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Inquiry Concerning a Judge: Ana Marie Pando

MARSHAL: ALL RISE. HEAR YE. HEAR YE. HEAR YE. THE SUPREME COURT OF FLORIDA IS NOW IN SESSION. ALL WHO HAVE CAUSE TO PLEA, DRAW NEAR, GIVE ATTENTION AND YOU SHALL BE HEARD. GOD SAVE THESE UNITED STATES, THE GREAT STATE OF FLORIDA AND THIS HONORABLE COURT. LADIES AND GENTLE MEN, THE FLORIDA SUPREME COURT. PLEASE BE SEATED.

CHIEF JUSTICE: GOOD MORNING, LADIES AND GENTLEMEN, AND WELCOME TO THE FLORIDA SUPREME COURT. AS WE START OUR NEW TERM OF COURT, TODAY, THE FIRST MATTER ON THE COURT'S DOCKET THIS MORNING, IS THE PUBLIC REPRIMAND OF JUDGE ANA MARIE PANDO, FOR ETHICAL MISCONDUCT. THE PUBLIC REPRIMAND OF ONE OF OUR JUDGES IS A DUTY THAT, AS CHIEF JUSTICE, I FIND NOT ONLY TO BE EXTREMELY TROUBLING BUT, ALSO, TO BE VITALLY NECESSARY. IT IS TROUBLING, BECAUSE WE EXPECT OUR JUDGE TO SAY ADHERE TO THE HIGHEST ETHICAL STANDARDS. IT IS VITALLY NECESSARY, BECAUSE THIS COURT HAS CONCLUDED THAT, ON THOSE OCCASIONS WHEN JUDGES LAPSE INTO MISCONDUCT, THE ONLY WAY THAT WE CAN CLEAN THE JUDICIARY OF THE RESULTING STAIN, IS THROUGH PUBLIC PROCEEDINGS SUCH AS THIS, BROADCAST TO THE PEOPLE OF OUR STATE, ON TELEVISION AND ON THE INTERNET. JUDGE ANA MARIE PANDO, PLEASE COME TO THE PODIUM AND REMAIN STANDING WHILE I ADMINISTER YOUR REPRIMAND. YOU ARE BEFORE THE COURT, TODAY, TO BE REPRIMANDED FOR ETHICAL BREACHES AND CAMPAIGN VIOLATIONS, COMMITTED BOTH WHEN YOU WERE A CANDIDATE FOR JUDICIAL OFFICE AND WHEN YOU WERE A JUDGE. THE JUDICIAL QUALIFICATIONS COMMISSION FILED THE FOLLOWING CHARGES AGAINST YOU. DURING YOUR UNSUCCESSFUL 1998 JUDICIAL CAMPAIGN, YOU KNOWINGLY OR RECKLESSLY, ACCEPTED A \$25,000 PERSONAL LOAN FROM YOUR MOTHER, WHICH GREATLY EXCEEDED THE \$500 LIMIT ON CONTRIBUTIONS PRESCRIBED BY LAW, AND, FURTHER, YOU MISREPRESENTED THE SOURCE OF THIS LOAN, IN AN ATTEMPT TO AVOID THE \$500 LEGAL CONTRIBUTION LIMIT. NEXT, DURING OR AFTER BOTH YOUR 1998 AND 2000 CAMPAIGNS, YOU KNOWINGLY OR RECKLESSLY CERTIFIED THE CORRECTNESS OF THE CAMPAIGN LOAN REPORTS FOR EACH CAMPAIGN YEAR, WHEN YOU KNEW THE REPORTS WERE INCORRECT, FALSE, OR INCOMPLETE, BECAUSE THEY FAILED TO DISCLOSE THAT YOUR MOTHER, YOUR STEPFATHER AND/OR THEIR RESPECTIVE BUSINESSES, WERE SOURCES OF NUMEROUS LOANS IN EXCESS OF THE \$500 LEGAL CONTRIBUTION LIMIT. NEXT, DURING THE CAMPAIGNS, YOU INACCURATELY REPORTED THE SOURCE OF CERTAIN OF YOUR CONTRIBUTIONS IN YOUR CAMPAIGN FINANCE REPORTS. AND, LAST, DURING YOUR DEPOSITION ON JULY 2, 2003, YOU MADE STATEMENTS TENDING TO MISLEAD THE JUDICIAL QUALIFICATIONS COMMISSION AS TO A PURPORTED LOAN YOU RECEIVED FROM EASTERN NATIONAL BANK. YOU HAVE ADMITTED EACH OF THESE VIOLATIONS. AND THESE VIOLATIONS RELATED TO OUR JUDICIAL ELECTION SYSTEM, ILLUSTRATE THE POTENTIAL PITFALLS OF OUR SYSTEM OF CONTINUED ELECTIONS FOR POSITIONS IN OUR TRIAL COURTS. THE LIFE TENURE GRANTED TO ALL FEDERAL JUDGES BY OUR FOUNDING FATHERS, INSULATES OUR FEDERAL JUDICIARY, FROM THE NECESSITY OF JUDICIAL ELECTION CAMPAIGNS. NONETHELESS, OUR COURTS AND OUR POLITICAL SYSTEM, HAVE REPEATEDLY ENDORSED THE RIGHT OF STATES TO CHOOSE JUDGES BY ELECTION. HOWEVER, AS JUSTICE O'CONNOR NOTED IN HER CONCURRING OPINION IN THE UNITED STATES SUPREME COURT CASE OF REPUBLICAN PARTY OF MINNESOTA VERSUS WHITE, THE VERY PRACTICE OF ELECTING JUDGES HAS THE POTENTIAL, AND I UNDERLINE POTENTIAL, TO UNDERMINE PUBLIC CONFIDENCE IN AN IMPARTIAL JUDICIARY. BY THESE PROCEEDINGS THIS MORNING, WE ARE REMINDED, ONCE AGAIN, OF THE NECESSITY THAT CANDIDATES FOR JUDICIAL OFFICE ADHERE TO THIS VERY STRICT REQUIREMENT IMPOSED UPON THEM BY CANON 7 OF THE CODE OF JUDICIAL CONDUCT WHICH CONCERNS JUDICIAL ELECTIONS.

IT IS ONLY BY SCRUPULOUSLY ADHEREING T O OUR ELECTION LAWS, INCLUDING THOSE GOVERNING CAMPAIGN FINANCING, THAT WE CAN AS SURE THE PUBLIC THAT THE PUBLIC WILL A CCEPT THE AUTHORITY OF ELECTED JUDGES . EXCUSE ME. IS THERE SOME THING W RONG W ITH OUR SYSTEM ?

MARSHAL: LET ME GET SOMEONE IN HERE .

CHIEF JUSTICE: WHEN A JUDGE VIOLATES THESE LAWS , HER CONDUCT DEGRADES THE JUDICIAL ELECTION PROCESSAND P LACES IN JEOPARDY , BOTH HER OWN AUTHORITY AND THE AUTHORITY OF ALL WHO SE RVE AS ELECTED JUDGES. JUDGE PANDO , YOUR A CTIONS RELATED TO YOUR JUDICIAL ELECTION CAMPAIGNS , HAVE IMPAIRED THE CONFID ENCE OF THE CITIZENS OF THE STATEAND THE INTEGRITY OF THE JUDICIAL SYSTEM AND THE PUB LIC'S CONFIDENCE IN YOUAS A JUDGE. YOU HAVE CONDUCTED YOURSELF IN A MA NNER UNBECOMING A MEMBER OF THE JUDICIARY, ANDYOU HAVE VIOLATED THREE SEPARATE AND CRITICAL CANO NSIN THE CODE OF JUDICIAL CONDUCT , AS WELL AS THE CAMPAIGN REPORTING REQUIREMENTS OF CHAPTER 1 06 F LORIDA STATUTES. PERHAPS MORE DISTURBING THAN THE CAMPAIGN VIOLATIONS, IS THAT , AFTER THE CAMPAIGN VIOLATIONS CHARGES HAD BEEN FILED BY THE JUDICIAL QUALIFICATIONS COMMISSION , AND WHILE YOU WERE A JUDGE, YOU MADE STATEMENTS UNDER O ATH IN A DEPOSITION , TENDING TO MISL EAD THE JUDICIAL QUALIF ICATIONS COMMISSION, AS TO THE SOU RCE OF THE \$25,000 CAMPAIGN LOAN. YOU SWORE UNDER O ATH, THAT THE SOURCE OF THE LOAN WAS A B ANK. HOW EVER, A C CORDING TO YOUR OWN BANK REC ORDS AND THE LOAN DOCUMENTS , THE TESTIMONY WAS NOT TRUTHFUL. CANDOR IS A QU ALITY THAT WE EXPECT FROM ALL APPLICANTS TO THE BAR , ALL PRACTICING ATTORNEYS , AND MOST ESPECIALLY, FROM OUR JUDGES . THE J QC HAS GIVEN YOU THE BENEFIT OF THE DO UBT, BY CHARACTERIZING YOUR TESTIMONY AS, QUOTE , NOT CANDID OR , AT THE VERY LE AST , NEGLECTFUL. YOU HAVE ADMITTED THAT THIS CONDUCT VIOLATED THE CODE OF JUDICIAL CONDUCT . WE MUST NOW ADDRESS THE MATTER OF DISCIPLINE. JUST AS YOU STIPULATED TO THE VIOLATIONS , SO YOU STIPULATED TO THE DISCIPLINE. AS I STATED EARLIER, BECAUSE THERE IS NO WAY TO UNDO WH ATYOU HAVE DONE , WE HAVE COMMAND YOU BE PUBLICLY REPRIMANDED TO THE COURT AND THE PUBLIC . THE PUBLIC REPR IMAND OF A JUDGE WHO KMITSES ETHICAL - - WHO COMM ITS ET HICAL BREACHS IS ONE WAY THAT WE CAN ASSURE THE PUBLIC THAT WE TAKE MIS CONDUCT OF OUR JUDGES VERY , VERY SERIOUSLY. IN ADD ITION TO T HIS PUBLIC REPRIMAND, YOU HAVE AGREED TO AND ARE HERE BY OR DERED TO PAY A FINE OF \$25,000. THIS FINE EQUALS THE AMOUNT OF THE INAPPROPRIATE CAMPAIGN CONTRIBUTION. SUCH DISC IPLINE AREA ACTION IS CONSISTENT WITH SUCH DISCIPLINARY ACTION IS CONSISTENT WITH REGARD TO THE GOVERNING PRECEDENT OF THE APPROPRIATE SANCTION WITH REGARD TO THIS TYPE OF CONDUCT. JUDGE PANDO, TO YOUR CREDIT, YOU HAVE AD MITTED THE FINDINGS MADE BY THE INVESTIGATIVE PANEL OF THE JUDICIAL QUALIF ICATIONS COMMISSION. WE HOPE THAT YOU WILL CONSIDER YOURSELF FORTUNATE THAT MORE SERIOUS DISCIPLINE W AS NOT IMP OSED , AND THAT YOU WILL CONDUCT YOURSELF IN THE FUTURE, IN AN EXEMPLARY WAY , SO SASS T O INSPIRE AND NOT D E TRACT SO AS TO INSPIRE AND NOT DETRACT FROM PUBLIC TRUST AND CONFIDENCE IN OUR JUDICIARY , BUT I ADVISE YOU TO REM EMBER WHAT WE IN OUR PR IO R CASES HAVE CONSISTENTLY HELD , IS A SECOND ETHICAL BREACH BY A JUDGE WILL BE VIEWED FAR MORE HARSHLY. YOUR PUBLIC REPRIMAND IS CONCLUDED AND YOU MAY LEAVE.