

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.

>> SUPREME COURT OF FLORIDA IS

NOW IN SESSION.

PLEASE BE SEATED.

>> GOOD MORNING AND WELCOME TO

THE FLORIDA SUPREME COURT.

THE FIRST CASE ON OUR DOCKET,

TODAY, IS AN INQUIRY CONCERNING

A JUDGE.

N. JAMES TURNER.

>> JUSTICE, HONORED MEMBERS OF

THE COURT, THIS IS MY FIRST

TIME, SO, IT IS REALLY AN HONOR.

>> KEEP YOUR VOICE UP SO WE CAN

HEAR YOU.

>> I WILL KEEP MY VOICE UP,

MADAME JUSTICE.

... I WOULD BE REMISS IN
NEGLECTING TO MENTION MY TOR,
WHO SERVED AS MY MENTOR
FOLLOWING MY DEPARTURE FROM FSU
LAW AND STEVE GUY USED TO ALWAYS
I GUESS PARAPHRASE, NIETZSCHE IN
SAYING IT DOESN'T KILL YOU, IT
CAN ONLY MAKE YOU STRONGER AND
THAT REFERS TO PROFESSOR GUY'S
EXAMS, WHICH WERE KILLERS,
HOWEVER, THE SAME ANALOGY WOULD
EASILY APPLY TO WHAT WE HAVE
BEFORE US TODAY ON BEHALF OF
JUDGE TURNER.

JUDGE TURNER HAS BEEN FOUND BY
THE JQC OF COMMITTING
APPROXIMATELY 5 VIOLATIONS OF
THE CANONS.

THESE ISSUES INVOLVE MATTERS OF
CAMPAIGN FINANCE, DEALING WITH A
PERSONAL... APPEARANCE ON BEHALF
OF HIS MOTHER IN A FORECLOSURE
MATTER AS WELL AS ISSUES
INVOLVING THE FIRST AMENDMENT,

AND, FINALLY, A RELATIONSHIP
WITH REGARD TO A COURT CLERK.
THESE ISSUES, BEFORE US TODAY,
IN ANY WAY IMPACT HIS PRESENT
FITNESS OR DUTY.

THE ARGUMENT WE ARE MAKING
TODAY, IS, NO, IT DOES NOT AND
IN FACT ALL OF THE EVIDENCE
PRODUCED DURING THE JQC HEARING
REFLECTS THAT JUDGE TURNER
SERVED WITH HONOR AND DIGNITY,
AND HAD APPROXIMATELY 10
WITNESSES, WHO CAME FORTH TO
TESTIFY ABOUT HOW HE CONDUCTED
HIMSELF IN THE COURTROOM, AND
THESE MATTERS BEFORE US TODAY,
WHICH REALLY COME DOWN TO
WHETHER OR NOT HE SHOULD BE
REMOVED, DO NOT IMPACT HIS
PRESENT ABILITY TO --

>> WOULD YOU ADDRESS WHAT I FIND
TO BE AMONG THE MOST DISTURBING
OF ALLEGATIONS, AND THEN
FINDINGS, ABOUT JUDGE TURNER'S
RELATIONSHIP WITH A COURT

EMPLOYEE WHICH, WHILE YOU SAY IT
DOESN'T BEAR TO HIS FITNESS TO
HOLD OFFICE, IT WAS A COURT
EMPLOYEE, SOMEBODY I GUESS IN
THE CLERK'S OFFICE AND I WANT
YOU TO JUST GIVE, IN THE FACTS,
MOST FAVORABLE TO THE JQC WHICH
WERE FINDINGS OF FACT, WHAT IN
FACT OCCURRED.

>> JUSTICE PARIENTE, WHAT
OCCURRED IN THAT CASE INVOLVED
WHAT WE KNOW NOW AND BASED UPON
THE DIAGNOSIS THAT WAS MADE BY
DR. MARA, WHO JUDGE TURNER
VOLUNTARILY SUBMITTED HIMSELF
FOR, FOR PERSONAL EVALUATION AND
FOLLOW-UP TREATMENTS WITH
ANOTHER PSYCHOTHERAPIST, DEALT
WITH BOUNDARY ISSUES AND BASED
UPON THE TESTIMONY THAT CAME OUT
FROM THE CLERK, WHOSE NAME IS
MS. SHELBY, DURING THE HEARING,
YOU WOULD SEE AND I'M QUOTING
FROM A RESPONSE FROM MS. SHELBY
MADE BY THE CHAIR OF THE JQC IS

JUDGE TURNER NEEDED TO BE
NEEDED.

AND...

>> I'M SORRY.

NEEDING TO WHAT.

>> NEEDED TO BE NEEDED.

>> I THINK WHAT YOU ARE... YOU
ARE GOING FROM WHAT THE -- WHAT
IS PROVEN TO NOW THE EXCUSE.

WHAT I WANT TO UNDERSTAND,
BECAUSE I KNOW THERE ARE MANY
JUDGES WHO WOULD SAY I LOST IT
ON THE BENCH BECAUSE I WAS
HAVING ANGER MANAGEMENT
PROBLEMS.

OR I STOLE, I KNOW THERE WAS A
CASE IN THE 4TH DISTRICT, A
JUDGE THAT STOLE A CONTROLLER,
AND HAD PSYCHOLOGICAL TESTING
AND IT WAS HE NEEDED TO BE IN
CONTROL.

AND I APPRECIATE THE -- WHAT YOU
ARE SAYING, IN DEFENSE OF YOUR
CLIENT BUT I'M ASKING YOU, THEN,
ARE YOU CONCEDING THAT WHAT

JUDGE TURNER DID, IN THE LIGHT
NOT ONLY MOST FAVORABLE TO THE
JQC BUT IT WAS INAPPROPRIATE AND
CROSSED ALL BOUNDARIES OF A
RELATIONSHIP BETWEEN A JUDGE AND
AN EMPLOYEE OF THE COURT SYSTEM?

>> JUDGE TURNER, JUSTICE
PARIENTE, EXPRESSED REMORSE AND,
SOUGHT CORRECTIVE ACTION TO BE
INTROSPECTIVE ABOUT HIS ISSUES.
WE'RE NOT PREPARED TO CONCEDE
THAT WHAT HE DID, THOUGH IT MAY
HAVE BEEN INAPPROPRIATE, THOUGH
IT MAY HAVE CONSTITUTED MINOR
PERSONALITY FLAWS, AND WHERE HE
MAY HAVE OVERSTEMMED, THAT,
BASED UPON THIS, WAS --
OVERSTEPPED, BASED UPON THIS,
WAS IT GROSSLY INAPPROPRIATE,
WHAT CAME TO BEAR DURING THE JQC
HEARING IS, NO.

>> THE FIRST TIME HE SEES HER IN
HIS GYM SHORTS IN HIS CHAMBERS
AND GOES DOWN TO THE OFFICE,
ALMOST A DAILY BASIS, HOVERS

AROUND HER, AND, BEYOND

EVERYTHING ELSE, IT -- THIS

WASN'T JUST AN INCIDENTAL,

ONE-TIME INCIDENT.

THIS WAS PERVASIVE.

>> JUSTICE PARIENTE THE GYM

SHORTS ISSUE WAS A ONE-TIME

ISSUE, FOLLOWING A WORKOUT, THE

JUDGE -- COUNTY COURT JUDGES

GENERALLY IN MY EXPERIENCE DO

TEND TO APPEAR IN CHAMBERS IN

GARB THEY WOULD NOT OTHERWISE

DEEM PRESENTABLE.

>> LET ME ASK YOU THIS:

ISN'T THIS A PERSONALITY ISSUE,

ACCORDING TO THE EXPERT

WITNESSES?

NOT A -- THE EXPERT WITNESS SAID

IT IS NOT A MENTAL ILLNESS.

A PERSONALITY ISSUE.

AND, SHE TESTIFIED THAT JUDGE

TURNER EXHIBITED, QUOTE,

AUDACIOUS AND UNINHIBITED SOCIAL

BEHAVIOR.

CAUSED BY A LACK OF

PSYCHOLOGICAL IN SIGHT, AND THAT
THAT IN TURN WAS RELATED TO THE
SELF-CENTERED OPINION OF
HIMSELF.

WELL, IF WE ACCEPT THAT
TESTIMONY, ISN'T THAT SOMEWHAT
PROBLEMATIC?
FOR A JUDGE?

SITTING ON THE BENCH, PRESIDING
OVER CASES THAT HAVE A SERIOUS
IMPACT ON THE LIVES OF THE
LITIGANTS, AND ISN'T THIS --
ISN'T THAT FURTHER EXHIBITED IN
THE INCIDENCE, WHICH -- THE JQC
DID NOT... A SERIOUS MATTER BUT
ISN'T IT ILLUSTRATED BY THE
EPISODE WHERE HE ASKED ABOUT THE
JEWELRY THAT A DEFENDANT WAS
WEARING, I THINK, AND BASICALLY
GAVE HER -- ACQUIRED THE JEWELRY
FROM HER, THIS BIZARRE BEHAVIOR
FOR A JUDGE ON THE BENCH, TO BE
ENGAGED IN.

>> I DON'T BELIEVE THERE WAS ANY
ACQUISITION OF JEWELRY.

THERE WAS THE SEIZURE OF JEWELRY
AND, YOU KNOW, THE JQC DID NOT
SEE THAT AS BEING PARTICULARLY
PROBLEMATIC.

THAT WAS AN ERROR ON THE PART OF
JUDGE TURNER AS IT RELATES TO
MS. SHELBY, WHAT WE SAW WAS A
LACK OF INTROSPECTION, WHICH
JUDGE TURNER TOOK VOLUNTARY
STEPS UPON LEARNING ABOUT THE
ISSUES TO ACTUALLY CORRECT.

FIRST, BY SEEING THE DOCTOR AND
SEEKING OUT THE REFERRAL FROM
THE DOCTOR, AND CONTINUING ON
WITH THAT PSYCHOTHERAPY,
THROUGHOUT THE PENDENCY OF THE
CASE.

>> AND THERE'S ALSO... WE TALKED
ABOUT THIS BEHAVIOR, BUT, THE
OTHER DISTURBING ASPECTS, AND WE
CAN LEAVE THE CONSTITUTIONAL
ISSUES... SEPARATELY BUT THERE
IS A LOAN THAT HE RECEIVED FROM
HIS MOTHER AFTER HE WAS IN THE
RUN-OFF, \$30,000.

COMPLETELY -- WE HAVE HAD
SEVERAL CASES INVOLVING THOSE
KINDS OF LOANS, UNDISCLOSED AND
CONTINUED TO BE UNDISCLOSED EVEN
AFTER THE JQC STARTED TO
INVESTIGATE.

ON TOP OF IT, UNREFUTED, BUT,
AFTER HE WAS ON THE BENCH, HE
REPRESENTED HIMSELF AS AN
ATTORNEY, IN DEALING WITH HIS
MOTHER WHO WAS INVOLVED IN A
FORECLOSURE ACTION AND NOW WE
JUST DON'T HAVE THE PERSONAL
ISSUES REGARDING EMPLOYEES THAT
OCCURRED IN THE COURT, WITH THE
JUDGE, BUT WE ALSO HAVE WHAT HAS
BEEN IN MANY CASES SIGNIFICANT
REASON FOR EITHER SANCTIONS OR
IN SOME CASES REMOVAL FROM THE
BENCH WHEN COUPLED WITH OTHER
ISSUES, AFTER SOMEONE HAD TAKEN
THE BENCH, SO WE HAVE THE LOAN,
UNREPORTED, PLUS PRACTICING LAW,
TOGETHER WITH THESE ISSUES
INVOLVING THE EMPLOYEE OF THE

CLERK'S OFFICE.

>> JUSTICE PARIENTE, JUDGE

TURNER ACKNOWLEDGED THOSE

ERRORS, NUMBER ONE...

>> WHEN DOES HE ACKNOWLEDGE THE

ERRORS?

SEE, THE PROBLEM IS, ARE WE

SEEING THAT ALL A JUDGE HAS TO

DO, WHO HAS THE SACRED TRUST OF

HIS OR HER COMMUNITY, IS AFTER

HE HAS BEEN FOUND OUT, SAY, SEE,

THAT WAS AN ERROR AND THEN WE'LL

JUST LET HIM CONTINUE OR HER

CONTINUE TO STAY ON THE BENCH?

>> NO, JUSTICE PARIENTE, NOT AT

ALL.

WHAT WE SEE IS THE MITIGATING

FACTOR WHEN IT COMES DOWN TO

THIS COURT'S DETERMINATION OF

PUNISHMENT OF A JUDGE, THAT THE

ABILITY TO RECOGNIZE THOSE

ERRORS AND SHOW REMORSE ACTUALLY

REFLECTS POSITIVELY ON THE ISSUE

OF LITIGATION.

>> AT WHAT POINT WAS THIS?

HE DIDN'T JUST SAY, I'M GOING TO

-- YOU KNOW, SIGN UP AND

REPRESENT HIS MOTHER.

HOW LONG DID HE DO IT BEFORE...

>> I THINK, JUSTICE QUINCE, THAT

ON THAT ISSUE, WITH THE

UNDERLYING CIRCUMSTANCES, FIRST,

WITH REGARD TO... HE DID REPORT

THE LOAN, IMMEDIATELY.

HE REPORTED THE LOAN WITHOUT

ANYBODY PROMPTING HIM AND

REPORTED THE LOAN AND REPORTED

IT AS A LOAN, ACTUALLY, ON HIS

FORM 6.

THAT WAS INITIALLY DONE, GETTING

TO YOUR POINT, JUSTICE QUINCE,

HE REPRESENTED HIS MOTHER FOR

APPROXIMATELY A TWO-MONTH

PERIOD.

THAT REPRESENTATION, WHICH WAS

INITIALLY TRANSACTIONAL IN

NATURE, HAPPENED WITH THE BERNIE

MADOFF SCANDAL...

>> IS THERE ANY INDICATION IN

THIS RECORD HE DID NOT KNOW HE

SHOULD NOT REPRESENT A CLIENT
WHILE HE WAS A JUDGE.

>> ACCORDING TO THE TESTIMONY
FROM JUDGE TURNER, WHICH IS THE
ONLY TESTIMONY ON THIS ISSUE, HE
MISREAD THE RULE.

SIMILAR TO HOW JUDGE... MISREAD
THE RULE ON THE STATUTE UNDER
106.0 --

>> AND THAT SAYS WHAT.

>> DEALING WITH 1.06.075, DEALS
WITH THE REPORTING REQUIREMENTS.
UNDER FLORIDA ELECTION LAW, AS
PERTAINS TO...

>> YOU ARE JUMPING FROM
ELECTIONS TO THE REPRESENTATION.
I'M TALKING ABOUT THE
REPRESENTATION OF A CLIENT WHILE
HE WAS A JUDGE.

>> SURE.

SURE.

HE BELIEVED, BASED UPON HIS
REVIEW OF THE CANON THAT HE
COULD REPRESENT A FAMILY MEMBER.
NOW, THAT CANON IS LIMITED...

>> IF YOU COULD READ THAT CANON
AND THE COMMENTARY, IT IS
CRYSTAL-CLEAR THAT THE CONDUCT
WHICH HE ENGAGED IN WAS
INAPPROPRIATE.

ISN'T IT?

>> HE MISREAD THE CANON.

>> BUT IF YOU READ IT AND
UNDERSTAND THE ENGLISH LANGUAGE
THERE CAN BE NO DOUBT ABOUT THE
MEANING OF THE CANON AND
PROSCRIBING THE CONDUCT OF
NEGOTIATING THAT HE WAS ENGAGED
IN.

>> THE CANON DOES NOT SEEM TO
PROHIBITED NEGOTIATING ON A
TRANSACTIONAL ISSUE AND, DEALING
WITH THE CORRESPONDENCE THAT WAS
SENT FIRST TO THE MORTGAGE
BROKER AND, LATER ON, TO THE
FORECLOSURE -- SORRY.

FORECLOSURE PROSECUTION
ATTORNEY, IT REFLECTS THAT HE
HAD REPRESENTED HIMSELF AS THE
SON OF HIS MOTHER, AS A

NONPRACTICING ATTORNEY, BECAUSE
HE WAS TRYING TO AVOID EVEN THAT
COLLISION, BUT, AT THE TIME, HE
WAS IN IT AND THERE WAS... WHERE
NOTHING HAPPENED AND HE WAS
ATTEMPTING TO --

>> THE COMMENTARY... THE
COMMENTARY, THE CANON 5G, THE
CANON AT ISSUE HERE, SAYS:
A JUDGE MUST NOT, HOWEVER, ACT
AS AN ADVOCATE OR NEGOTIATOR FOR
A MEMBER OF THE JUDGE'S FAMILY
IN A LEGAL MATTER.

WHAT COULD BE CLEARER THAN THAT?

>> MR. CHIEF JUSTICE, HE
MISSTEPPED.

>> CAN I GO BACK TO ANOTHER --
SOMETHING YOU SAID, AND I WANT
TO MAKE SURE YOU HAVE A CHANCE
TO CORRECT IT.

DID YOU SAY THAT JUDGE TURNER
ACTUALLY DID REPORT THE \$30,000
LOAN ON THE FORM 6.

>> HE REPORTED THE LOAN OF
APPROXIMATELY \$44,000 ON HIS

FORM 6 AND THEN, WHEREBY HE LENT
FROM THERE, \$30,000 TO HIS
CAMPAIGN, FOLLOWING THE
ELECTION.

>> SO, THE... WHEN THE JQC FOUND
THAT JUDGE TURNER HAD DRAFTED NO
FORM 6 AND FAILED TO REPORT THE
\$30,000 ON EITHER FORM, AND
DIDN'T LIST THE 30,000 AS A GIFT
ON HIS JUNE 2009 GIFT DISCLOSURE
FORM, OR REPORT THE FUNDS IN ANY
TAX RETURN THAT THAT IS NOT
CORRECT?

>> I BELIEVE THE JQC EXHIBIT
NUMBER ONE ACTUALLY PROVIDES THE
PROOF BY WHICH I'M REFERRING.

HE REPORTED IT.

HE REPORTED IT.

AFTER IT BECAME A GIFT INSTEAD
OF A LOAN THAT INITIALLY IT WAS,
DID HE REREPORT IT AS A GIFT?

NO, HE DID NOT.

>> WHAT FORM DID HE -- SO,
AGAIN, THIS IS A VERY IMPORTANT
THING.

YOU ARE SAYING THAT HE DID NOT
ACCEPT A CAMPAIGN CONTRIBUTION,
\$30,000 FROM HIS MOTHER IN
VIOLATION OF CHAPTER 106?

>> HE ACCEPTED A GIFT -- SORRY.

A LOAN IN EXCESS OF \$500,

CONTRARY TO 106.

HE REPORTED THAT.

VOLUNTARILY.

WITHOUT BEING SUBJECT TO ANY JQC
INVESTIGATION.

>> I'M TRYING TO UNDERSTAND

THAT.

HE REPORTED IT ON HIS FORM 6?

AS A LOAN?

>> HE REPORTED IT ON HIS FORM 6,

AS A LOAN.

>> WHAT YEAR?

>> IMMEDIATELY FOLLOWING THE
ELECTION, IMMEDIATELY UPON -- HE
FOUND OUT THAT HE NEEDED TO DO
THAT.

>> I WANT TO BE SURE.

THE JQC FOUND THAT HE DRAFTED A
FORM 6 AND FOR BOTH '09 AND 2010

FAILED TO REPORT THE \$30,000 ON
EITHER FORM.

IS THAT INCORRECT.

>> HE DID NOT REPORT IT AS A
GIFT.

THE TRANSITION FROM A LOAN TO A
GIFT, BUT REPORTED THE INITIAL
LOAN.

AND REPORTED IT BEING FROM HIS
MOTHER AND REPORTED IT
VOLUNTARILY, WITHOUT BEING UNDER
JQC INVESTIGATION.

>> WHAT IS THE DATE OF THE FORM,
THAT HE MADE THE REPORT.

>> AND WITH WHOM WAS IT FILED?

>> IT WAS... NOVEMBER OF 2008
THAT HE INITIALLY REPORTED AND
IT IS UNDER JQC EXHIBIT NUMBER
ONE TO THESE PROCEEDINGS.

>> COUNSEL YOU ARE DOWN TO 5
MINUTES.

>> I'M SITTING DOWN, THANK YOU
VERY MUCH.

>> MAY IT PLEASE THE COURT...

[INAUDIBLE] WE'RE HERE ON BEHALF

OF THE JUDICIAL QUALIFICATIONS
COMMISSION.

>> MAYBE YOU CAN ADDRESS THE
LAST POINT FIRST, BECAUSE I AM A
LITTLE CONFOUNDED, OBVIOUSLY
THAT IS A SERIOUS CHARGE, AND,
FINDING, AND I WANT TO...
SUPPORTED IT, THEN IT IS A
NONISSUE.

>> YOUR HONOR IN THE FINDINGS OF
FACT FROM THE HEARING PANEL, ON
PAGE 13, THE HEARING PANEL FOUND
THAT JUDGE TURNER REPORTED TO
THE DEPARTMENT OF ELECTIONS A,
QUOTE, LOAN FROM HIS MOTHER TO
HIMSELF, PERSONALLY AND LOANS
FROM HIMSELF TO HIS CAMPAIGN,
AND CITES HEARING PANEL EXHIBIT
3.

AND I DO NOT KNOW THE DATE OF
HEARING PANEL EXHIBIT 3.

I DO NOT BELIEVE IT IS A FORM 6,
HOWEVER.

AT THE BOTTOM OF THE PAGE, AND
REPEATEDLY, IN JUDGE TURNER'S

OWN TESTIMONY, AT THE BOTTOM OF
THE PAGE, THE HEARING PANEL
FOUND THAT HE DID NOT REPORT ON
HIS FORM 6 FOR 2009 AND 2010,
THIS LOAN OR LIABILITY.

>> BUT IF IT WAS REPORTED IN
SOME OFFICIAL FORM, ISN'T THAT,
THEN, EVIDENCE THAT HE WASN'T
TRYING TO CONCEAL IT AND,
DOESN'T THAT MITIGATE THE
SIGNIFICANCE OF THE VIOLATION.

>> THE HEARING PANEL REJECTED
THAT ARGUMENT, YOUR HONOR,
BECAUSE THEY FOUND IT WAS NOT
THE... [INAUDIBLE] TEST TEST
TEST, WHO WAS SUCH A... WAS SO
PERSISTENT ABOUT EXACTNESS AND
CORRECTNESS WITH JUDICIAL
ASSISTANCE AND OTHER AFFAIRS AND
HAD AN ADVANCED DEGREE IN
TAXATION, WOULD NOT KNOW TO
INCLUDE IT ON HIS FORM 6, AND
WOULD --

>> FORM 6 IS, WHAT, AFTER HE'S
ELECTED?

FOR 2009 AND 2010...

>> DURING THE ELECTION, ONE OF THE REASONS I ALWAYS THINK THAT IT IS A -- SOMETHING THAT THE ELECTION -- YOU WANT TO KNOW IS BECAUSE THE OPPONENTS WANT TO UNDERSTAND IF SOMEBODY HAD MONEY, THEY ARE LOANING IT FROM THEMSELVES OR ACCEPTING A LOAN, ALL THOSE DURING THE ELECTION, HE DID EVERYTHING PROPERLY.

>> NO, YOUR HONOR AND I THINK THE TESTIMONY OF JUDGE TURNER HIMSELF REFLECTED NUMEROUS ERRORS AND OMISSIONS IN HIS VARIOUS FILINGS THROUGHOUT THE TIME.

BOTH PRECEDING AND AFTER THE ELECTION.

AND, IN FACT, IT WAS A GRAVE CONCERN TO THE HEARING PANEL, BECAUSE THEY DID NOT UNDERSTAND WHY HE NEVER WENT BACK AND CORRECTED THAT AND WHY THERE WERE OTHER INCONSISTENCIES IN

BETWEEN, ONE YEAR TO THE NEXT ON
THE FORMS, THAT WERE TROUBLING
TO THE COMMISSION.

OR TO THE PANEL.

OF COURSE, YOU ALSO HAVE THE
PROBLEM THAT EVEN IF IT IS
DISCLOSED WITHIN A VIOLATION OF
THE LIMIT, AND, THAT BECOMES AN
ISSUE, AS WELL.

>> BUT IN TRYING THIS -- YOU
KNOW, WE HAVE A RANGE OF THESE
CASES, WHERE PEOPLE TAKE LOANS,
THEIR BOYFRIENDS OR DIFFERENT
PEOPLE, AND, I DON'T KNOW IF IN
EACH SITUATION SOMEBODY IS --
THE LAW IS MORE CONFUSING THAN
IT NEEDS TO BE OR WE'RE NOT
DOING A GOOD ENOUGH JOB OF
EXPLAINING IT.

IF IT IS STANDING ALONE, WOULD
THAT... WHAT HE DID WITH
REFERENCE TO HIS LOAN FROM HIS
MOTHER, WOULD THAT WARRANT HIS
REMOVAL FROM THE BENCH?

>> YOUR HONOR, THE EXISTING CASE

LAW FROM THIS COURT, I'M UNAWARE
OF A CASE IN WHICH A SINGLE
VIOLATION RELATED TO A LOAN THAT
HAD BEEN REPORTED ON ONE FORM
BUT NOT CORRECTLY REPORTED
THEREAFTER WOULD CONSTITUTE
GROUNDS FOR REMOVAL BUT,
RESPECTFULLY, THE COURT DID NOT
REACH THAT ISSUE, BECAUSE THERE
WERE SO MANY VIOLATIONS...
>> GIVE US, IN TERMS OF THE --
WE'VE GOT AN ADVOCATE FOR JUDGE
TURNER, WHO IS SAYING, LISTEN,
THIS GUY, THIS JUDGE PERFORMED
WONDERFULLY ON THE BENCH, THAT
THERE IS -- I'M NOT SURE WE'RE
TALKING ABOUT A LOT OF YEARS
HERE SINCE HE WAS ELECTED -- AND
DOESN'T HAVE ANY OF THESE
VIOLATIONS RELATING TO ANYTHING
HE DID ON THE BENCH.
AND I KNOW WE HAVE REMOVED
JUDGES EVEN IF IT HASN'T RELATED
TO THEIR CONDUCT ON THE BENCH.
GIVE US WHAT THE JQC GOES FROM,

WHAT, THE WORST THING FOR THE PUBLIC, BECAUSE THE PUBLIC IS HEARING THIS, WHAT IS THE WORST THING AND THE COMBINATION OF EVERYTHING, AND LET'S START WITH WHAT YOU FIND AND WHAT THE JQC FOUND TO BE THE MOST SIGNIFICANT VIOLATION.

THEY ARE ALL SIGNIFICANT, BUT...

YOU UNDERSTAND?

>> I THINK I UNDERSTAND THE QUESTION, YOUR HONOR AND IF I DON'T ANSWER IT, PLEASE, TELL ME.

BUT THE COMMON THREAD IN THE REMOVAL CASES IS THE PUBLIC'S PERCEPTION AND THE SENSE THAT THE JUDGE LACKS THE ABILITY TO MAINTAIN THE PUBLIC CONFIDENCE AND TO... TREMENDOUS DUTIES AND RESPONSIBILITIES AND FULFILL THE PUBLIC TRUST IN THE POSITION.

IN THIS CASE, ME, PERSONALLY, AND I BELIEVE TO THE JUDICIAL QUALIFICATIONS COMMISSION, THE

MOST TROUBLING ALLEGATIONS WERE ABOUT MS. SHELBY AND THAT OCCURRED AFTER HIS... TO THE BENCH.

THAT CONDUCT WAS, PERHAPS, IN THE VERNACULAR, CREEPY.

IT WAS VERY HARD TO UNDERSTAND, HIS INTEREST IN HER 12-YEAR-OLD SON, WHICH MS. SHELBY CLEARLY FOUND TO BE VERY UPSETTING, AND DISTRESSING.

IT WAS VERY DIFFICULT TO ACCEPT THE EXPLANATION FOR THIS BEHAVIOR, FROM A MAN WHO IS A PROFESSED EXPERT IN PLAINTIFF'S LAW, AND, HE DIDN'T CROSS THE BOUNDARY AND SHE MIGHT BE AFRAID OF LOSING HER JOB AND THE INTRUSIVE NATURE OF THAT CONDUCT WAS EXTREME.

IT WAS PERVASIVE AND...

>> WHAT PERIOD OF TIME ARE WE TALKING ABOUT, THAT THIS INTRUSION IN MS. SHELBY'S LIFE, TOOK PLACE.

>> ABOUT A YEAR, YOUR HONOR.

FROM WHEN HE --

>> WHEN DID HE ASSUME HIS

POSITION AS A JUDGE.

>> I BELIEVE IT WOULD HAVE BEEN

JANUARY THE YEAR THAT PRECEDED

THIS MARCH, STEPPING OFF OF THE

BENCH.

BEING REMOVED, I USED THAT WORD

INCORRECT, BUT TAKEN TO THE NEXT

STATUS.

>> SO, THE CHIEF JUDGE REMOVED

HIM FROM ACTIVE STATUS, BASED ON

THE CONDUCT REGARDING

MS. SHELBY.

>> I BELIEVE BECAUSE OF THIS

PROCEEDING, YOUR HONOR.

>> THAT DOESN'T USUALLY HAPPEN,

THAT IS AN UNUSUAL SITUATION

FOR, USUALLY, THEY REMAIN ON THE

BENCH.

... DIDN'T REMOVE HIM, BUT IT

WASN'T A VOLUNTARY SITUATION.

BUT, I MAY --

>> NOT TO MY KNOWLEDGE, NO.

>> REALLY, WHAT WE'RE TALKING ABOUT IS HE ONLY SERVED AS A JUDGE OR A YEAR.

>> I BELIEVE 13, 14 MONTHS.

>> AND ALL THAT TIME HE WAS HARASSING MS. SHELBY ALMOST THE ENTIRE TIME.

>> HER TESTIMONY WAS IT BEGAN A FEW WEEKS OR COUPLE MONTHS INTO HIS TERM, SO I'M SAYING ABOUT A YEAR AND DURING...

>> AND DURING THE TIME HE ALSO SUCCEEDED IN PRACTICING LAW FOR HIS MOTHER.

>> THIS IS THE OTHER PROBLEM. YOU HAVE TWO SETS OF FACTS PRECEDING JUDGE TURNER WINNING THE ELECTION AND TAKING THE BENCH, CAMPAIGN FINANCING AND SOLICITATION OF FUNDS AND THE SETS OF FACTS THAT WERE VIOLATIONS, THAT CAME AFTER HE TOOK THE BENCH, AND, ONE WAS MS. SHELBY AND THE SECOND ONE IS ACTING AS A LAWYER, REPRESENTING

HIS MOTHER IN THE MORTGAGE
FORECLOSURE AND PRECEDING THE
MORTGAGE FORECLOSURE AND THIS IS
WHERE WE ARE GETTING BACK TO THE
ULTIMATE QUESTION, ABOUT
REMOVAL.

THIS IS WHERE THE PROBLEM LIES.

YOU DON'T HAVE AN ISOLATED,
OOPS, I FORGOT TO REPORT THAT OR
REPORTED THAT INCORRECTLY ON MY
FORM 6.

YOU HAVE, I DID NOT COMPLY WITH
THE CAMPAIGN FINANCE
REQUIREMENTS, REPORTING
REQUIREMENTS OR, MORE
IMPORTANTLY, THE LAW ON CAMPAIGN
FINANCING, I DIRECTLY SOLICITED
FUNDS, EVEN THOUGH I KNEW I WAS
NOT PERMITTED TO DO THAT AND I
TINKERED WITH THE LANGUAGE OF
THE E-MAIL TRYING TO MAKE IT
BETTER BUT I STILL SENT IT AND
NOW, I'M ON THE BENCH AND
ENCROACHING ON THIS WOMAN'S LIFE
IN A WAY THAT ANY OBJECTIVE

PERSON WOULD RECOGNIZE WAS
INAPPROPRIATE FROM A SUPERIOR TO
AN INFERIOR EMPLOYEE.

>>... [INAUDIBLE] WHICH IS
TROUBLING TO ME, THE INCIDENT
WITH MS. SHELBY, DOES SHE REPORT
THIS TO ANYONE OR, WHAT -- I
MEAN, SO THE WHOLE -- A WHOLE
YEAR WENT BY, OR APPROXIMATELY A
YEAR, AND, THINGS WERE GOING ON,
AND, SHE WAS SAYING NOTHING TO
NO ONE?

>> SHE TALKED TO A CONFIDANT AT
THE COURTHOUSE, THE NAME ESCAPES
ME, I BELIEVE HE WAS A JUDICIAL
ASSISTANT, OR PERHAPS ANOTHER
CLERK.

THAT SHE TALKED ABOUT HOW SHE
FELT UNEASY, AFTER THE INCIDENT
IN THE GYM SHORTS, THIS WAS A
WOMAN SHE WENT TO AND SAID, YOU
KNOW, I'M UNCOMFORTABLE, AND --
BUT, ESSENTIALLY, SHE DID NOT
REPORT IT UP, IF YOU WILL AND
DID NOT, APPARENTLY, SEEK ANY

HELP FOR IT, IN THE BEGINNING,
OF COURSE, IT WAS SOMETHING.
THEY HAD TO REMOVE MS. SHELBY
AND CHANGE HER PHONE NUMBER.
SHE HAD TO HIDE FROM JUDGE
TURNER, THE TESTIMONY WAS WHEN
HE'D COME TO WORK, SHE'D HIDE IN
A SHELF OF A FILING CABINET AND
HE'D LOOK FOR HER, SOMEONE
DESCRIBED THAT AS HUNTING FOR
HER AND THE FINAL OCCASION, IN
MARCH, JUDGE PERRY, THE CHIEF
JUDGE OF THE COURT HAD TO CALL
JUDGE TURNER ON THE CELL PHONE
AND SAY, STOP LOOKING FOR
MS. SHELBY.

IT IS GETTING YOU INTO MORE
TROUBLE WITH THE JQC.

IT WAS NOT UNKNOWN TO THE PEOPLE
AT THE COURTHOUSE.

AND IS CERTAINLY NOT THE IMAGE
OF THE JUDGE THE STATE OF
FLORIDA --

>> DID THE JQC HEAR ALSO THE...
CONSTITUTIONALITY OF CANON,

APPLIED IN THIS SITUATION, WE
HAVE SOMETHING WHERE THE JUDGE
IN THE E-MAIL SAYS, IF YOU WOULD
CONSIDER MAKING A CONTRIBUTION
TO MY CAMPAIGN, TO HELP
COMMUNICATE MY MESSAGE, LET ME
KNOW AND I'LL HAVE SOMEONE FROM
MY CAMPAIGN FINANCE COMMITTEE
CONTACT YOU.

HE HAS SAID, IF YOU... I HAVE A
CAMPAIGN, SAID EVERYTHING ELSE
BUT I HAVE A CAMPAIGN COMMITTEE
AND THEY WILL BE CONTACTING YOU,
IT WOULD BE OKAY.

UNDER 7C, BUT BECAUSE HE SAID
THAT HE'D CONSIDER MAKING A
CONTRIBUTION, THAT THAT IS A
VIOLATION IN IN OTHER WORDS, I
THINK OF THIS ONE, THIS IS, YOU
KNOW, I THINK THERE ARE SOME
PROBLEMS WITH 7C.

CERTAINLY, THE 11th CIRCUIT
SCHEDULED IT WAS
UNCONSTITUTIONAL AS REGARDS TO
GEORGIA LAW.

AND YOU KNOW, HE'S NOT A SITTING
JUDGE, WRITING A MASS E-MAIL,
AND, YOU KNOW THAT WHAT
HAPPENED, ESPECIALLY IN THE
LOCAL ELECTIONS, THE JUDGES GO
TO CAMPAIGN EVENTS, AND SOMEONE
RAISES MONEY FOR THEM AND AFTER
THE FACTS THEY ARE THANKING
EVERYBODY WHO RAISED THE MONEY
AND SO IT IS A BIT OF A...
PRACTICED IN A WAY THAT SEEMS
LIKE IT IS DOESN'T FILL ANY
MEANINGFUL PURPOSE TO BEGIN
WITH, YOU KNOW, NOTHING NARROWLY
TAILORED IS MY CONCERN.
AND ALSO IN THIS SITUATION IT IS
REALLY IS A QUESTION OF A COUPLE
OF WORDS, BEING A LITTLE BIT
DIFFERENT.
IT -- HE'S NOT -- HE'S NOT ON
THE BENCH CALLING LAWYERS AND
SAYING PLEASE CONTRIBUTE TO MY
CAMPAIGN.
WHICH IS THE REAL PROBLEM,
SENDING LETTERS TO PEOPLE

APPEARING IN FRONT OF HIM AND
SAYING, YOU KNOW, CONTRIBUTE.
HE'S SENDING OUT AN E-MAIL AND
TELLING PEOPLE, CALL MY CAMPAIGN
COMMITTEE.

HELP ME, FIRST OF ALL, WITH
WHAT, YOU KNOW, IS SO BAD ABOUT
WHAT HE DID AND, HOW IS THAT, IF
WE -- IS THAT A NARROWLY
TAILORED CANON, IF IT APPLIES TO
SOMETHING LIKE THIS?

>> THE PROBLEM IS, THE JUDICIAL
CANDIDATES CAN NOT DIRECTLY SAY
PLEASE GIVE ME MONEY AND SUPPORT
MY CAMPAIGN.

THAT IS WHY YOU NEED A CAMPAIGN
COMMITTEE AND THEY GO RAISE THE
MONEY FOR YOU, BECAUSE FLORIDA
HAS A COMPELLING STATE INTEREST
IN PROTECTING THE INTEGRITY...

>> I UNDERSTAND THAT.

AGAIN, WITH A FACE-TO-FACE
SOLICITATION, OF LAWYERS WHO ARE
LIKELY TO APPEAR IN FRONT OF
YOU, SORT OF LIKE, I CAN'T SAY

NO, ON THE OTHER HAND, THE
CAMPAIGN COMMITTEE CONSISTING OF
LAWYERS, COULD APPEAR IN FRONT
OF YOU, GO AND SOLICIT THE EXACT
SAME LAWYERS AND YOU, THE JUDGE,
KNOW EXACTLY WHO HAS CONTRIBUTED
TO YOU.

SO IT SEEMS SOMEWHAT MEANINGLESS
AND IT IS -- YOU KNOW, I'M NOT
SO CONCERNED ABOUT THE FIRST
AMENDMENT ISSUE AS I AM, HOW
DOES IT REALLY HELP MAINTAIN THE
INTEGRITY OF JUDICIAL ELECTIONS,
AND THE JUDICIARY.

>> I THINK THAT... AS LONG AS WE
ARE GOING TO ELECT JUDGES WE ARE
GOING TO HAVE FUND-RAISING AND
IT HAS TO BE DONE IN SOME MANNER
AND, SO, THIS IS JUST...

[INAUDIBLE] SET TOWNSHIP TRY TO
HAVE SOME INSULATION BETWEEN THE
DIRECT ACT BY THE JUDGE, AND THE
DIRECT RESPONSE BY THE ATTORNEY.

>> I GUESS YOUR ARGUMENT REALLY
IS THAT A PERSON IS MORE LIKELY

TO GIVE IF THE JUDGE OR EVEN THE
POTENTIAL JUDGE, AS THE ONE WHO
IS PERSONALLY SOLICITING EVEN
THOUGH THE JUDGE KNOWS THAT
SOMEONE ELSE MAY BE SOLICITING,
THAT WHEN THE JUDGE, HE HIMSELF
OR HERSELF, ACTUALLY DOES IT
THAT THAT IS THE REAL
DIFFERENCE.

>> YOUR HONOR, YES.

THAT IS PART OF THE DIFFERENCE
AND THE OTHER PART IS THE
APPEARANCE OF A QUID PRO QUO.

THE PROBLEM WITH THIS...

[INAUDIBLE] I AM THE JUDGE AND I
ASK YOU FOR MONEY AND, YOU GIVE
ME MONEY, FOR MY CAMPAIGN, THAT
MAY BE THE NEXT TIME WHEN I RULE
IN YOUR FAVOR I DID IT BECAUSE I
REMEMBER THAT YOU ANSWERED BY
DIRECT REQUEST AND --

>> BUT, AGAIN.

YOU KNOW, WE'RE NOT NAIVE.

I SET UP MY -- THE PERSON WHO IS
MY BEST FRIEND IN THE CIRCUIT,

WHO IS ACTUALLY RECUSED ON MY
CASES, AND THAT PERSON IS MY
RIGHT HAND PERSON AND THAT
PERSON GOES AND SAYS JUDGE
PARIENTE IS UP AGAIN FOR
ELECTION AND WE NEED TO UP AGAIN
WITH... [INAUDIBLE] AND I
UNDERSTAND, MIAMI-DADE, EVERYONE
CONTRIBUTES AND IT IS NOT --
WHAT I AM SAYING ABOUT IT HERE,
IT IS NOT THAT HE PERSONALLY
SOLICITED, FACE-TO-FACE.
HE SAID IF YOU CONSIDER MAKING
THE CONTRIBUTION, TO HELP ME,
PLEASE LET ME KNOW.
THAT IS WHAT AND I'LL HAVE
SOMEONE FROM MY CAMPAIGN FINANCE
COMMITTEE CONNECT TO YOU.
AND, IF HE SAYS I'M RUNNING AND
SOMEONE FROM THE CAMPAIGN
FINANCE COMMITTEE WOULD GET IN
TOUCH WITH YOU...
>> THE PROBLEM WITH THE E-MAIL
IS EXACTLY HE WAS SAYING PLEASE,
LET ME KNOW.

>> IF HE DIDN'T SAY THAT, THEN

THERE WOULDN'T BE --

>> FRANKLY I'M NOT PREPARED TO

CONCEDE THAT ON BEHALF OF THE

JQC BECAUSE I DON'T KNOW.

I HAVEN'T SEEN THAT CASE YET.

AND I THINK THE JUDGES ARE NOT

SUPPOSED TO ASK DIRECTLY FOR

SUPPORT IN ANY REGARDS.

FOR INNINGS SUPPORT, THEY CAN GO

TO THE EVENTS, THEY CAN HAVE

THEIR COMMITTEE DO IT AND I KNOW

THERE IS ARTIFICIALTY THERE

BUT...

>> WOULDN'T YOU CONCEDE THAT THE

BROAD POSITION ON SOLICITATION

THAT WE HAVE ADOPTED IS

INCONSISTENT WITH THOUGH VIEW OF

THE MAJORITY OF THE FEDERAL

COURT, FOR THEM TO CONSIDER THE

CONSTITUTIONALITY.

>> NO, YOUR HONOR, I WOULDN'T

CONCEDE THAT, BECAUSE YOU HAVE

THE -- YOU HAVE HEARD THE CASES

WE CITE IN THE BRIEF FROM THE

7TH CIRCUIT THAT UPHELD A VERY
SIMILAR CANON TO OURS.
YOU HAVE THE 8TH CIRCUIT WHERE
THEY RULED AGAINST US, BUT, THAT
PANEL DECISION WAS UP FOR EN
BLANC REVIEW AND... WE DON'T
KNOW WHERE THE 8TH CIRCUIT
STANDS.

>> THE 11th CIRCUIT RULED IT
UNCONSTITUTIONAL AND THE 6TH
CIRCUIT --

>> AGREED, AGREED.

AND WE'RE MAYBE GOING TO BE
EVEN.

BECAUSE I SUSPECT THE 8TH WILL
COME OUT IN OUR FAVOR -- MAYBE
I'M AN OPTIMIST.

BUT, THE 11th CIRCUIT,
RESPECTFULLY, THE WEAVER OPINION

--

[INAUDIBLE].

>> AND IT IS OUR CANON AND WE
CAN LOOK AT... OF THE 50 STATES,
THAT -- I GUESS ALL OF THEM HAVE
SOME FORM OF A CANON LIKE THIS,

IS THERE -- AND MAYBE THIS IS
NOT THE TIME TO DO IT.
IT SEEMS THAT THERE IS A
DIFFERENCE BETWEEN THE
FACE-TO-FACE SOLICITATION, OF
THE SITTING JUDGE, OF A --
CANDIDATE FOR MONEY, VERSUS A
GENERAL CAMPAIGN LETTER SAYING,
I'M UP, I NEED MONEY AND, PEOPLE
FROM MY CAMPAIGN COMMITTEE WILL
BE CONTACTING ME.
AS THEY GENERAL WAY TO KNOW THAT
THE JUDGE IS NEEDING THE MONEY.
>> THERE HAS BEEN DISCUSSION IN
THE CASE, OF THE DISTINCTION
BETWEEN SOLICITATIONS IN E-MAIL,
MORE PERSONAL THAN A MASS
MAILING BUT LESS PERSONAL THAN
FACE-TO-FACE AND MASS MAILING
AND CERTAINLY THIS COURT HAS THE
POWER TO REVIEW THE CANON AND
CHANGE IT.
BUT, WE PRESENT THAT AS IT
STANDS NOW, IT IS
CONSTITUTIONAL.

>> IS THIS CONSISTENT WITH THE
ABA MODEL CANON OR IS IT
HARSHER?

>> IT IS.

I WAS VERIFYING, IT IS
CONSISTENT WITH THE ABA MODEL
CANON.

AND, RESPECTFULLY, YOU KNOW, THE
WEAVER DECISION WAS ISSUED SIX
YEARS BEFORE... OUR CANONS WERE
AMENDED, SIX YEARS AFTER WEAVER
AND, THIS CANON DIDN'T GET
CHANGED THEN.

AND, THE WEAVER CASE WAS ISSUED
BASED ON THE WHITE DECISION OUT
OF THE U.S. SUPREME COURT BUT
NOW THE U.S. SUPREME COURT HAS
GIVEN US... WHERE THEY'VE SAID,
THE PUBLIC HAS A COMPELLING
INTEREST IN THE INTEGRITY OF...

[INAUDIBLE] AND JUDICIAL
ELECTIONS ARE NOT THE SAME AS...
[INAUDIBLE].

>> IT SAYS HERE THAT ALL OF THAT
MONEY -- THAT WANT ABOUT

SOLICITATION.

THAT WAS INDEPENDENT... AND
SEPARATE ORGANIZATIONS SENDING
THE MONEY AND THAT WASN'T
AFFECTED AT ALL BY THIS SORT OF

--

>> CERTAINLY NOT.

[INAUDIBLE] DISPOSITIVE --

>> IN FACT, IT MAKES -- REALLY,
WE HAVE A MOCKERY, POTENTIALLY
OF JUDICIAL ELECTIONS WITH
INDEPENDENT EXPENDITURES FROM
OTHER GROUPS TO OVERSHADOW AND
RAISE MILLIONS OF DOLLARS AND
WE'RE TELLING OUR OWN JUDGES
THEY CAN'T DO SOMETHING TO KEEP
THEIR -- THEY HAVE TO GO THROUGH
THE ARTIFICIAL CAMPAIGN
COMMITTEE.

I'M NOT SURE THAT THAT IS
CONSISTENT WITH WHERE THE U.S.
SUPREME COURT IS GOING, FOR
SURE.

>> NOW YOU HAVE GOTTEN INTO THE
INDEPENDENT CORPORATE FUNDED

DONATIONS CASES.

BUT, THE STATEMENT, CAPER UNTIL
NOW SUPPORTED OUR POSITION ABOUT
THE IMPORTANCE OF JUDICIAL
ELECTION INTEGRITY AND THE
PERCEPTION OF THE PUBLIC, AND,
TO MOVE IT BACK HERE, THAT IS
ONE OF THE KEY PROBLEMS, REMOVAL
IS REQUIRED, BECAUSE, THERE IS
NO DOUBT THAT WITH FOUR SEPARATE
FACTUAL SITUATIONS GIVING RISE
TO MULTIPLE CANON VIOLATIONS
THAT THE PUBLIC PERCEPTION
REQUIRES REMOVAL.

THIS COURT'S OWN PRECEDENT...

>> YOU ARE A MINUTE OVER.

YOU NEED TO --

>> I'M SORRY, YOUR HONOR, I'LL

CONCLUDE.

>> THANK YOU.

>> THAT YOU SAY.

>> BRIEFLY, I WOULD LIKE TO

TOUCH UPON THE ISSUE THAT WE

LEFT OFF WITH WITH OPPOSING

COUNSEL AND DISCUSSING CANON 7C,

AND, WEAVER VERSUS BONNER WE
ARGUE IS CONTROLLING --
>> BUT IN THIS SITUATION, HE
KNOWS THE CANON EXISTS AND
DOESN'T HAVE A DECLARATORY
JUDGMENT ACTION TO DECLARE THE
CANON UNCONSTITUTIONAL AND IN
FACT WORKS ON THE E-MAIL AND
THERE IS NO QUESTION THAT THE
E-MAIL IS A VIOLATION OF 7C AS
IT STAND AND HERE'S A JUDGE,
TAKING THE LAW OR ABOUT TO BE
JUDGE INTO HIS OWN HANDS,
SAYING, WELL, I KNOW IT EXISTS
BUT I'M STILL GOING TO -- I'M
STILL DOING IT.
I'M STILL GOING TO... AND, IT
FOLLOWS WITH THE WHOLE THEME OF,
AND I'M STILL GOING TO PRACTICE
LAW EVEN THOUGH THE CANON TELLS
ME NOT TO PRACTICE LAW AND THEN
THE SITUATION FOR YOU TO TELL US
THAT HE HAS NOT HAD ANY ISSUES
WHEN HE WAS A JUDGE, WHEN HE WAS
A JUDGE 13 MONTHS AND MOST OF

THE TIME IS HARASSING A
COURTHOUSE EMPLOYEE THAT PUT THE
WHOLE 9TH CIRCUIT INTO A TIZZY
OVER IT, REALLY, DOESN'T GIVE
THE CORRECT PICTURE OF WHAT WAS
GOING ON WITH JUDGE TURNER.

>> QUICKLY, JUSTICE PARIENTE, HE
ACKNOWLEDGED THAT HE VIOLATED
7C1 AND HAD AN EXPERIENCED
CAMPAIGN CONSULTANT WHO
INITIALLY STARTED THIS ONE AND
DID TONE IT DOWN, BUT, AT LEAST
WE KNOW THAT, BASED UPON THE
CURRENT LANGUAGE OF 7C1 AND
BASED UPON THE JUDGE'S
ADMISSION, EARLY ADMISSION, THAT
HE VIOLATED THE CANON, I THINK
IT IS IMPORTANT FOR THE COURT TO
UNDERSTAND THE UNDERLYING FACTS
BEHIND THE CONDUCT ALLEGED
AGAINST MS. SHELBY.

FIRST OF ALL, THE TESTIMONY IN
THE CASE IS NOT THAT HE HAD AN
INTEREST IN MS. SHELBY.

HER OWN TESTIMONY STATES THAT HE

HAD NO SEXUAL OR ROMANTIC
INTEREST IN HER WHATSOEVER AND
JUDGE TURNER IS A CANCER
SURVIVOR...

>> THE IDEA, SERIOUSLY, A YOUNG
WOMAN HAVING TO HIDE FROM A
SITTING JUDGE, AND EVERYBODY IN
THE COURTHOUSE KNOWS ABOUT THE
MOCKERY AND, TAKES THE CHIEF
JUDGE TO FINALLY SAY, LOOK, YOU
HAVE TO STOP IT!

IT IS INAPPROPRIATE.

AND HE CONTINUES AND...

[INAUDIBLE] REMOVING HIM.

HOW DO YOU PUT A JUDGE LIKE
THAT, BACK ON THE BENCH WHEN THE
CREDIBILITY WITHIN THE 9TH
CIRCUIT HAS... [INAUDIBLE] DO WE
CONSIDER THAT AT ALL?

IS THAT SOMETHING WE SHOULD LOOK
AT, PERVASIVE AND KNOWN ABOUT
EMPLOYEES TO THE COURTHOUSE.

>> JUSTICE PARIENTE, JUDGE
TURNER DID NOT KNOW ABOUT IT.
HE DID NOT KNOW -- MS. SHELBY'S

OWN TESTIMONY STATES THAT HE DID NOT KNOW ABOUT IT.

IT WASN'T UNTIL MARCH OF 2010 WHEN HE WAS REMOVED THAT CHIEF JUDGE PERRY CAME TO HIM AND TOLD HIM WHAT WAS HAPPENING AND, AS SOON AS IT HAPPENED THE TESTIMONY SUPPORTS IN THE JQC CONTESTED HEARING, HE HAD NO FURTHER CONTACT WITH MS. SHELBY. AND, HER SON...

>> HE WAS REMOVED.

HE WAS REMOVED.

I THINK AT THAT POINT, EVEN A PATHOLOGICAL SERIAL PSYCHOTIC CRIMINAL WOULD KNOW THEY BETTER STOP THEIR ACTIVITY.

I MEAN...

>> IF PEOPLE KNEW ABOUT IT, NOBODY TOLD HIM AND HE DOES HAVE -- DID HAVE BOUNDARY ISSUES, THAT HE SOUGHT TO ADDRESS BUT THERE WAS AN INTEREST IN THE SON WHO, JUDGE TURNER IS A SURVIVOR OF PROSTATE CANCER.

MS. SHELBY'S SON, CHRISTIAN, WAS
GOING THROUGH NOT JUST
NONHODGKIN'S LYMPHOMA BUT A
REMISSION INTO IT AND IT SPURRED
THE JUDGE'S INTEREST AND HE HAD
ALREADY BEEN QUALIFIED AS A
HOSPICE VOLUNTEER AND CAN WE SAY
MAYBE HE OVERSTEPPED AND PERHAPS
HE DID BUT SHE NEVER TOLD HIM
THAT.

NOBODY TOLD HIM THAT.

IN FACT WHAT WE HAVE IN THE JQC
TESTIMONY WHICH I URGE THE COURT
TO REVIEW, TO DETERMINE WHETHER
OR NOT THERE IS CLEAR AND
CONVINCING EVIDENCE, ESPECIALLY,
SUFFICIENT TO REMOVE THE JUDGE
FROM OFFICE, THERE IS NOBODY IN
THE COURTHOUSE, WHATSOEVER,
WHETHER IT WAS MS. SHELBY, THE
CLERK OR A FRIEND OF HERS, JUDGE
MARGARET WALLER WHO ACCORDING TO
MS. SHELBY'S TESTIMONY,
SUPPOSEDLY KNEW ABOUT THIS AT
THE END OF '09, NOBODY WENT TO

THE JUDGE AND SAID, THERE MAY BE
A PROBLEM HERE, STAY AWAY FROM
HER AND THE JUDGE FOUND OUT
ABOUT IT IN MARCH OF 2010, WHEN
JUDGE PERRY TOLD HIM ABOUT IT.

AND, IT WASN'T THAT HE WAS
STALKING, CONTRARY TO WHAT THE
JQC PUT INTO THE BRIEF.

IT IS NOT A STALKING ISSUE.

IT IS SOMEBODY PERHAPS
OVERSTEPPING THE...

>> WHY WAS SHE HIDING.

YOU ARE ATTEMPTING TO MAKE IT
SOUND LIKE IT WAS AN ORDINARY
THING BUT FOR SOMEONE TO FEEL SO
COMPELLED TO HIDE, FROM A JUDGE,
WHO IS LOOKING FOR THEM, THAT TO
ME IS THAT THE AN ORDINARY
INTEREST IN SOMEONE.

>> JUDGE TURNER'S ACTIONS WERE
UNKNOWING, HE WAS NOT ATTEMPTING
TO SEEK HER OUT FOR ANY ILL
REFUTE PURPOSE...

>> DOESN'T MATTER WHY.

IF HE IS CONSTANTLY DOING IT

AND, SHE'S HAVING TO HIDE...

>> ACCORDING TO THE TESTIMONY OF
BARBARA MARA HE HAD BOUNDARY
ISSUES THAT HE, SOON AS JUDGE
PERRY BROUGHT IT TO HIS
ATTENTION, SAW THE DOCTOR AND
SAW THE FOLLOW-UP
PSYCHOTHERAPIST.

>> HAD THIS TYPE OF CONDUCT
HAPPENED BEFORE?
IF HE HAS BOUNDARY ISSUES.

>> NO.

NO.

IT NEVER WAS BROUGHT TO THE
JUDGE'S ATTENTION THAT HE HAD
BOUNDARY ISSUES.

AS SOON AS IT WAS BROUGHT TO HIS
ATTENTION, THEN HE SAID, OKAY.

I HAVE TO SEE THE DOCTOR AND
UPON THE DOCTOR'S REFERRAL TO
THE OTHER PSYCHOTHERAPIST HE
CONTINUED THAT COUNSELING.
THROUGH THE PENDENCY OF THE CASE
AND WE KNOW --

>> YOU ARE NOW A WELL MINUTE,

MORE THAN A MINUTE OVER BUT
FINISH UP, 15 SECONDS, IF YOU
WOULD.

>> THANK YOU.

WHAT THIS REFLECTS IS WE SEE A
JUDGE WHO MADE A MISTAKE AND
ACKNOWLEDGED THOSE MISTAKES AN
SOUGHT REHABILITATION WITH
REGARD TO HIS BOUNDARY ISSUES
AND DID IT REQUIRE REMOVAL FROM
OFFICE WHEN HE SHOWED NO CORRUPT
OR ILL MOTIVE AND NOTHING THAT
IMPRESSES UPON HIS ACTUAL
CONDUCT AND ABILITY TO SERVE ON
THE BENCH THEN IT REQUIRES AND
WE BELIEVE, ARGUE THE COURT
SHOULD... FROM THE
RECOMMENDATION OF REMOVAL AND
INSTEAD IMPOSE A PUBLIC
REPRIMAND UPON JUDGE TURNER.

>> THANK YOU AND THANK YOU FOR
YOUR ARGUMENTS.