

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE

SC13-1333

LAURA M. WATSON, NO. 12-613

**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S
RESPONSE TO JUDGE WATSON'S MOTION FOR REHEARING**

The Florida Judicial Qualifications Commission (“JQC”), by and through its undersigned counsel and pursuant to Fla. R. App. P. 9.330(a), hereby files its Response to Judge Watson’s Motion for Rehearing (“Motion for Rehearing”). As grounds therefor, the JQC states as follows:

PREFACE

Tellingly, in her Motion for Rehearing, Judge Watson makes no attempt to specify any error in this Court’s fundamental conclusion that “clear and convincing evidence supports the JQC’s factual findings and conclusions that Judge Watson violated Florida Rules of Professional Conduct 3-4.2, 3-4.3, 4-1.4(a), 4-1.4(b), 4-1.5(f)(1), 4-1.5(f)(5), 4-1.7(a), 4-1.7(b), 4-1.8(g), 4-8.4(a), 4-8.4(c), and 5-1.1(f).” *In re: Watson*, 2015 Fla. LEXIS 1335 *14 (Fla. 2015). Instead, she criticizes the Court’s opinion by questioning the JQC’s subject matter-jurisdiction and arguing that the JQC’s Findings and Recommendation should be set aside because of procedural irregularities. Judge Watson asserted both those claims in her Response

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to this Court's Order to Show Cause. As such, they have been considered and rejected by this Court. Hence, Judge Watson has offered no basis for rehearing to be granted, and her motion should be summarily denied.

ARGUMENT

Florida law is settled that “[t]he purpose of a motion for rehearing is to direct the court to points of law or fact that, in the opinion of the movant, **the court overlooked or misapprehended in its opinion.** See Rule 9.300(a), Fla. R. App. P. It is not a vehicle through which “an unhappy litigant or attorney [may] reargue the same points previously presented, or discuss the bottomless depth of the displeasure that one might feel toward th[e] judicial body as a result of having unsuccessfully sought appellate relief.” *McDonnell v. Sanford Airport Authority*, 215 Fla. App. LEXIS 7276 *2 - *3 (Fla. 5th DCA 2015) (quoting *Ayala v. Gonzalez*, 984 So. 2d 523, 526 (Fla. 5th DCA 2008) (ordering that attorney be required to show cause “why monetary or other sanctions should not be imposed for having filed a Motion for Rehearing in violation of Fla. Rule of Appellate Procedure 9.330(a)”).

Here, contrary to the letter and spirit of Rule 9.330(a), Judge Watson makes no attempt to demonstrate how this Court overlooked or misapprehended points of law or fact in its opinion affirming the Hearing Panel's Findings and Recommendation of Discipline. Rather, she regurgitates the precise arguments she

raised in her initial Response to the Court's Order to Show Cause and in her Petition for Declaratory Relief ("Petition") which the Court denied by Order dated June 12, 2014, without prejudice to Judge Watson's right to assert the claims raised in her Petition in her Response to the Court's Order to Show Cause.

First, Judge Watson questions the JQC's subject-matter jurisdiction to investigate her for pre-judicial conduct. As a corollary to that argument, she contends that "[t]his Honorable Court's ruling requiring [her] removal . . . from office overturns a hotly contested election wherein Broward voters cast almost 400,000 votes in favor of Judge Watson, a valid candidate, and decided she should serve as a circuit judge." *See* Motion for Rehearing at p. 4. Those arguments were previously raised and rejected. For instance, in her Response to the Court's Order to Show Cause, Judge Watson argued that the JQC's "interpretation" of art. v, section 12 allows the JQC "to effectively place new qualification requirements on judicial candidates, violates the Florida Constitution, and would effectively allow some of the fifteen (15) JQC members to be the final arbiter of judicial elections and appointments" *See* Response at 90. She also argued that "[t]he JQC's attempt to exercise jurisdiction over [her] almost immediately after she was sworn in as a constitutional officer, is nothing short of an attempt to do an end-run around the will of the Voters." *Id.* at 92.

In its opinion affirming the JQC's Findings and Recommendation of Discipline, this Court unequivocally stated:

[A]t the outset, we note that despite Judge Watson's protestations to the contrary, the JQC and this Court have jurisdiction over her conduct. *See In re Henson*, 913 So. 2d at 588 ("Misconduct committed by an attorney who subsequently becomes a judge falls within the subject-matter jurisdiction of this Court and the JQC, no matter how remote . . . JQC proceedings are constitutionally authorized for alleged misconduct by a judge during the time he or she was a lawyer.").

In re Watson, 2015 Fla. LEXIS at *13. The fact that this Court rejected Judge Watson's argument does not signify that the Court overlooked or misapprehended her argument. Moreover, the underlying premise of her argument -- that she should be immune from prosecution because news of what she characterizes as her "Attorneys' Fees Dispute" was "highly scrutinized in the public light" prior to her election to office and voters nonetheless elected her to office -- ignores a fundamental precept of this Court's jurisprudence. *See* Motion for Rehearing at pp. 3-4. Namely, as this Court recently admonished in *In re Hawkins*, 151 So. 3d 1200, 1215 (Fla. 2014), "[r]emoval is an appropriate discipline where the actions of the judge simply 'should erode confidence in the judiciary,' **even where it does not appear that the public has lost confidence**" *Id.* (quoting *In re Sloop*, 946 So. 2d 1046, 1055 (Fla. 2006) (emphasis added)).

Second, as an additional basis for rehearing, Judge Watson argues that “[d]uring the proceedings, the [JQC’s] course of conduct violated [her] Due Process rights which prevented her from having a fair hearing.” *See* Motion for Rehearing at 19. Among the JQC’s alleged violations of her due process rights were the JQC’s alleged failure to follow its own rules and its “failure in the operation and enforcement of its own Published and Unpublished JQC Rules.” *Id.* at 20. By Judge Watson’s own admission, however, those precise arguments were raised in sections 4.4, 4.5, and 4.6 of her Response to the Court’s Order to Show Cause. As one court has commented:

Certainly, it is not the function of a petition for rehearing to furnish a medium through which counsel may advise the court that they disagree with its conclusion, **to reargue matters already discussed in briefs** and oral argument and necessarily considered by the court, **or to request the court to change its mind as to a matter which has already received the careful attention of the judges, or to further delay the termination of litigation.**

UniFirst v. City of Jacksonville, 42 So. 3d 247 (Fla. 1st DCA 2010).

Lastly, as a point of procedure, Judge Watson incorporates by reference certain arguments made in the *Brief of Amicus Curiae of Dr. Philip Busey, Samuel D. Lopez, Esq., Jay Neal and Peter Szymanski In Support of Appellant, The Honorable Laura M. Watson* filed on July 2, 2014 (“Amicus Brief”). *See* Motion for Rehearing at pp. 28-29. By Order dated July 18, 2014, this Court denied the

amici leave to file their amicus brief and struck that brief. Accordingly, all references to that Amicus Brief should be disregarded. See Judge Watson's Motion to Dismiss at 34-35.

CONCLUSION

Judge Watson has asserted no claim that this Court overlooked or misapprehended any point of law or fact pertaining to her underlying guilt, as carefully detailed in the Final Judgment entered by Judge David Crow and subsequently adopted by the JQC's Hearing Panel. Instead, she simply re-argues the same subject-matter jurisdiction and procedural points she argued in both her Response to the Court's Order to Show Cause and her Petition for Declaratory Relief. Accordingly, Judge Watson has demonstrated no basis for rehearing, and her Motion for Rehearing should be denied.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S RESPONSE TO JUDGE WATSON'S MOTION FOR REHEARING** has been furnished by **E-Mail** on this 13th day of July, 2015 to the following:

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