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Inquiry Concerning a Judge: Robert Lance Andrews

MARSHAL: PLEASE RISE . HEAR YE.HEAR YE.HEAR YE.THE SUPREME COURT OF THE GREAT TAFL IS NOW IN SESSION.ALL WHO HAVE CAUSE TO PLEA , DRAW NEAR , GIVE ATTENT ION AND YOU SHALL BE HEARD. GOD S AV E T HESE UNITED STATES , THE GREAT STATE OF FLORIDA AND THIS HONORABLE COURT. LADIES AND GENTLEMEN, THE FLORIDA SUPREME COURT. PLEASE BE SEATED.

CHIEF JUSTICE: GOOD MORNING , LADIES AND GENTLEMEN, AND WELCOME TO THE FLORIDA SUPREME COURT. THE FI RST MATTER ON THE COURT'S DOCK ET IS THE PUBLIC REPRIMAND OF JUDGE ROBERT L ANCE ANDREWS. JUDGE ANDR EWS , WOULD YOU P LEASE APPROA CH THE PODIUM AND REMAIN STANDING. JUDGE ANDREWS , THE PUBLIC'S TRUST AND CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF OUR JU DGES , I S VITAL TO THE INDEPENDENCE OF OUR JUDICIARY . EACH OF US WHO SERVE AS JUDGES , SHARES IN THIS CRITICAL RESPONSIBILITY OF PROMOTING CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY . SO WHEN YOU OR ANY O THER JUDGE ACTS IN A MANNER THAT MIGHT CALL THAT IMPARTIALITY INTO QUES TION , THE ENTIRE JUSTICE SYSTEM SUFFERS. JUDGE ANDREWS , YOU ARE HERE TODAY , AS A RESULT OF ETHICAL FAILURES THAT HAVE UNDERMINED THAT TRUST AND CONFIDENCE. THE CHAR GES THAT WERE FI LED AGAINST YOU AND TO WHICH YOU HAVE STIPULATED, AR ISE FROM AN INTERVIEW YOU GAVE TO A NEWSPAPER REPO RTER WHILE YOU WERE PRESIDING OVER THE CASE OF CARNATO V ERSUS NOVARTIS PHARMACEUTICALS CORPORATION. THIS INTERVIEW WAS CONDUCTED OUTSIDE THE PRESENCE OF THEPARTIES. DURING THIS INTE RVIEW , YOU MADE STATEMENTS TO A REPORTER AB OUT THE DEFENDANT DRUG COMP ANY AND ABOUT DOCUMENTS PROD UCED B Y THE DEFENDANT FOR AN IN CA MERA INSPECTION. THE VERY PURPOSE OF AN IN CAMERA INSPECTION AS YOU KNOW, IS TO MA INTAIN CONFIDENTIALITY ABOUT THE DOCUMENTS BEING INSPECTED. YOUR STATEMENTS TO THE REPORTER INCLUDED THE FO LLOW IN G , THE DEFENDANT DRUG COMPANY WAS TRY ING TO B URY THE PLAINTIFFS IN DOCUMENTS. THE DR UG COMPANY HAD ONLY ITSELF TO B LAME FOR DEVELOPMENTS IN THE LITIGATION. THE DRUG COMPANY STRATEGY BACKFIRED , AND THE DATABASE B EING CREAT ED AS P ART OF THIS LITIGATION , WOULD PROVIDE A NATIONAL BLUEPRINT FOR OTHERS TO SUE THIS DRUG COMPANY. IN MA KING THESE COMMENTS , YOU VIO LATED TH REE S E PARATE AND CRITICAL CA NONS IN THE CODE OF JUDI CIAL COND UCT. CANON ONE REQUIRES JUDGE TOSSUP HOLD AND PRESERVE THE INTEGRITY AND INDEPENDENCE JUDGES TO UP HOLD AND PRESERVE THE INTE GRITY AND INDEPENDENCE OF THE JUDICIARY . CANON TWO THAT JUDGES ACT AT ALL TIMES IN A MANNER THAT PROMOTES CONF IDENCE AND INTEGRITY IN THE IMPA RTIAL ITY IN THE JUDICIARY. CANON THREE REQ UIRES JUDGES TO PERF ORM THEIR DUTIES WITHOUT BIAS OR PREJUDICE AND TO AV OID WORDS OR CONDUCT THAT MANIFEST BIAS OR PREJUDICE. M ORE SPECIFICALLY SE CTION B -9 OF CANON THREE PROVIDES A JUDGE SHALL NOT , WHILE APROCEEDING IS PE NDING , MAKE ANY PUBLIC COMMENT THAT MIGHT REASONABLY BE EXPECTED TO AFFECT ITS OUTCOME O R I MPAIR ITS FAIRNESS. Y OUR COMMENTS TO THE M EDIA ON THE CARNATO CASE WERE ACLEAR VIOLATION OF THIS PROVISION.A JUDGE WHO USES THE ME DIA TO EX PRESS DISPLEASURE ABOUTA LITI GANT IN A PENDING CASE , UNDERMINES DIRECTLY , CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY O F OUR COURTS . IN AD DITION , IN MAKING CRITICAL COMMENTS ABOUT A LITIGANT OUTSIDE THE COURTROOM, A JUDGE UNDERMINES HIS OR HER O WN AUTHORITY TO IMPART IALLY ADDRESS ANY IMP ROPER CON D KTT CONDUCT BY A PARTY DURING THE COURSE OF LI TIGATION , IN THE COURTROO M. SEVERAL YEARS A GO IN A NOTHER CASE INVOLVING A L ARGE CORPORATION , THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA ADDRESSED COMMENTS MADE BY A TRIAL JUDGE TO THE MEDIA THAT WERE

CRITICAL OF THE CORPORATE DEFENDANT. IN THAT INSTANCE , IT WAS THE MICROSOFT CORPORATION. THE COURT OF APPEALS HELD, IN REVERSING THE TRIAL COURT'S JUDGMENT , THAT IMPROPER COMMENTS BY A JUDGE ARE EVEN MORE DAMAGING, WHEN THEY ARE MADE OUTSIDE OF THE COURTROOM. THE COURT STATED THE PROBLEM LIES, NOT ONLY IN WHAT THE JUDGE SAID BUT TO WHOM IT WAS SAID AND WHEN. WHEN REMARKS ARE UTTERED IN OPEN COURT , THE PARTY HARMED BY THE REMARKS WOULD, IN THE WORDS OF THE COURT, HAVE HAD AN OPPORTUNITY TO OBJECT , PERHAPS EVEN TO PERSUADE , AND THE JUDGE WOULD HAVE MADE A RECORD FOR REVIEW ON APPEAL. IT IS AN ALL TOGETHER DIFFERENT MATTER, WHEN THE STATEMENTS ARE MADE OUTSIDE THE COURTROOM, IN PRIVATE MEETINGS UNKNOWN TO THE PARTIES, IN ANTICIPATION THAT ULTIMATELY THE JUDGE'S REMARKS WOULD BE REPORTED. THESE OBSERVATIONS APPLY EQUALLY TO YOUR COMMENTS TO THE PRESS , CONCERNING THE DEFENDANT IN THE CASE PENDING IN FRONT OF YOU . JUDGE ANDREWS , THERE ARE ONLY A FEW TENETS OF THE JUDICIAL CALLING THAT ARE SO FUNDAMENTAL THAT THEY ARE REPRESENTED IN THE VERY SYMBOLISM OF THE LAW. PERHAPS THE MOST FAMILIAR IS THE IMAGE OF JUSTICE STANDING BLINDFOLDED AND HOLDING A SET OF SCALES , SYMBOLIZING THE IMPARTIALITY OF THE LAW. THIS COURT HAS CONSISTENTLY MADE IT CLEAR THAT LACK OF BIAS AND PARTIALITY IS ESSENTIAL PREREQUISITE TO SERVICE AS A JUDICIAL OFFICER. WE ARE COMMITTED TO THE DOCTRINE THAT EVERY LITIGANT IS ENTITLED TO NOTHING LESS THAN THE ABSOLUTE NEUTRALITY OF AN IMPARTIAL JUDGE. NO OTHER PRINCIPLE IS AS INDISPENSIBLE TO THE ADMINISTRATION OF JUSTICE , AND ANY DEPARTURE FROM THIS PRINCIPLE DISCREDIT THE JUDICIARY AND HINDERS THE ADMINISTRATION OF JUSTICE. BECAUSE THERE IS NO WAY TO UNDO WHAT YOU HAVE DONE , WE HAVE COMMANDED YOU TO BE PUBLICLY REPRIMANDED BEFORE THIS COURT AND THE PUBLIC. THE DISCIPLINING OF JUDGES WHO COMMIT ETHICAL BREACHES , IS A RESPONSIBILITY THAT THIS COURT REGARDS AS VITALLY NECESSARY TO MAINTAINING THE INTEGRITY OF THE JUDICIAL BRANCH. IT IS ONE WAY THAT WE CAN ASSURE THE PUBLIC THAT WE TAKE ETHICAL BREACHES BY OUR JUDGES VERY SERIOUSLY. JUDGE ANDREWS , AS A JUDGE WITH MANY YEARS OF EXPERIENCE ON THE BENCH , YOU SHOULD HAVE KNOWN BETTER. WHETHER YOU ACTED OUT OF IGNORANCE , ARROGANCE OR WITHOUT THINKING , THE EFFECT OF YOUR CONDUCT CASTS A SHADOW ON THE ADMINISTRATION OF JUSTICE. TO YOUR CREDIT, YOU HAVE ADMITTED THE FINDINGS MADE BY THE INVESTIGATIVE PANEL OF THE JUDICIAL QUALIFICATIONS COMMISSION. THE COMMISSION NOTED THAT YOU HAVE A LONG HISTORY OF SERVICE AS A MEMBER OF OUR JUDICIARY , AND KNOW OTHER DISCIPLINARY HISTORY. WE HOPE THAT , BY YOUR ADMISSION TO THE ETHICAL BREACHES AND BEING SUMMONED BEFORE THE COURT, YOU WILL CONSIDER YOURSELF FORTUNATE THAT MORE SEVERE DISCIPLINE WAS NOT IMPOSED , BUT WE ADVISE YOU TO REMEMBER WHAT WE, IN OUR PRIOR CASES , HAVE CONSISTENTLY HELD, A SECOND ETHICAL BREACH BY A JUDGE WILL BE VIEWED FAR MORE HARSHLY . YOUR PUBLIC REPRIMAND IS CONCLUDED AND YOU MAY LEAVE.

THANK YOU.