respondent personally solicited monetary contributions for his campaign via email in violation of Canon 7(C)(1) of the Code of Judicial Conduct for the State of Florida.

B. On or about November 5, 2008, the day after respondent's election but before he assumed the bench, respondent borrowed approximately \$42,288.75 from his mother who had refinanced her condominium to obtain the funds and respondent deposited the funds into his personal bank account. Respondent then transferred \$30,000.00 into his campaign account. This loan

violated Florida campaign law as it exceeded the \$500.00 limit on individual campaign contributions established in section 106.08(1)(a) Florida Statutes.

C. While a sitting circuit court judge, respondent practiced law by appearing in his mother's foreclosure proceeding. By letter dated November 20, 2009, respondent wrote to opposing counsel that he was, "an attorney licensed to practice in Florida but I do not practice." Respondent failed to advise opposing counsel that he was a sitting circuit court judge.

D. Respondent engaged in a course of conduct directed at a member of his court personnel that caused her substantial emotional distress and served no legitimate purpose when he repeatedly intruded himself into her personal life.

E. Respondent engaged in a pattern of misconduct that resulted in his removal from the bench by this Court for the above-referenced misconduct.

6. The respondent admits that by reason of the foregoing he has violated the following Rules Regulating The Florida Bar: 3-4.3 The commission by a lawyer of any act that is unlawful or contrary to honesty and justice, whether the act is committed in the course of the attorney's relations as an attorney or otherwise; 4-8.2(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of Florida's Code of Judicial Conduct; 4-8.4(a) A lawyer shall not violate or attempt to violate the Rules of Professional Conduct;

and, 4-8.4(d) A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice.

7. Factors and consideration of mitigation relevant to the discipline include the following: Respondent was admitted to The Florida Bar on October 23, 1975 and had no discipline prior to his removal from the bench [9.32(a)]; respondent had personal and emotional problems as were brought forth in the JQC proceeding through the testimony of a psychologist who determined that respondent's "inappropriate behavior was a result of a 'somewhat self-centered opinion of himself and others' which could "lead to poor judgment" [9.32(c)]; respondent cooperated fully with the bar [9.32(e)]; respondent sought and obtained interim rehabilitation through psychiatric counseling for at least a year prior to his removal from the bench in order to gain insights necessary to conduct himself in a manner befitting a member of The Florida Bar [9.32(j)]; respondent suffered the imposition of other penalties and sanctions through the loss of his judgeship and the public humiliation arising there from. Further, respondent was on unpaid suspension from the bench from September 13, 2011 through November 18, 2011. Since he was technically still a judge, he was unable to practice law and therefore received no income during that time [9.32(k)]; and, respondent has expressed remorse for his conduct [9.32(l)].

8. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

9. If this plea is not finally approved by the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

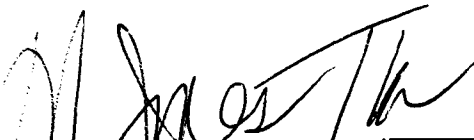
10. If this plea is approved, then the respondent agrees to pay all reasonable costs associated with this case pursuant to R. Regulating Fla. Bar 3-7.6(q) in the amount of \$1,250.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, the respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to R. Regulating Fla. Bar 1.36 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

11. The respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement. Respondent understands that failure to pay the costs of this proceeding will result in his being declared a delinquent member and ineligible to practice law.

12. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of The Rules Regulating The Florida Bar.

 1/31/2012
Date

BARRY WILLIAM RIGBY
Law Offices of Barry Rigby, P.A.
55 East Pine Street
Orlando, Florida 32801-2617
Florida Bar No. 203041

 1/30/2012
Date

N. JAMES TURNER
Respondent
Florida Bar No. 203041

for Jan Wicheli #381586 2/13/2012
Date

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