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## **Inquiry Concerning a Judge: W. Wayne Woodard Docket Number: SC05-1446**

MARSHA L: 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 GENTLEMEN, THE FLORIDA SUPREME COURT. PLEASE BE SEATED.

CHIEF JUSTICE: THE FIRST MATTER ON THIS MORNING'S DOCKET IS THE PUBLIC REPRIMAND OF JUDGE W. WAYNE WOODARD. JUDGE WOODARD, PLEASE AND REMAIN STANDING. JUDGE WOODARD, FLORIDA ENTRUSTS THIS COURT WITH THE DUTY TO IMPOSE APPROPRIATE DISCIPLINE ON JUDGES WHOSE CONDUCT VIOLATES OUR CODE OF JUDICIAL CONDUCT. THIS PUBLIC REPRIMAND IS A DISCIPLINARY TOOL THAT WE USE TO DEMONSTRATE TO YOU, TO THE OTHER JUDGES IN OUR COURT SYSTEM, AND TO THE PUBLIC, THE DEPTH OF OUR DISAPPROVAL OF ETHICAL SHORTCOMINGS BY OUR JUDGES. JUDGE WOODARD, YOU ARE BEFORE THIS COURT TO BE REPRIMANDED FOR SEVERAL DIFFERENT TYPES OF MISCONDUCT. POOR JUDGMENT IN PLACING A JUDICIAL ELECTION CAMPAIGN ACTIVITY ABOVE THE DUTIES OF OFFICE, MISREPRESENTATION IN YOUR CAMPAIGN LITERATURE. FREQUENT TARDINESS IN OPEN COURT PROCEEDINGS, CAPRICIOUSNESS IN DEALING WITH WITNESSES AND ATTORNEYS, AND CONTEMPTUOUSNESS WHILE ON THE BENCH. YOU HAVE ADMITTED ENGAGING IN FOLLOWING ACTS IN 2004, YOU TELEPHONED A DECLARED CAMPAIGN OPPONENT AND IN AN EFFORT TO ENCOURAGE HER NOT TO RUN AGAINST YOU, TOLD HER HUSBAND THAT LOSING THE ELECTION WOULD AFFECT YOUR RETIREMENT AND THUS YOUR GRANDCHILDREN IN YOUR 2004 CAMPAIGN LITERATURE, YOU OVERSTATED THE NUMBER OF JURY TRIALS OVER WHICH YOU PRESIDED. IN THE SUMMER OF 2004, WHEN TRIAL SCHEDULE WAS IN DISARRAY BECAUSE OF HURRICANES -- DISARRAY BECAUSE OF HURRICANES, YOU ISSUED A BENCH WARRANT WITH A \$100,000 BOND WITH AN EXPERT WITNESS WHO FAILED TO APPEAR IN A CASE. THE WITNESS WAS INCARCERATED FOR SEVERAL HOURS BEFORE YOU ORDERED HIM RELEASED ON HIS OWN RECOGNIZANCE. AND YOU BEGAN A DOCKET TEN MINUTES BEFORE IT WAS SCHEDULED AND IN ABSENCE OF OPPOSING COUNSEL, YOU INSISTED THAT THE DOCKET STARTS WHEN I SAY IT STARTS. WHEN OPPOSING COUNSEL ARRIVED ON TIME, YOU REQUIRED BOTH COUNSEL TO WAIT UNTIL THE END OF THE DOCKET TO LITIGATE THEIR CASE. IN 1998 YOU LEFT AN ARRAIGNMENT AND CONDUCTED A RADIO CAMPAIGN INTERVIEW. YOU WERE FREQUENTLY LATE IN BEGINNING SCHEDULED FIRST APPEARANCES AND YOU REPEATEDLY EXHIBITED RUDENESS AND IMPATIENCE WITH COUNSEL, WITNESSES AND PARTIES APPEARING BEFORE YOU. YOU HAVE ADMITTED TO THESE FACTS AND COLLECTIVELY THESE ACTS VIOLATE SEVERAL CANONS OF THE CODE OF JUDICIAL CONDUCT. CANON ONE PROVIDES IN PART THAT A JUDGE SHOULD PARTICIPATE IN ESTABLISHING, MAINTAINING AND ENFORCING HIGH STANDARDS OF CONDUCT AND SHALL PERSONALLY APPEAR, SHALL PERSONALLY OBSERVE THOSE STANDARDS, SO THAT THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY MAY BE OBSERVED. CANON 2-A STATES THAT A JUDGE SHALL RESPECT AND COMPLY WITH THE LAW AND SHALL ACT AT ALL TIMES IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY. CANON 3-A SPECIFIES THAT JUDICIAL DUTIES OF A JUDGE SHALL TAKE PRECEDENCE OVER ALL OF THE JUDGE'S OTHER ACTIVITIES. CANON 3-B-4 PROVIDES THAT A JUDGE SHALL BE PATIENT, DIGNIFIED AND COURTEOUS TO LITIGANTS, WITNESSES AND OTHERS WITH WHOM THE JUDGE DEALS IN AN OFFICIAL CAPACITY AND CANON 3-B-8 REQUIRES A JUDGE TO DISPOSE OF ALL JUDICIAL MATTERS PROMPTLY, EFFICIENTLY AND FAIRLY. YOUR CAMPAIGN IN 2004 CONSTITUTED AN ATTEMPT TO IMPROPERLY INFLUENCE THE POLITICAL PROCESS, IN VIOLATION OF CANON 5, 2

AND 3 OF THE CODE OF CONDUCT. THE MISREPRESENTATION OF THE NUMBER OF JURY TRIALS OVER WHICH YOU PROVIDED IN YOUR 2004 CAMPAIGN LITIGATION -- 2004 CAMPAIGN LITIGATION -- LITIGATION, INTERFERED WITH THE ELECTION AND INTERFERED WITH THE PROCESS OF JUDICIAL ELECTIONS, BUT PERHAPS MORE TROUBLING TO THIS COURT ARE THE REMAINING COUNTS THAT RELATE TO YOUR MISCONDUCT IN CARRYING OUT YOUR JUDICIAL DUTIES WHILE ON THE BENCH. TO REITERATE, YOU FREQUENTLY FAILED TO BEGIN FIRST APPEARANCES ON TIME, YOU STARTED HEARING EARLY BEFORE COUNSEL FOR ONE SIDE HAD ARRIVED. YOU HAD A WITNESS FAILED DESPITE OBVIOUS EXTENUATING CIRCUMSTANCES AND REPEATEDLY EXHIBITED RUDE, IMPATIENT AND DISRESPECTFUL BEHAVIOR IN COURT. THESE VIOLATIONS OF THE CODE OF JUDICIAL CONDUCT, CONSTITUTE A FAILURE TO PROMPTLY, FAIRLY AND COURTEOUSLY TO PERFORM THE DUTIES OF THE JUDICIAL OFFICE TO WHICH YOU WERE ELECTED AND TO GIVE YOUR JUDICIAL DUTIES PRECEDENCE OVER OTHER ACTIVITIES. OUR JUDGES IN THIS STATE ARE THE FACE OF JUSTICE, AND THE AMBASSADORS FOR THE COURT SYSTEM. WHEN A JUDGE IS RUDE, TAKE TARDY OR CAPRICIOUS OR PLACES OTHER ACTIVITIES AHEAD OF JUDICIAL DUTIES, THAT BEHAVIOR REFLECTS NEGATIVELY ON THE ENTIRE SYSTEM. YOUR MISCONDUCT WAS INCONSISTENT WITH THE HIGH STANDARDS OF CONDUCT NECESSARY TO THE PRESERVATION OF THE INTEGRITY OF THE JUDICIARY. AS A TRIAL JUDGE, YOU HAVE A RIGHT TO EXPECT PARTIES, ATTORNEYS AND COURT PERSONNEL TO BE READY FOR THE COURT AT SCHEDULED TIME. YOU, ALSO, HAVE THE POWER TO ENFORCE THIS EXPECTATION. BUT IT IS AN EXPRESSION OF DISRESPECT FOR THOSE PERSONS WHO SERVE THE COURT AND APPEAR BEFORE YOU, AND BY EXTENSION TO ALL OUR CITIZENS, WHEN YOU, AS THE PRESIDING JUDGE, DO NOT APPEAR WHEN SCHEDULED. FURTHER, YOUR REPEATED RUDENESS AND IMPATIENCE IN COURT IS CONDUCT UNBECOMING A JUDGE -- A JUDICIAL OFFICER. JUDGE WOODARD, YOUR ADMISSION TO THESE INSTANCES OF MISCONDUCT, YOUR STIPULATION TO THIS PUBLIC REPRIMAND AND YOUR AGREEMENT TO UNDERGO ANGER MANAGEMENT COUNSELING, WHICH WE UNDERSTAND YOU HAVE COMPLETED, ARE ALL POSITIVE STEPS THAT SHOW THAT YOU ACCEPT RESPONSIBILITY FOR YOUR MISCONDUCT, ARE WILLING TO SUFFER ITS CONSEQUENCES AND ARE DETERMINED TO PREVENT ITS RECURRENCE. PLEASE REFLECT ON THIS PROCEEDING IN THE COMING DAYS, WEEKS AND MONTHS, AND TAKE FROM IT NOT ONLY OUR REBUKE BUT, ALSO, OUR ENCOURAGEMENT TO REACH FOR THE HIGHEST STANDARDS OF JUDICIAL SERVICE, PROMPT, COURTEOUS AND UNIMPEACHABLE INTEGRITY AND FINALLY LET ME REMIND YOU THAT ANY FURTHER BREACHES OF MISCONDUCT WILL BE DEALT WITH FAR MORE SEVERELY. JUDGE WOODARD, YOUR PUBLIC REPRIMAND IS CONCLUDED AND YOU MAY NOW LEAVE THE COURTROOM. THE COURT IS GOING TO TAKE A BRIEF RECESS TO, BEFORE WE HEAR THE NEXT CASE.

MARS HAL: PLEASE RISE.