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## **Inquiry Concerning a Judge: Clifford H. Barnes**

**SC06-2119**

>> PLEASE RISE.

HEAR YE, HEAR YE, HEAR YE, THE  
SUPREME COURT OF FLORIDA IS NOW  
IN SESSION.

ALL WHO HAVE CAUSE TO PLEAD,  
DRAW NEAR, GIVE ATTENTION, AND  
YOU SHALL BE HEARD.

GOD SAVE THESE UNITED STATES,  
THIS GREAT STATE OF FLORIDA,  
AND THIS HONORABLE COURT.

LADIES AND GENTLEMEN, THE  
FLORIDA SUPREME COURT.

PLEASE BE SEATED.

>> GOOD MORNING AND WELCOME TO  
THE FLORIDA SUPREME COURT.

THE FIRST MATTER ON THE COURT'S  
AGENDA IS THE REPRIMAND FOR  
JUDGE CLIFFORD BARNES.

JUDGE BARNES?

>> GOOD MORNING.

>> JUDGE BARNES, YOU'RE PRESENT  
HERE TODAY MARKS A SAD OCCASION  
FOR YOU AND FOR THE STATE COURT  
AND THE PEOPLE THAT WE SERVE.

YOUR ACTIONS HAVE REQUIRED US  
TO COMMAND TO COME HERE TO BE  
PUBLICLY REPRIMANDED FOR YOUR  
FAILURE TO ABIDE BY THE CODE OF  
JUDICIAL CONDUCT, WHICH EVERY  
JUDGE IN THIS STATE IS  
OBLIGATED TO HONOR.

THIS COURT TAKES NO JOY IN  
PUBLIC REPRIMANDS WE MUST  
IMPOSE ON JUDGES FROM TIME TO  
TIME.

BUT YOU CAN BE ASSURED THAT  
DISCIPLINING YOU IS SOMETHING  
WE VIEW AS UTTERLY NECESSARY.

THE EFFECTIVENESS OF OUR  
JUDICIARY ULTIMATELY RESTS ON  
THE CONFIDENCE REPOSED IN  
JUDGES BY THE PEOPLE.

YOU ARE HERE TODAY IN A  
PROCEEDING BROADCAST STATEWIDE,

AS A  
RESULT OF AN ETHICAL FAILURE  
THAT HAS DAMAGED THE TRUST AND  
CONFIDENCE IN THE JUDICIARY.

THIS PUBLIC REPRIMAND IS ONE  
WAY WE CAN AT LEAST ASSURE THE  
PUBLIC THAT WE TAKE THESE  
MATTERS VERY SERIOUSLY, AND WE

WILL NOT HESITATE TO DISCIPLINE  
JUDGES WHEN THEY COMMIT SUCH  
VIOLATIONS.

YOU HAVE BEEN FOUND GUILTY OF  
VIOLATING CANNONS, 1, 2, AND 3  
OF THE CODE OF JUDICIAL  
CONDUCT.

CANNON 1 PROVIDES IN PERTINENT  
PART, THAT JUDGES SHOULD  
PARTICIPATE IN ESTABLISHING,  
MAINTAINING AND ENFORCING HIGH  
STANDARDS OF CONDUCT AND SHALL  
PERSONALLY OBSERVE THOSE  
STANDARDS SO THAT THE INTEGRITY  
AND INDEPENDENCE OF THE  
JUDICIARY MAY BE PRESERVED.

CANNON 2-A PROVIDES THAT A  
JUDGE SHALL RESPECT AND COMPLY  
WITH THE LAW AND SHALL ACT AT  
ALL TIMES IN A MANNER THAT  
MOATS PUBLIC CONFIDENCE AND IN  
THE INTEGRITY AND IMPARTIALITY  
OF THE JUDICIARY.

CANNON 2-B PROVIDES, IN  
PERTINENT PART, THAT A JUDGE  
SHALL NOT ALLOW FAMILY, SOCIAL,  
POLITICAL, OR OTHER  
RELATIONSHIPS TO INFLUENCE THE  
JUDGE'S JUDICIAL CONDUCT OR

JUDGEMENT.

CANNON 3-A PROVIDES THAT THE JUDICIAL DUTIES OF A JUDGE TAKE PRECEDENT OVER ALL THE JUDGE'S OTHER ACTIVITIES.

THE JUDGE'S JUDICIAL DUTIES INCLUDE ALL THE DUTIES OF A JUDGE PRESCRIBED BY LAW.

AND THE PERFORMANCE OF THESE DUTIES THE SPECIFIC STANDARDS SET FORTH IN THE FOLLOWING SECTION APPLY.

CANNON 3-B SAYS, A JUDGE SHALL HEAR AND DECIDE MATTERS ASSIGNED TO THE JUDGE AND A JUDGE SHALL BE FAITHFUL TO THE LAW, AND MAINTAIN PERSONAL AND PROFESSIONAL CONFIDENCE IN IT.

JUDGE SHALL NOT BE SWAYED BY PARTISAN INTERESTS, PUBLIC CLAMOR, OR FEAR OF CRITICISM.

THE CONDUCT THAT BROUGHT YOU HERE TODAY VIOLATED THESE STANDARDS.

SPECIFICALLY IN 2006 YOU FILED A PETITION IN THE FOURTH DISTRICT COURT OF APPEAL SUING A PUBLIC DEFENDER, A STATE

ATTORNEY, A COUNTY SHERIFF, AND  
FELLOW CIRCUIT AND COUNTY COURT  
JUDGES.

YOU ARGUED THAT THEY HAD FAILED  
TO COMPLY WITH LEGAL  
REQUIREMENTS AFFORDING  
MEANINGFUL FIRST APPEARANCE  
HEARING FOR CRIMINAL DEFENDANT  
WHO COULD NOT IMMEDIATELY MAKE  
BOND.

EVIDENCE IN THE DISCIPLINARY  
CASE INDICATED THAT THIS WAS A  
CONTINUATION OF A PUBLIC DEBATE  
ABOUT REDUCING THE JAIL  
POPULATION THAT YOU HAD BEGUN  
BEFORE YOUR ELECTION A JUDGE,  
WHEN YOU EARLIER SERVED AS A  
ST. LUCIE COUNTY COMMISSIONER.

AFTER YOUR ELECTION, YOU  
CONTINUED ADVOCATING YOUR  
BELIEF THAT THE LACK OF  
MEANINGFUL PRETRIAL RELEASE  
PROGRAMS WAS CONTRIBUTING TO  
JAIL CROWDING.

AS A RESULT OF THIS ADVOCACY  
AND ACTIONS RELATED TO IT, YOUR  
CHIEF JUDGE REMOVED YOU FROM  
PRESIDING OVER FIRST  
APPEARANCES.

LATER, YOU WROTE A GUEST COLUMN  
STATING THAT COUNTY JAILS WERE  
OVERCROWDED BECAUSE OF PROBLEMS  
WITH LOCAL CRIMINAL JUSTICE  
SYSTEM AND ITS PRETRIAL RELEASE  
PROGRAM.

THEREAFTER, YOU FILED THE  
LAWSUIT IN THE FOURTH DISTRICT  
COURT OF APPEAL.

IN IT YOU ARGUED AMONG OTHER  
THINGS THAT, THIS WAS A  
PETITION THAT WOULD NORMALLY BE  
FILED BY THE PUBLIC DEFENDER.

AND YOU NOTED THAT THE PUBLIC  
DEFENDER WAS MARRIED TO A  
COUNTY JUDGE AND YOU ASKED THAT  
THIS JUDGE BE ORDERED TO RECUSE  
HIMSELF FROM PRESIDING OVER  
FIRST APPEARANCES.

YOU FURTHER ARGUED THAT YOUR  
FELLOW JUDGES HAD VIOLATED THE  
STATE AND FEDERAL CONSTITUTIONS  
AND VARIOUS LAWS.

WE HAVE CONCLUDED THAT IT IS  
QUESTIONABLE WHETHER THE FOURTH  
DISTRICT EVEN HAD THE AUTHORITY  
TO GRANT YOUR EXTENSIVE  
DEMANDS.

AND IN ANY EVENT, ALMOST TWO  
YEARS AFTER YOU FILED YOUR  
LAWSUIT, YOU VOLUNTARILY  
DISMISSED IT AND THEN WAS  
QUOTED IN THE "PALM BEACH POST"  
AS SAYING, I'M DECLARING  
VICTORY.

JUDGE BARNES, THE VERY FACT  
THAT YOU CHARACTERIZED LAWSUIT  
AS SOMETHING MORE APPROPRIATE  
FOR THE PUBLIC DEFENDER TO  
FILE, SHOULD HAVE STOPPED YOU  
IN YOUR TRACKS.

AS A SITTING JUDGE, YOU CAN NOT  
ENGAGE IN ADVOCACY THAT APPEARS  
TO THE FAVOR THE DEFENSE BAR.  
JUDGES ARE NOT ADVOCATES FOR  
EITHER THE STATE OR THE  
DEFENDANT,

BUT MUST TREAT BOTH SIDES WITH  
EQUAL DIGNITY.

AND YOUR SUGGESTION THAT YOU  
STEPPED IN BECAUSE OF SOME  
PROBLEM CAUSED BY THE PUBLIC  
DEFENDER'S MARRIAGE TO A JUDGE  
CERTAINLY WAS NOT SUFFICIENT  
REASON.

IT WAS MERELY INUENDO.

THROUGH YOUR PETITION YOU

EFFECTED CAUSE OF DEFENDANTS  
WHO MIGHT COME BEFORE YOU AND  
YOUR FELLOW JUDGES.

DURING THE PROCESS YOU ONLY  
BROUGHT INTO QUESTION ABILITY  
TO SERVE AS AN IMPARTIAL JUDGE  
BUT YOU CHALLENGED THE  
INTEGRITY OF THE LOCAL  
JUDICIARY.

FORTUNATELY, WE HAVE CONCLUDED  
THAT THERE IS A LACK OF CLEAR  
AND CONVINCING EVIDENCE THAT  
YOU, AS A JUDGE, WERE  
IMPROPERLY PRACTICING LAW.

BUT THE FACT THAT SUCH A  
SERIOUS CHARGE WAS BROUGHT  
AGAINST YOU SHOULD CAUSE YOU  
PAUSE.

AS A JUDGE, YOU SIMPLY CAN NOT  
CHAMPION THE CAUSE OF THOSE WHO  
MIGHT BE BROUGHT BEFORE YOU.

FURTHER, YOUR LAWSUIT CONTAINED  
DETAILED CRITICISMS OF YOUR  
FELLOW JUDGES.

THESE TYPES OF CRITICISMS COULD  
REASONABLY LEAD PEOPLE TO  
QUESTION YOUR FELLOW JUDGES  
ABILITY TO FOLLOW AND UPHOLD

THE LAW.

JUDGE BARNES, THERE ARE  
ACCEPTABLE WAYS THAT JUDGES CAN  
ADVOCATE IMPROVEMENT IN THE LAW  
AND THE LEGAL SYSTEM.

THE METHOD YOU CHOSE WAS NOT  
ONE OF THEM.

THE MANNER IN WHICH YOU  
PUBLICIZED YOUR CLAIMS, THE  
FILING OF A LAWSUIT, ADVOCATING  
DEFENDANTS RIGHTS AND MAKING  
ACCUSEATORY STATEMENTS ABOUT  
YOUR FELLOW JUDGES ONLY SERVES  
TO UNDERMINED THE PUBLIC  
CONFIDENCE IN OUR JUDICIAL  
SYSTEM.

AS A RESULT, WE HAVE CONCLUDED  
THAT YOU VIOLATED CANNONS 1 OF  
THE CODE OF JUDICIAL CONDUCT,  
CANNON 2 OF THE CODE OF  
JUDICIAL CONDUCT, AND CANNON 3.

FINALLY, JUDGE BARNES, WE  
ENCOURAGE YOU TO REVIEW PRIOR  
DISCIPLINARY CASES THAT HAVE  
FROM TIME TO TIME COME BEFORE  
THIS COURT.

YOUR RESPONSIBILITY NOW, AND IN  
THE FUTURE IS TO CARRY OUT YOUR  
RESPONSIBILITIES AS A JUDGE,

AND IN AN IMPARTIAL MANNER AND  
IN A WAY THAT UPLIFTS THE  
PUBLIC'S CONFIDENCE IN OUR  
JUDICIAL SYSTEM.

A SECOND ETHICAL BREACH BY A  
JUDGE WILL BE VIEWED FAR MORE  
HARSHLY.

JUDGE BARNES, YOUR PUBLIC  
REPRIMAND IS CONCLUDED.

AND YOU ARE FREE TO LEAVE.