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### **Inquiry Concerning a Judge: George W. Maxwell, III**

>> PLEASE 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,  
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 THURSDAY, JANUARY 8th  
ARGUMENT FOR THE FLORIDA  
SUPREME COURT.

THE FIRST MATTER ON OUR AGENDA  
THIS MORNING IS THE PUBLIC  
REPRIMAND FOR

JUDGE GEORGE W. MAXWELL III.

JUDGE MAXWELL, IF YOU WILL  
APPROACH THE PODIUM AND REMAIN  
STANDING FOR YOUR PUBLIC  
REPRIMAND.

FLORIDA'S CONSTITUTION ENTRUSTS  
THE COURT WITH THE DUTY TO  
IMPOSE APPROPRIATE DISCIPLINE  
ON JUDGES WHOSE CONDUCT  
VIOLATES OUR CODE OF JUDICIAL  
CONDUCT.

THE PUBLIC REPRIMAND IS A  
DISCIPLINARY TOOL THAT WE USE  
TO DEMONSTRATE TO YOU, TO ALL  
WHO SERVE AS JUDGES IN OUR  
STATE COURT SYSTEM, AND TO THE  
PUBLIC THAT WE TAKE EPICAL  
BREACHES BY OUR JUDGES VERY  
SERIOUSLY.

AS WE HAVE STATED, WHEN THE  
CONDUCT OF A JURIS IS SO  
EGREGIOUS AS TO REQUIRE A  
PUBLIC REPRIMAND, SUCH  
REPRIMAND SHALL BE ISSUED IN  
PERSON WITH THE JUDGE APPEARING  
BEFORE THIS COURT.

YOUR APPEARANCE BEFORE US UNDER  
THESE UNPLEASANT CIRCUMSTANCES

HELPS TO MAINTAIN THE PUBLIC TRUST AND CONFIDENCE THAT ARE CRITICAL OPERATION OF OUR JUDICIAL SYSTEM.

JUDGE MAXWELL, YOU HAVE ADMITTED ENGAGING IN THE FOLLOWING IMPROPER BEHAVIOR. ON THE MORNING OF OCTOBER 28th, 2007, THE BREVARD COUNTY SHERIFF'S OFFICE RESPONDED TO A BATTERY COMPLAINT AT A PRIVATE RESIDENCE.

THE OFFICERS DETERMINED THAT THE WIFE HAD COMMITTED DOMESTIC VIOLENCE BATTERY AGAINST HER HUSBAND, AND SHE WAS CHARGED, ARRESTED, AND TRANSPORTED TO THE BREVARD COUNTY JAIL.

LATER THAT DAY, THE WIFE'S BROTHER, JACK PLATT, WHO IS AN ATTORNEY WITH WHOM YOU WERE PREVIOUSLY AFFILIATED IN PRIVATE PRACTICE AND WITH WHOM YOU APPEARED ON THE FIRM'S LETTERHEAD, CALLED YOU AT YOUR RESIDENCE AND REQUESTED YOUR ASSISTANCE IN SECURING THE RELEASE OF HIS SISTER.

EVEN THOUGH THE MATTER WAS NOT ASSIGNED TO YOU, YOU THEREAFTER CONTACTED THE BREVARD COUNTY SHERIFF'S OFFICE AND AUTHORIZED HER RELEASE TO THE PRETRIAL RELEASE PROGRAM WITHOUT THE BENEFIT OF A FIRST APPEARANCE. YOU AUTHORIZED HER RELEASE NOTWITHSTANDING THE FACT THAT SHE WAS CURRENTLY SERVING A SENTENCE OF FIVE YEARS PROBATION FOR OBTAINING CONTROLLED SUBSTANCES BY FRAUD, THUS MAKING HER INELIGIBLE FOR THE PRETRIAL RELEASE PROGRAM. IN ADDITION TO STIPULATING TO THESE FACTS, YOU ACKNOWLEDGE YOUR ACTIONS VIOLATED CANONS 1, 2A, AND 2B OF THE CODE OF JUDICIAL CONDUCT.

AND WE APPROVED THE STIPULATION REACHED BETWEEN YOU AND THE JUDICIAL QUALIFICATIONS COMMISSION ACCORDINGLY. CANON 1 REQUIRES JUDGES TO UPHOLD AND PRESERVE THE

INTEGRITY AND INDEPENDENCE OF THE JUDICIARY, WHICH IS THE CORNERSTONE OF OUR JUSTICE SYSTEM.

CANON TWO STATES ANOTHER ESSENTIAL PRINCIPLE: THAT JUDGES MUST RESPECT AND COMPLY WITH THE LAW AT ALL TIMES, ACT IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALTY. YOUR ACTIONS ALSO VIOLATED CANON 2B, WHICH REQUIRES A JUDGE NOT PERMIT FAMILY, SOCIAL, POLITICAL, OR OTHER RELATIONSHIPS TO INFLUENCE HIS OR HER CONDUCT OR JUDGMENT AND FORBIDS A JUDGE FROM LENDING THE PRESTIGE OF JUDICIAL OFFICE TO ADVANCE THE PRIVATE INTERESTS OF THE JUDGE OR OTHER PERSONS.

CANNON 2B EMBODIES THE PRINCIPLE THAT A JUDGE CANNOT SIMULTANEOUSLY HOLD THE SCALES OF JUSTICE AND PLACE A JUDICIAL THUMB ON THE SCALES IN ANY LEGAL MATTER TO BENEFIT A FAMILY OR -- MEMBER OR FRIEND. SUCH CONDUCT IS THE ANTITHESIS OF OUR SWORN OBLIGATION TO UPHOLD THE RULE OF LAW.

YOU NOT ONLY ACCEPTED AN EX PARTE COMMUNICATION FROM AN ATTORNEY WITHOUT INPUT FROM THE PROSECUTOR OR ANY OTHER INTERESTED PARTY, BUT YOU ALSO HAD A PERSONAL RELATIONSHIP WITH THIS ATTORNEY DATING BACK TO THE TIME DURING WHICH YOU PRACTICED LAW IN THE SAME FIRM, A TIME PRIOR TO YOUR TAKING THE BENCH.

FURTHER, YOU RELIED ON THIS EX PARTE COMMUNICATION IN ORDERING AN ARRESTEE'S RELEASE EVEN THOUGH IT APPEARS THAT YOU DID NOT HAVE A COMPLETE PICTURE OF THE FACT DETAILS OF THE CRIME HAD BEEN OR THE ARRESTEE'S RECORD.

THE SPECIAL CONSIDERATION YOU AFFORDED THE ARRESTY BECAUSE OF YOUR PERSONAL RELATIONSHIP WITH

HER BROTHER WOULD NOT HAVE BEEN AVAILABLE TO THE GENERAL PUBLIC.

BY ENGAGING IN THESE ACTIONS YOU PERMITTED A PERSONAL RELATIONSHIP TO CLOUD YOUR JUDGMENT, THEREBY DIMINISHING PUBLIC CONFIDENCE IN THE IMPARTIALITY OF THE JUDICIARY. AND YOU USED PRESTIGE AND POWER OF YOUR JUDICIAL OFFICE TO ORDER THE ARRESTY'S RELEASE IN VIOLATION OF STATE LAW.

THE AUTHORITY OF OUR COURTS IS BUILT ON A FUNCTION OF PUBLIC RESPECT.

THIS RESPECT CANNOT BE TAKEN FOR GRANTED BUT MUST BE EARNED EACH AND EVERY DAY BY ALL OF OUR JUDGES.

THIS RESPECT IS EARNED BY HOW WE CONDUCT OUR AFFAIRS BOTH INSIDE AND OUTSIDE OF THE COURTROOM.

WE MUST EVER MINDFUL OF THE UNIQUE HONOR THAT WE HAVE -- THAT HAS BEEN BESTOWED UPON US BY THE CITIZENS OF THIS STATE AND EVER VIGILANT TO CARRY OUT THE DICTATES OF OUR PUBLIC OFFICE IN A MANNER THAT IS ABOVE REPROACH.

WHEN PUBLIC CONFIDENCE AND ONE MEMBER OF THE JUDICIARY IS IMPAIRED, WHICH OCCURS WHEN A JUDGE COMMITS MISCONDUCT THE ENTIRE JUDICIAL SYSTEM SUFFERS. JUDGE MAXWELL, YOUR LAPSE IN JUDGMENT IN BOTH ENGAGING IN THE EX PARTE COMMUNICATION AND DIRECTING THE RELEASE OF THE ARRESTEE BASED ON YOUR PERSONAL RELATIONSHIP CAUSE INTO QUESTION YOUR IMPARTIALITY AS A JUDGE, AND THEREBY GREATLY HARMS THE JUDICIAL SYSTEM IN WHICH YOU SERVE.

THIS COURT RECOGNIZES THAT YOU HAVE BEEN A RESPECTED MEMBER OF THE BENCH FOR NEARLY TEN YEARS. FURTHER, TO YOUR CREDIT YOU ULTIMATELY ACCEPTED RESPONSIBILITY FOR YOUR ACTIONS AGREED YOUR ACTIONS CAST A

NEGATIVE LIGHT ON THE JUDICIARY, AND STATED THAT YOU HAVE UNDERTAKEN STEPS TO PREVENT REOCCURRENCE OF THIS CONDUCT.

NO JUDGE WANTS TO BE IN YOUR POSITION AT THIS MOMENT, RECEIVING A REPRIMAND FROM THE SUPREME COURT VIA THE CHIEF JUSTICE OF THE STATES -- STATE IN A JUDICIAL PROCEEDING ATTENDED BY THE PUBLIC AND BROADCAST LIVE ON TV AND OVER THE INTERNET.

WE HOPE THAT YOU WILL CONSIDER YOURSELF FORTUNATE THAT MORE SEVERE DISCIPLINE WAS NOT IMPOSED AND THAT YOU WILL CONDUCT YOURSELF IN THE FUTURE IN AN EXEMPLARY WAY SO AS TO INSPIRE RATHER THAN UNDERMINE PUBLIC TRUST AND CONFIDENCE IN OUR JUDICIARY.

FINALLY, WE REMIND YOU THAT AN EVENT THIS TYPE OF CONDUCT TAKES PLACE IN THE FUTURE, WE WILL CONSIDER -- OCCURS IN THE FUTURE, WE WILL CONSIDER HARSHER SANCTIONS INCLUDING BUT NOT LIMITED TO REMOVAL FROM OFFICE.

JUDGE MAXWELL, YOUR PUBLIC REPRIMAND IS CONCLUDED AND YOU ARE FREE TO LEAVE.