

>> SUPREME COURT OF FLORIDA IS NOW IN SESSION.
INVITATION SHALL BE HEARD.
GOD SAVE THESE UNITED STATES,
GREAT STATE OF FLORIDA AND THIS HONORABLE COURT.
>> LADIES AND GENTLEMEN, SUPREME COURT OF FLORIDA, PLEASE PROCEED.
>> WELCOME TO THE FLORIDA SUPREME COURT.
JUDGE DECKER, YOUR APPEARANCE MARKS A SAD OCCASION FOR YOU, FOR US, SADDEST OF ALL FOR THE PUBLIC WE SERVE LOSE THE EFFECTIVENESS OF OUR JUDICIARY ULTIMATELY RESTS ON THE TRUST AND CONFIDENCE PUT IN JUDGES BY THE PEOPLE.
YOU ARE HERE AS A RESULT OF AN ETHICAL FAILURE THAT HAS DAMAGED THE PUBLIC'S TRUST AND CONFIDENCE IN THE JUDICIARY.
NO ONE CAN UNDO WHAT YOU HAVE DONE, WE HAVE COMMANDED YOU TO APPEAR BEFORE US TO BE PUBLICLY RECOMMENDED ON LIVE TELEVISION BROADCAST THROUGHOUT THE STATE. THIS IS NOT A TASK THAT I ENJOY. INDEED, I HATE IT.
BUT CERTAINLY ONE THAT WE AS A COURT REGARD AS VITALLY NECESSARY.
IT IS ONE WAY WE CAN AT LEAST ASSURE THE PUBLIC THAT WE TAKE MATTERS OF ETHICAL BREACHES VERY VERY SERIOUSLY AND WE WILL NOT HESITATE TO PUNISH JUDGES SUCH AS YOU IN A MOST PUBLIC WAY BECAUSE OF ACTIONS SUCH AS YOURS.
YOU HAVE BEEN FOUND GUILTY OF VIOLATING CANON 7 OF THE CODE OF JUDICIAL CONDUCT AND VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT FOR ATTORNEYS AND STATE ELECTION LAWS.
THE FIRST PART OF THE CHARGES ARISE FROM YOUR CONDUCT AND THE CONDUCT OF YOUR CAMPAIGN DURING

THE TIME YOU WERE A CANDIDATE FOR CIRCUIT JUDGESHIP. IN A PARTIALLY -- YOU VIOLATED FLORIDA RULES OF PROFESSIONAL CONDUCT WHILE ACTING AS A LAWYER IN A MANNER THAT WAS PREJUDICIAL TO THE ADMINISTRATION ADJUSTERS AND WAS DISHONEST.

IT NOW IS WELL-ESTABLISHED IN FLORIDA LAW THAT A JUDGE CAN BE FOUND GUILTY FOR CERTAIN KINDS OF ETHICAL VIOLATIONS THAT OCCURRED WHILE ACTING AS A FLORIDA LAWYER BEFORE THE TIME OF WINNING ELECTION FOR JUDICIAL SERVICE AND BEING SWORN IN AS A JUDGE.

THERE'S A SIMPLE REASON FOR THIS CONCLUSION.

FLORIDA BAR JURISDICTION OVER YOU, WHEN YOU BECOME A JUDGE. THAT IS TO THE ANALOGOUS BODY FOR JUDGES.

IN PLAIN TERMS, AS A CIRCUIT JUDGE, DOES NOT IMMUNIZE YOU FROM A JUDICIAL QUALIFICATION COMMISSION PROCEEDING THAT EXAMINES YOUR ACTIVITIES PRIOR TO THE TIME YOU ARE IN JUDICIAL OFFICE.

THIS IS ONE REASON JUDICIAL QUALIFICATIONS COMMISSION AND CANON 7 EXIST, TO GUARANTEE THE PEOPLE OF THE STATE LAWYERS CANNOT ESCAPE ACCOUNTABILITY FOR ETHICAL MISCONDUCT SIMPLY BY BEING ELECTED AS A JUDGE.

AFTER INVESTIGATION INTO YOUR CAMPAIGN ACTIVITY THE JUDICIAL QUALIFICATIONS COMMISSION FOUND AND THIS COURT AGREED THAT YOUR CONDUCT FAILED TO MEET YOUR ETHICAL STANDARDS IN SEVERAL INSTANCES.

YOU MADE AN UNTRUTHFUL STATEMENT DURING A TELEVISED CAMPAIGN DEBATE SAYING YOU HAD NEVER BEEN ACCUSED OF CONFLICT OF INTEREST. IN FACT, YOU HAD BEEN ACCUSED OF CONFLICT OF INTEREST JUST FOUR

MONTH EARLIER IN A FORMAL COMPLAINT AGAINST YOU FROM THE FLORIDA BAR.

YOU FAILED TO CORRECT THE FALSE STATEMENT MADE DURING A DEBATE. YOU STATED DURING A CANDIDATES FORUM YOU WERE AFFILIATED WITH THE REPUBLICAN PARTY.

FLORIDA STATUTE 105.071 MAKES IT CLEAR THAT JUDICIAL CANDIDATES CANNOT PUBLICLY REPRESENT THEMSELVES AS BEING A MEMBER OF ANY POLITICAL PARTY, DEMOCRAT, REPUBLICAN OR OTHERWISE.

SO CANON 7 OF THE CODE OF JUDICIAL CONDUCT, YOUR STATEMENT IN THIS REGARD VIOLATED FLORIDA RULE OF PROFESSIONAL CONDUCT 4-82B WHICH REQUIRES LAWYERS SEEKING JUDICIAL OFFICE TO COMPLY WITH THE APPLICABLE CANNONS.

THIRD, JUDICIAL QUALIFICATIONS COMMISSION FOUND AND WE HAVE AGREED THAT SOME OF YOUR CONDUCT WHEN YOU WERE AN ATTORNEY WAS PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE AND DISHONEST.

FLORIDA RULE OF PROFESSIONAL CONDUCT 4.84 MAKES CONDUCT IMPERMISSIBLE FOR A FLORIDA LAWYER AS DOES FLORIDA RULE OF DISCIPLINE 3.4.3.

SPECIFICALLY YOU ENGAGED IN DISHONEST AND PREJUDICIAL CONDUCT IN YOUR DEALINGS WITH OTHERS IN A LAWSUIT BY WELLS FARGO BANK.

THE MISCONDUCT HAPPENED WHEN YOU FAILED TO DISCLOSE THE CONFLICTING ATTORNEY RELATIONSHIP.

THIS MISCONDUCT WAS PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE BECAUSE THAT CONFLICTING RELATIONSHIP INVOLVE THE JUDGE SITTING IN A RELATED MANNER. IN CONNECTION WITH WELLS FARGO MATTER, YOU FURTHER BREACHED

ETHICAL OBLIGATIONS AS A LAWYER BY FAILING TO INFORM SEVERAL OF YOUR CLIENTS ABOUT YOUR UNDISCLOSED SIMULTANEOUS REPRESENTATION OF ALL OF THEM. THE JUDICIAL QUALIFICATIONS COMMISSION HEARING PANEL NOTED THAT YOU SHOULD HAVE EXPLAINED THE ADVANTAGES AND RISKS OF MULTIPLE PARTY REPRESENTATION BECAUSE OF THEIR POTENTIALLY CONFLICTING INTERESTS. IN SUCH INSTANCES, RULE 4.017 REQUIRED YOU TO INFORM YOUR CLIENT SO THE DECISION TO CONTINUE AND ASSUME THE RISK WAS MADE BY THEM WITH FULL KNOWLEDGE OF THE CONSEQUENCES. YOUR FAILURE TO DO SO VIOLATED ETHICAL DUTIES AS A LAWYER. YOU COMPOUNDED THIS WITH OTHER MISCONDUCT IN THE CASE ASSOCIATED WITH ERRONEOUS STATEMENTS. AS A RESULT OF YOUR MISCONDUCT, THE HEARING PANEL OF THE JUDICIAL QUALIFICATIONS COMMISSION RECOMMENDED A 90 DAY SUSPENSION, PUBLIC REPRIMAND IN PAYMENT OF COSTS OF THE PROCEEDINGS AGAINST YOU. THE COURT CONCLUDED THIS RECOMMENDATION WAS TOO LENIENT. INSTEAD WE HAVE ORDERED A SIX MONTH SUSPENSION WITHOUT PAY, PAYMENT OF COSTS AND IMPOSITION OF THIS REPRIMAND. IN CONFRONTING CAMPAIGN VIOLATION CASES IN THE PAST, THIS COURT SOMETIMES HAS IMPOSED LESS SEVERE PUNISHMENT THAN THIS ALTHOUGH IT GENERALLY WAS DONE FOR A SINGLE VIOLATION, NOT COMPLICATED BY ADDITIONAL ETHICAL MISCONDUCT. ON THE OTHER HAND, CASE LAW ESTABLISHES MULTIPLE CAMPAIGN VIOLATIONS CAN JUSTIFY A SUSPENSION FROM OFFICE. PAYMENT OF A FINE AND COSTS AND

PUBLIC REPRIMAND.

WE HAVE REVIEWED YOUR CASE ON A SCALE OF SIMILAR CASES, FAR BETWEEN THESE POINTS, IN THIS INSTANCE WE FOUND YOUR MISCONDUCT UNQUESTIONABLY WARRANTS IMPOSITION OF A VERY SERIOUS SANCTION.

NOT ONLY DID YOUR CASE INVOLVED MORE THAN ONE CAMPAIGN VIOLATION BUT ALSO AGGRAVATED BY ADDITIONAL ETHICAL MISCONDUCT NOTED IN THE OPINION ISSUED BY THIS COURT.

ESPECIALLY CONCERNED ABOUT THE NATURE OF THE ADDITIONAL MISCONDUCT.

SHOWED A BAFFLING INABILITY ON YOUR PART TO UNDERSTAND THE SERIOUS CONFLICT OF INTEREST THAT BECAME APPARENT ON MORE THAN ONE OCCASION AND DEMONSTRATED A CRITICAL LACK OF CARE ABOUT YOUR OWN CRIMES.

YOUR ACTIONS HAVE DEMONSTRATED A PATTERN OF POOR JUDGMENT AND FAILURE TO HONOR THE DUTY YOU OWE TO OTHER COUNSEL IN THE CASE, NOT ONLY DID THIS BEHAVIOR SHOW FAILURE OF ETHICAL SCRUPLES, BUT FURTHER EXHIBITED LACK OF UNDERSTANDING AND LACK OF CONTRITION FOR THE HARM THAT COULD BECAUSE TO THE CLIENTS TO PUBLIC TRUST IN THE LEGAL SYSTEM.

FURTHER COMPOUNDING OUR CONCERN HERE IS THE FACT THAT YOU PREVIOUSLY WERE REPRIMANDED BY THE FLORIDA BAR FOR OTHER MISCONDUCT.

YOUR FAILURE IN THE INTERVENING TIME TO BRING YOUR FAILURE TO THE REQUISITE STANDARDS SUGGESTS AN INABILITY TO IDENTIFY SITUATIONS THAT LEAD YOU INTO IMPROPRIETY OR APPEARANCE OF IMPROPRIETY.

MAIN EVIDENCE TO MITIGATE THE PUNISHMENT IS THERE IS NO

APPARENT SIGNIFICANT HARM TO YOUR CRIMES OR OTHER PARTIES AND YOUR MISSTATEMENTS APPEAR TO HAVE BEEN INADVERTENT.

JUDGE DECKER, THE ACTS AT ISSUE IN THIS CASE UNQUESTIONABLY INVOLVE CONDUCT UNBECOMING A MEMBER OF THE JUDICIARY, IT IS NOT A SINGLE IN THE INCIDENT AND INDICATES A TROUBLING PATTERN WE BELIEVE MUST BE CALLED TO YOUR ATTENTION IN A VERY HARSH WAY. AS A RESULT WE HAVE CONCLUDED A MORE SERIOUS SANCTION IS NEEDED IN THIS INSTANCE TO MAKE YOU FULLY AWARE THAT THIS PATTERN MUST NOT CONTINUE.

THE COURT WILL GIVE YOU ONE LAST ADMONITION HERE.

WE ENCOURAGE YOU TO REVIEW THE PRIOR DISCIPLINARY CASES THIS COURT HAS BEEN REQUIRED TO ADDRESS.

YOU WILL FIND A NUMBER INVOLVING A SINGLE BREACH OF ETHICS DURING A JUDGE'S CAREER BUT THIS REPRIMAND, BY THIS REPRIMAND WE ADMONISH YOU TO CORRECT WHATEVER MAY HAVE CAUSED YOU TO COMMIT THE ACTS OF MISCONDUCT AT ISSUE TODAY BUT WE ALSO ADVISE YOU TO REMEMBER WHAT OUR PRIOR CASES HAVE CONSISTENTLY HELD, SECOND ETHICAL BREACH BY A JUDGE WILL BE DEALT WITH FAR MORE HARSHLY. THE PUBLIC REPRIMAND IS CONCLUDED AND YOU ARE FREE TO LEAVE.

IN RECESS.

THE COURT IS IN RECESS UNTIL 1:00.