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THE NEXT CASE ON THE COURT'S CALENDAR IS INQUIRY CONCERNING A JUDGE. STEVEN P. SHEA. JUSTICE ANSTEAD IS RECUSED IN THIS ISSUE AND WILL NOT PARTICIPATE.

MR. ENGLAND, YOU MAY PROCEED.

MAY IT PLEASE THE COURT. MY NAME IS ARTHUR ENGLAND, ON BEHALF OF JUDGE SHEA, AND WITH ME AT COUNSEL TABLE IS BENJAMIN RICE OF OUR LAW OFFICE. YOUR HONOR, AS YOU KNOW FROM THE -- BENJAMIN REISS FROM OUR LAW OFFICE. AS YOU KNOW, THIS CONTAINS A CASE OF JUDICIAL MISCONDUCT BROUGHT BY THE JUDICIAL QUALIFICATIONS COMMISSION. WE DON'T BELIEVE THAT 17 OF THE 18 EVEN COME CLOSE TO DESCRIBING JUDICIAL MISCONDUCT, BUT WE ARE CONVINCED THAT NONE OF THE 18 ARE CLEAR AND CONVINCING EVIDENCE OF MISCONDUCT. IN LIGHT OF THE FACT THAT THE 17 THAT DON'T TOUCH THE SUBJECT OF JUDICIAL MISCONDUCT, TWO INVOLVING PRIVATE IN-COURT CONVERSATIONS, SIX, THE ENTRY OF LAWFUL, LAWFUL COURT ORDERS, AND NINE OF THEM INVOLVING ACTIONS TAKEN TO IMPROVE A DREADFUL SITUATION, TO IMPROVE THE ADMINISTRATION OF JUSTICE IN THE SIXTEENTH CIRCUIT. I WOULD LIKE TO START WITH THE 18th CHARGE, THE ONE THAT THE JUDICIAL QUALIFICATIONS COMMISSION SAYS, ALONE, WARRANTS REMOVAL OF JUDGE SHEA FROM OFFICE. THE CRITICAL FACTS ARE NOT BASICALLY IN DISPUTE. TAKING THE FACTS FROM THE TESTIMONY OF MESSERS MULICK AND BECKMEIER, THESE ARE RELEVANT FACT, THAT IN FEBRUARY OF 1997, THE MULICK LAW FIRM WAS ENGAGED BY A LAND OWNER, USING ITS STANDARD RETAINER LETTER, TO BE COUNSEL FOR THE MOBILE HOME PARK OWNER. DURING FEBRUARY AND OCTOBER OF THAT ENGAGEMENT, JUDGE SHEA WAS SERVED WITH A NOTICE OF EVICTION OF HIS TWO MOBILE HOMES FROM A PARK IN WHICH THEY RESIDED, AND CARL BECKMAYER, THE SENIOR PARTNER IN THE FIRM, DROPPED BY ONE DAY IN A FRIENDLY VISIT TO JUDGE SHEA'S OFFICE AND WAS SHOWN BY JUDGE SHEA AND REVIEWED A COMPLAINT REGARDING THAT EVICTION ACTION, SOME 15 TO 20 COUNTS, PAGES, RATHER, IN WHICH MR. BECKMAYER SAYS EVERYTHING CONCEIVABLE WAS ARGUED AGAINST THAT EVICTION, AND ALL OF THAT OCCURRED ON A SATURDAY, OCTOBER --

THE PERSON THAT DROPPED BY THE JUDGE'S OFFICE HAD THIS COMPLAINT WITH HIM. IS THAT BECAUSE ARE SAY SOMETHING.

JUDGE SHEA HAD DRAFTED A COMPLAINT CHALLENGING THE EVICTION, ON BEHALF OF HIMSELF AND OTHERS SIMILARLY SITUATED. THIS FELLOW DROPPED BY AND HE WAS THERE AND JUDGE SHEA SAID TAKE A LOOK AT THIS, CARL, AND HE READ IT AND THEY HAD A LITTLE DIALOGUE ABOUT IT. NOW JUDGE SHEA READS, IN THE NEWSPAPER, THAT, IN FACT, THE MULICK AND BECKMAYER LAW FIRM WAS REPRESENTING THE LAND OWNER, SOMETHING THEY KNEW AND NEVER TOLD HIM ABOUT AND HE DIDN'T KNOW ABOUT, SO HE PICKED UP THE PHONE AND HE CALLED NICK MULICK, HIS FRIEND. THE MONDAY FOLLOWING HE PICKED UP THE PHONE AND CALLED CARL BECKMAYER AND BEN ESSENTIALLY SPOKE TO HIM, AND IT WAS A MONTH LATER THAT THE LAW FIRM TERMINATED ITS REPRESENTATION OF THE LAND OWNER.

ISN'T IT CORRECT, IN THIS CONVERSATION ON SATURDAY, THAT AT LEAST MULICK SAYS THAT THE JUDGE CALLED HIM AND RAISED THE SUBJECT OF THE FACT THAT HE WOULD, IF HE WOULD BUY, IF HIS CLIENTS WOULD BUY HIM OUT, THEN THIS PROBLEM WITH THE JUDGE, AS FAR AS RECUSE ALWAYS, WOULD GO AWAY? -- RECUSALS, WOULD GO WAY?

I BELIEVE SO, YES.

IS THAT DISPUTE MARYLAND?

-- IS THAT DISPUTED?

IS IT DISPUTED THAT IT HAPPENED THEN? YES. IT WAS CERTAINLY A DISCUSSION THAT BECKMAYER INITIATED AND SAID WHAT CAN WE DO ABOUT THIS? THE CONVERSATIONS HAD FOUR ELEMENTS, YOUR HONOR. THE FIRST CALL AND THE SECOND WAS DID YOU KNOW THAT I OWN A MOBILE HOME IN THE PARK THAT YOU ARE REPRESENT SOMETHING THE FIRST CONVERSATION WITH MULICK, MULICK ESSENTIALLY FUGED ON THAT AND SAID, LOOK, WE ARE NOT ACTIVELY REPRESENTING THESE PEOPLE, WHICH HAPPENED NOT TO BE THE CASE, BASED ON EVERYTHING THAT WE LEARNED LATER ON, AND JUDGE SHEA SAID THAT PUTS US AT ODDS. HE SAID AND TESTIFIED LATER THAT IS A NO-BRAINER. WE ARE ADVERSE AND YOU ARE TRYING CASES AND YOU COME REGULARLY TO MY COURT. I CAN'T DO. THAT I HAVE GOT TO RECUSE MYSELF. LET ME STOP THERE. THERE ARE TWO MORE THINGS TO TALK ABOUT.

DID THAT OCCUR?

NO, THAT NEVER CAME ABOUT, BECAUSE THEY WITHDREW THEIR REPRESENTATION. THERE CAN'T BE ANYTHING WRONG WITH A SATURDAY MORNING CALL, IN A COMMUNITY LIKE THIS, WITH, WHO ARE THESE PEOPLE THAT ARE TALKING TO EACH OTHER? THEY ARE FRIENDS. WHAT DID MR. MULICK SAY ABOUT THE RELATIONSHIP? HE SAID WE ARE VERY FRIENDLY. OUR CHILDREN PLAY SOCCER. WE PLAY RACQUETBALL TOGETHER. I WAS PRESIDENT OF THE LOCAL BAR ASSOCIATION AND YOU WERE THE SECRETARY. YOU DINE AT MY WIFE'S RESTAURANT. WHEN YOU WERE ELECTED, I CAME TO YOUR HOUSE IN CELEBRATION. THESE ARE NOT STRANGERS. THESE ARE CLOSE FRIENDS IN A SMALL COMMUNITY, AND SO WHY DID JUDGE SHEA PICK UP THE PHONE? HE SAID NICK, YOU MAY NOT KNOW THAT I OWN MOBILE HOMES THERE. HE RAISED THE QUESTION AND HE SAID I OBVIOUSLY CAN'T SIT ON YOUR CASES. IF YOU STOP RIGHT THERE, THERE CAN'T BE ANYTHING WRONG. THERE CAN'T BE A VIOLATION OF ANY CODE OF JUDICIAL CONDUCT, CANON. -- CANON.

HOW DID THIS COME TO LIGHT?

JUDGE SHEA READ IT IN THE LOCAL UP IN.

HOW DID THE FACT OF THESE CONVERSATIONS COME TO LIGHT?

IT CAME AFTER SIX MONTHS OF INVESTIGATION BY THE JQC STAFF THAT SOMEBODY FINALLY SAID, IT HAD NEVER BEEN RAISED AT ALL, SOMEBODY FINALLY SAID IT WENT TO THEM AND GOT THEM TO MAKE A STATEMENT ABOUT THIS EVENT. IT IS A VERY -- IT IS NOT SOMETHING THAT EMERGED OUT OF THE TWO MEN -- OUT OF THE TWO MEN. MULICK AND BECKMAYER, RUSHING OFF. IT WAS NOT UNTIL SIX MONTHS AFTER THE EVENT, DURING THE ONGOING INVESTIGATION BY THE JQC STAFF. THIS IS THE TROUBLESOME PART ABOUT THIS CONVERSATION. THE CONVERSATION BETWEEN THESE TWO CLOSE FRIENDS EVOLVED INTO, WELL, IS THERE ANY WAY TO DEAL WITH THIS, AND THE ANSWER WAS IF I AM NOT OWNING MOBILE HOMES, I CAN OBVIOUSLY SIT ON YOUR CASES, THEN I DON'T KNOW HOW THE CONVERSATION TURNED. THERE IS A DISPUTE ABOUT THAT. MULICK WAS VERY EVASIVE IN HIS ANSWERS. HIS MEMORY WAS VERY VAGUE, AND I KNOW YOU ARE GOING TO DO AN INDEPENDENT REVIEW OF THE RECORD AND YOU WILL FIND HIS TESTIMONY AND THE CROSS-EXAMINATION FASCINATING, BUT THE JUDGE SAID, LOOK, I HAVE A CONTRACT ON ONE OF THEM ALREADY. SOMEBODY HAS BOUGHT IT AND THEY ARE IN THERE. A \$50,000 CONTRACT, AND THE OTHER --

I THINK THE INITIAL THING THAT BOTHERS ME, MR. ENGLAND, IS THAT IT READS, AND I HAVE READ THIS TESTIMONY, AS IF WHAT WAS BEING HAPPENING HERE WAS THAT THERE WAS SOME SORT OF BARGAINING GOING ON AS TO WHETHER A TRIAL JUDGE WAS GOING TO RECUSE HIMSELF OR NOT, AND THAT CERTAINLY IS NOT THE WAY THAT FLORIDA JUDICIAL SYSTEM SHOULD OPERATE. WE OUGHT NOT TO BARGAIN. I MEAN THE JUDGE IS GOING TO MAKE THAT

CALL, AND IF THERE IS ANY DOUBT, THE JUDGE HAS GOT TO RECUSE.

ABSOLUTELY. AND I DON'T DON'T THINK A CLOSE READING OF THAT, YOUR HONOR, I DON'T THINK WILL SUPPORT A BARGAINING ON THAT. JUDGE SHEA WAS CLEAR. I HAVE TO REMOVE MYSELF. NOW, TELL ME IF YOU ARE GOING TO CONTINUE TO REPRESENT THESE PEOPLE. BOTH OF THEM SAID WE DON'T SEE ANY PROBLEM. WE DON'T THINK THAT THERE IS ANY RECUSEABLE SITUATION HERE. THESE ARE THE TWO GUYS WHO CREATED THE SITUATION, WHO KNEW THEY WERE REPRESENTING THE LAND OWNER, KNEW HE OWNED THE HOMES, DIDN'T DO ANYTHING ABOUT IT AND THEN SAID WE DON'T SEE ANY VIOLATION. I AM WITH YOU, JUDGE WELLS. THIS WAS, AS JUDGE SHEA TESTIFIED, A NO-BRAINER. OF COURSE HE HAD TO RECUSE HIMSELF. IT WASN'T A BARGAINING ABOUT IT. WHAT THE DELAY WAS WAS JUDGE SHEA WAS WAITING FOR THEM TO SAY ARE YOU GOING TO CONTINUE TO REPRESENT THESE PEOPLE OR NOT? CALL ME BACK. YOU WILL FIND THAT HE CALLED AND LEFT MESSAGES ON THE MACHINE. HE NEVER HEARD. I HAVE GOT TO DECIDE. I HAVE GOT TO ENTER AN ORDER. FINALLY THEY GOT BACK TO HIM AND DECIDED, AND SO HE NEVER ENTERED THE ORDER.

LEAVE ASIDE THE BARGAINING PART, A MATTER OF JUDICIAL CONDUCT, IS THAT TYPE OF DISCUSSION SOMETHING YOU, ON BEHALF OF YOUR CLIENT BUT, ALSO, AS AN OFFICER OF THE COURT, THINK THAT IS APPROPRIATE, THAT THAT IS HOW A JUDGE SHOULD APPROACH A SITUATION WHERE HE OR SHE FIRST IS CONCERNED ABOUT WHETHER OR NOT SHE MIGHT HAVE TO RECUSE HERSELF? I AM CONCERNED ABOUT THE VERY NATURE OF THE -- I UNDERSTAND THEY ARE FRIENDS, BUT WHEN THE FRIENDSHIP, THEN, SPILLS OVER TO BE DISCUSSING MATTERS THAT ARE CRITICAL TO THE ADMINISTRATION OF JUSTICE, EXPARTE, OFF-THE-RECORD DISCUSSIONS, CONCERNS ME A GREAT DEAL, SO HOW DO YOU --

THE ANSWER IS IT WAS CERTAINLY ILL ADVISE ISED AND JUDGE--IT WAS CERTAINLY ILL-ADVISED, AGE JUDGE -- AND JUDGE SHEA SAID HE WISHES HAD HADN'T DONE THAT AND WILL NOT DO IT AGAIN. ONE OF THESE MOBILE HOMES WAS A BEAUTIFUL FACILITY ON A BEAUTIFUL PIECE OF LAND. HE LEARNED ABOUT IT SATURDAY MORNING, AND SOME OF HIS BEST FRIENDS OR GOOD FRIENDS, AS HE TESTIFIED, WERE DOING THIS? SURE HE IS GOING TO MAKE THE INQUIRY. SURE HE SAW THE CONFLICT OF INTEREST. DON'T WE GET ANY CREDIT FOR THAT? SHOULD HE HAVE STOPED THERE? YES.

BUT ALSO DETERMINE WILLING FOR -- BUT ALSO DETERMINING, WE DON'T SEE ANY WITNESSES, HE WAS GOING TO JEOPARDIZE HIS RETIREMENT AND WASN'T HE UPSET?

VERY MUCH UPSET, AND IN FACT MULICK TESTIFIED. OBVIOUSLY HE WOULD BE UPSET ABOUT THIS. THIS WAS THE GUY WHO CONTINUED THE REPRESENTATION AND KNEW IT FOR SIX MONTHS, BUT HE SAID, OF COURSE, I UNDERSTAND WHY JUDGE SHEA WOULD BE UPSET. IF IT WERE MY MOBILE HOME, OF COURSE. THIS IS WHERE THE MAN WAS INTENDING TO RETIRE.

AND YOU DON'T, THEN, SEE --

HE SHOULD HAVE STOPPED.

YOU DON'T SEE ANY LINK I AM UPSET THAT YOU, MY FRIEND, ARE REPRESENTING THIS DEVELOPER, AND IF YOU DON'T STOP, I AM GOING TO BE RECUSING MYSELF FROM YOUR CASES, AND I AM THE ONLY JUDGE IN THE MIDDLE KEYS, AND IF I -- YOU WON'T HAVE A JUDGE TO GO IN FRONT OF. ISN'T THAT A THREAT?

IT WAS -- MULICK SAID I DIDN'T FEEL THREATENED. MULICK SAID THAT ON THE RECORD. BECKMAYER SAID I TOOK IT AS A THREAT. THE JUDGE SHEA NEVER INTENDED IT AS A THREAT, AND I FORGET THE CHARACTERATION OF THE -- YOU CAN'T VIEW IT AS A THREAT. HE WAS TRYING TO DEAL WITH AN AWFUL SITUATION. FIRST OF ALL HE IS ENTITLED TO OWN THE PROPERTY. SECONDLY HE IS ENTITLED TO REPRESENT HIMSELF. CANON 5-G SAYS SPECIFICALLY A

JUDGE CAN REPRESENT HIMSELF IN LEGAL MATTERS OF ANY TYPE AND HE HAD ALREADY DRAFTED A MULTICOUNT COMPLAINT CHALLENGING THE HE HAVE VEHICLES AND TALKING TO THE PEEP -- THE HE HAVE VEHICLES -- THE EVICTION, AND CHALLENGING THE PEOPLE WHO REPRESENTED THE PLAINTIFF, AND HE WANTED TO KNOW WHAT THE HECK THESE PEOPLE HAD DONE AND CONCEALED FROM HIM. YES. HE CONCEDED, AND HE IS RIGHT. HE SHOULD HAVE STOPPED THERE. HE SHOULD HAVE BACKED OFF THAT IN STRICT -- IN STIGET AND -- IN STICKT AND SAID WE CAN'T -- INSTINCT AND SAID WE CAN'T TALK ABOUT THIS FURTHER. YOU HAVE GOT TO BACK OFF THE CASE AND I HAVE GOT TO RECUSE MYSELF, BUT YOUR HONOR, THEY HAVE MADE IT A REMOVABLE OFFENSE. ONE INSTANCE IN TIME, A TERRIBLE THING BROUGHT TO A JUDGE, WHO, BY THE WAY, IS AN OUTSTANDING JURIST, AND THEY WANT TO REMOVE HIM FOR THIS, AND I USE THE PHRASE FORGIVEABLE INDISCRETION. IF YOU TAKE AWAY THE EMOTION THAT IS PACKED INTO WHAT IS SUPPOSED TO BE 56 PAGES OF FACTS IN A 62-PAGE BRIEF? IF YOU TAKE OUT THAT EMOTION, THIS IS ALL YOU HAVE GOT IS HE DID THAT AND NOW HE WISHES HE DIDN'T, AND HE SAID HE WAS SORRY, AND HE HAS LEARNED FROM IT.

YOU DON'T SEE, IN ANY OF THE OTHER 17 COUNTS, SORT OF A PATTERN OF A PERSON WHO WAS CONTINUING TO ABUSE HIS POSITION OF JUDICIAL POWER IN VARIOUS WAYS?

I DO NOT. I DO NOT SEE THAT PATTERN, AND I WILL TELL YOU WHY. ONE OF THEM IS A CONVERSATION WITH A PRIVATE JUDGE IN CHAMBERS, AND ANOTHER IS A COURT CONFERENCE RESPONDING TO CRITICISM. THE FIRST CHARGE IS THE ALLEGED VIOLATION. A MOTIVATION FOR PATTERN OF ABUSE. IS THAT A VIOLATION OF THE CODE OF CONDUCT? I DON'T THINK SO. THE SECOND, RESPONDING TO CRITICISMS OF A COLLEAGUE. IS THAT? NO. DOES THE JCQ REALLY WANT TO CHARGE MISCONDUCT IN CONVERSATIONS THAT YOU HAVE THAT SOMEONE FROM A COURT CONFERENCE MAY CHOOSE TO MAKE PUBLIC? I CAN'T BELIEVE IT. MRS. BAPTIST, THE SHOW-CAUSE ORDER IN DEFENSE OF JUDICIARY, IS A VIOLATION OF JUDICIAL MISCONDUCT. NOTHING WRONG WITH THE ORDER. PERFECTLY PROPOSE P. APPROPRIATE. IT HAPPENED EXACTLY AS OCCURRED, BUT ENTERING THAT ORDER, THEY HAVE FOUND, IS A VIOLATION. BARBARA MARTIN, THE THREAT IS A CHARGE TO PUT THE GUIDANCE CLINIC OUT OF BUSINESS. YOU DON'T FIND ANY EVIDENCE OF THAT AT ALL. WHAT HAPPENED WAS THIS WAS A PUBLIC CLINIC WHO WOULDN'T SUPPLY EVALUATIONS NECESSARY TO THE OPERATION OF THE COURT IN THE KEYS, PUBLICLY FUNDED, AND HE LOOKED FOR, SUGGESTED, AND TALKED ABOUT ALTERNATE FINANCING SOURCES. THANK GOODNESS SOMEBODY CARES ENOUGH ABOUT THE SUBSTANCE ABUSE IN THE KEYS THAT THEY WERE GOING TO DO SOMETHING ABOUT IT. NOBODY ELSE HAD DONE THAT.

HELP ME UNDERSTAND THIS JUST A LITTLE BIT. IT SEEMS AS THOUGH THERE IS AN ORDER TO DO SOME TYPE OF CUSTODY EXAMINATION, DEALING WITH CUSTODY. IS THAT WHAT THEY REFUSED TO DO?

AN EVALUATION, YES.

AN EVALUATION ON THAT AND SUGGESTED THEY NOT PERFORM THAT TYPE OF SERVICE?

THEY DON'T DO IT WHEN IT WAS COURT ORDERED. THEY DO IT BUT THEY DON'T DO IT WHEN IT WAS COURT ORDERED.

THEY OTHERWISE DO IT.

YES.

AND THEY REFUSED TO DO IT UNDER THOSE CIRCUMSTANCES, AND THE JUDGE BECAME INVOLVED AND REMOVED OTHER INDIVIDUALS FROM GOING TO THAT CLINIC, FOR NO APPARENT REASON, OR WAS THERE A REASON?

BASED ON THE RECORD OF PROCEEDING, THERE WAS A REASON.

WHAT WAS THE REASON?

COULDN'T GET THE EVALUATION THAT WAS NEEDED AND HAD TO HAVE IT. HE WAS TRYING TO ADMINISTER A COURT IN AN AREA THAT HE HAD A GREAT FAMILIARITY WITH, AND THESE PEOPLE WERE NO HELP, AND THEY DIDN'T WANT TO BE ANY HELP, AND THEY WERE MIFFED ABOUT IT, AND THAT WAS THE BASIS OF THEIR CHARGE, SOME OF THEIR FEELINGS WERE HURT THAT HE HAD THESE CONVERSATIONS. NOTHING CAME OF IT. THIS WAS AN EXAMPLE, BY THE WAY, OF JUDGE SHEA, AS EVERYBODY TESTIFIED, WHEN HE CESA ERROR IN HIS WAYS, HE CORRECTS IT. THEY CAME IN AND SAID YOU CAN'T ISSUE THE ORDER TO BARBARA MARTIN AND HE SAID YOU ARE RIGHT, AND HE VACATED IMMEDIATELY, WHEN IT WAS CALLED TO HIS ATTENTION. I DON'T WANT TO USE ALL OF MY TIME, BUT JUST TO GO DOWN THE REST OF THESE, TO ENFORCE A DECISION HE MADE THAT HE IS NOT GOING TO HAVE EXPARTE COMMUNICATIONS IN HIS COURT, WHICH THIS COURT HAS SAID IS EXACTLY CORRECT, FOR ENFORCING IT, THEY CHARGE TWO VIOLATIONS OF THE CODE. FOR TAKING A STATEMENT FROM A LADY WHO SOUGHT HIM OUT, AFTER SHE WAS KEPT OVERNIGHT BY A DEPUTY SHERIFF, THEN TAKING THAT STATEMENT AND GIVING IT TO THE SHERIFF'S DEPARTMENT, FOR THAT THEY CHARGE A VIOLATION. THAT WAS INTERESTING. THAT ONE IS CALLED, NOW, IN THE ANSWER BRIEF, THE CHARGE OF JUDICIAL MISCONDUCT, IS CALLED RUTHLESS PURSUIT OF COURTHOUSE PERSONNEL. FOR A HAPLESS BAILIFF'S SUPERVISOR, TO WHOM HE SPOKE ON THREE OCCASIONS AND SAID YOU DON'T KNOW WHAT YOU ARE DOING, WILL YOU GET SOME COMMON SENSE, THEY HAVE SOUGHT TO CHARGE HIM WITH A REMOVABLE OFFENSE FOR THAT. FOR WRITING A LETTER TO THE CLERK OF THE COURT, WHO CAUSED SOMEBODY TO REMAIN IN JAIL FOR SIX EXTRA MONTHS BECAUSE HIS OFFICE WAS SO BADLY MANAGED THAT HE COULDN'T KIND FIND THE MANDATE FROM THE APPELLATE COURT RELEASING HIM, FOR WRITING THE LETTER, THEY HAVE ONE OF THE CHARGES. I COULD GO THROUGH THE REST OF THEM, BUT I DON'T WANT I DON'T WANT TO -- I DON'T WANT TO USE MY REBUTTAL TIME, BECAUSE I KNOW I AM GOING TO HAVE SOMETHING IN RESPONSE. THE RESPONSIBILITY HERE WHICH YOU MUST UNDERTAKE WILL DEMONSTRATE YOU HAVE GOT AN OUTSTANDING JURIST, UNDISPUTEABLE, WHO SAYS HE COULD HAVE DONE BETTER, IN ABSENCE, AND ADMIT THE -- ADMITTED HE WAS TOO THIN SKINNED ABOUT THE BAPTIST -- THE BAPTISTE ORDER AND FOR COMMENTS ABOUT HOW CAPITAL PUNISHMENT SHOULD BE CONDUCTED, AND THIS IS THE FIRST GO AROUND ON THAT.

DO YOU THINK ANY OFFENSE IS PUNISHABLE BUT IS SUBJECT TO DISCIPLINE, SORT OF REMOVAL?

I DO NOT, YOUR HONOR. I DO NOT. WHAT HE HAS BEEN THROUGH, NONE OF YOU SHOULD BE THROUGH. THE CHARGES WHICH WE HAVE IDENTIFIED THAT WERE -- EVEN THE ONE THAT BROUGHT TO YOU, TO SUSPEND HIM, THREE STATEMENTS IN THERE, VIDEOTAPING A LAWYER AS AN ELECTION OPPONENT PERCEIVED, POWER TO INTIMIDATE WITNESSES AND MENTAL INSTABILITY AND EMOTIONAL DISTURBANCE, BASED ON STATEMENTS OF HIS COLLEAGUES, THOSE DON'T SHOW UP IN THE CHARGES AND HAVEN'T BEEN CHARGED. LIKE SO MANY OTHERS, THEY WERE RAISED, ERRED, AND BEATEN ON THEM AND THEN DROPPED. THE PROSECUTOR VOLUNTARILY DROPPED THE CHARGES AND NO EVIDENCE. SHE DIDN'T MAKE IT IN THE CLOSING ARGUMENT. NO. THIS IS A TRAGEDY THAT HAS HAPPENED, AND I DO NOT BELIEVE THERE IS ANY CODE VIOLATION THAT OCCURRED HERE. I WILL SAVE THE REST OF MY TIME FOR REBUTTAL.

THANK YOU.

YES, YOUR HONORS. MAY IT PLEASE THE COURT. LAWYER ROSS AND I ARE SPECIAL COUNSEL AND WITH US IS GENERAL COUNSEL FOR THE JQC, TOM McDONALD. THIS CASE IS NOT ABOUT THE APPEARANCE OF IMPROPRIETY. THIS IS ABOUT ACTUAL IMPROPRIETY. IT IS, ALSO, ABOUT JUDICIAL INTEGRITY, AND THE LACK OF JUDICIAL INTEGRITY. THE COUNT THAT JUSTICE ENGLAND OR FORMER JUSTICE ENGLAND SPENT ALL OF HIS TIME ON, THE FIRST COUNT, LEAVES

OUT ALL OF THE KEY EVIDENCE IN THE CASE. THIS WAS NOT A MAN WHO SIMPLY MADE PHONE CALLS TO A COUPLE OF FRIENDS. THIS WAS A MAN WHO PICKED UP A PHONE ON A SATURDAY, BECAUSE HE READ, IN A NEWSPAPER, THAT NICK MULICK, WAS REPRESENTING THE PARTICULAR CLIENT, NOT IN THE EVICTION. HE HAD GOTTEN NOTICE OF EVICTION. IT WAS SIGNED BY A TALLAHASSEE LAW FIRM. IF HE HAD QUESTIONS ABOUT THE EVICTION PROCEEDING, THERE WAS A LAWYER IN TALLAHASSEE HAAS' FOR HIM TO -- IN TALLAHASSEE FOR HIM TO CALL, BUT WHAT THIS JUDGE DID WAS HE PICKED UP THE PHONE, AND HE CALLED A LOCAL LAND USE LAWYER WHO WAS SHOWN IN THE PAPER AS REPRESENTING THE SAME CLIENT ON LAND USE. AND WAS THE TESTIMONY, IN TERMS OF WHAT HE SAID? WELL, FIRST OF ALL, IN HIS ANSWER TO THIS CHARGE, JUDGE SHEA SAID I COULDN'T GET AN ANSWER FROM HIM AS TO WHETHER HE WAS REPRESENTING THIS CLIENT. ABSOLUTELY FALSE. AND THE RECORD SHOWS THIS. NICK MULICK TOLD HIM, THE VERY FIRST DAY, I AM REPRESENTING THIS CLIENT ON LAND USE MATTERS. OKAY. PAUL CARL PETERSON, HE IS HANDLING THE EVICTION. I AM NOT IN THE EVICTION. AS CLEAR AND UNEQUIVOCAL AS IT GOT, BUT JUDGE SHEA DIDN'T STOP THERE. JUDGE SHEA PROCEEDED TO TELL HIM, IN DETAIL, THAT HE KNEW THE CLIENTS. THEY WERE A POOR REPUTATION. THEY WERE DISHONEST BUSINESSMEN. HE DESCRIBED THEM AS CHICAGO MAFIA AND BASICALLY SAID THAT, IF THERE WAS A MAFIA IN CHICAGO, THEY WOULD BE OF THIS ILK, AND THEN HE SAID THE FOLLOWING. IF YOU CONTINUE TO HANDLE THESE CLIENTS, THEN YOU WILL HAVE TO GO TO MARATHON, AT LEAST, TO TRY ALL OF YOUR CASES, IF I HAVE TO RECUSE MYSELF, AND THAT IS GOING TO POSE A HARDSHIP ON YOUR CLIENTS. THEN HE SAYS, SPECIFICALLY, THE CONVERSATION TURNED TO THE FACT THAT, IF HE WAS TO BE BOUGHT OUT BY MR. MULICK'S CLIENTS, THEN THERE WOULDN'T BE ANY CONFLICT, AND THEY WOULDN'T HAVE TO TRAVEL. THE MONEY ISSUE WAS RAISED BY JUDGE SHEA. IT WAS RAISED IN THE VERY FIRST CONVERSATION. AND NICK MULICK SAID WHO WAS IT WHO RAISED THE SUBJECT, MONEY, AND LINKED IT TO RECUSAL? JUDGE SHEA. I DID NOT INITIATE DISCUSSIONS ABOUT BUYING MOBILE HOMES THIS. IS AT PAGE 89 OF THE TRANSCRIPT AND JUDGE SHEA ADMITTED AT TRIAL THAT NICK MULICK HAD NO MOTIVE, NO INCENTIVE TO LIE ABOUT THESE FACTS. WHAT DID JUDGE SHEA DO? HE DID NOT ALLOW IT TO DROP THERE. HE PICKED UP THE PHONE, AND HE CALLED MR. BECKMAYER, WHO IS MR. MULICK'S PARTNER. NOW, MR. MULICK WAS REPRESENTING THESE CLIENTS ON LAND USE MATTERS. MR. BECKMAYER WAS REMOVED FROM THE SITUATION AT ALL, BUT THIS JUDGE WANTED AN ANSWER, AND WHAT DID HE WANT? MR. MULICK SAID PRESSURE WAS BEING BROUGHT TO BEAR BY THE JUDGE. WHEN YOU SAY PRESSURE BEING BROUGHT TO BARE -- BEAR, WHO WAS BRINGING PRESSURE ON WHOM? ANSWER: JUDGE SHEA WANTED US TO EITHER GET OFF THE CASE OR HAVE THE MOBILE HOMES BOUGHT. YOU HAVE NO PENDING CASE. WHAT JUDGE SHEA WAS THREATENING TO DO TO THESE LAWYERS WAS TO PUT THEM OUT OF BUSINESS, PAW WHAT JUDGE SHEA WANTED THEM TO DO, HE SAID I AM GOING TO HAVE TO RECUSE MYSELF ON ALL CASES, AND YOU ARE GOING TO HAVE TO TRAVEL, AT A MINIMUM TO MARATHON AND, AT A MAXIMUM, TO KEY WEST. WHAT DOES HE TELL MR. BECKMAYER LATER, IN THE PHONE CALL? JUDGE SHEA CALLS UP AND SAYS HAD, IN A VERY THREATENING MATTER, THIS WILL HAVE BEEN -- HAVE A MAJOR IMPACT UPON YOU AND YOUR CLIENTS. THEN HE WENT ON TO SAY IT WOULD HAVE A SIGNIFICANT IMPACT ON US, IN REGARD TO THE CLIENTS, HAVING TO PAY MORE MONEY TO DRIVE TO AND FROM MARATHON, WHICH IS 32 MILES AWAY, OR KEY WEST, WHICH IS 82 MILES AWAY FROM MY OFFICE, AS OPPOSED TO UP THE STREET FROM PLANTATION KEY COURTHOUSE, WHERE I DO 90% OF MY WORK. EITHER THAT, AND THIS IS WHAT THE JUDGE SAID, WE WOULD EITHER BASICALLY NOT HAVE TO GET PAID FOR OUR TIME, OR WE WOULD HAVE TO SPEND ALL OF OUR TIME DRIVING TO MARATHON AND KEY WEST.

WHAT ULTIMATELY OCCURRED? I MEAN WE ARE TALKING ABOUT TELEPHONE ON SATURDAY AND CARL BECKMAYER WAS OVER THERE. DIDN'T HE APPEAR AT THE COURTHOUSE THE NEXT WEEK?

NO. WHAT HE IS DESCRIBING IS AN EVENT THAT HAPPENED MONTHS BEFORE ALL OF THESE --

I AM TALKING ABOUT SUBSEQUENT TO THIS CALL TO MULICK, THERE WAS A CONVERSATION

BETWEEN BECKMAYER?

HE CALLED THEM AGAIN. SUBSEQUENT TO MULICK, TWO DAYS LATER, HE CALLS BECKMAYER. THEN HE CALLS BACK ON A CONFERENCE CALL. THIS WAS NOT ONE COMMUNICATION, TWO COMMUNICATIONS. HE KEEPS BRINGING UP THE ISSUE OF ARE YOU GOING TO RECUSE OR ARE YOU GOING TO BUY ME OUT? THEY DECIDE, THEY TALK TO THEIR CLIENTS, AND THEY DECIDE THAT THERE IS NO WAY THAT THEY CAN ADVISE THEIR CLIENTS TO BUY HIM OUT, SO THEY WITHDRAW FROM REPRESENTATION OF THE CLIENT ALL TOGETHER. THAT IS THE TESTIMONY, AS A BASIS OF THE THREAT.

NOW, DID JUDGE SHEA CONTINUE TO SIT ON MATTERS THAT THEY HAD, AFTER THAT?

YES, HE DID. YES, HE DID.

WAS -- SPEAK, A LITTLE, ABOUT THIS, WHAT MR. ENGLAND REFERS TO AS THE INTERNAL PROBLEMS, IN THAT CIRCUIT COURT. WHAT IS THE VIOLATION THAT WAS GOING ON, WHERE THEY WERE HAVING THIS DISCUSSION CONCERNING THE COURT REPORTERS AND VARIOUS OTHER MATTERS THAT JUDGE TOMEI WAS INVOLVED IN?

VERY, VERY SIMPLY. IN FEBRUARY OF 1996, JUDGE SHEA STARTS ON A LETTER-WRITING CAMPAIGN AND TRYING TO FORCE, AND WE ARE TALKING ABOUT MINUTIA ISSUES DOWN THE THROAT OF HIS COLLEAGUE, AND HE STARTS REPORTING HIS COLLEAGUE, JUDGE TOMEI, TO THE CHIEF JUDGE, AND HE STARTS A LETTER-WRITING CAMPAIGN. JUDGE PAYNE, IN FEBRUARY 1996, ISSUES AN ORDER, AND IT WAS OVER, LIKE I SAID, THE HIGHERING OF PERSONNEL. IT WAS OVERDRESS CODE. MINOR STUFF. BUT JUDGE SHEA WAS ON A LETTER-WRITING CAMPAIGN TO FORCE HIS VIEWS ON HIS COLLEAGUES, AND JUDGE PAYNE SAYS, AT THIS TIME, LOOK, WE HAVE A PROBLEM HERE. YOU SHOULD NOT BE AIRING YOUR DIFFERENCES TO THE OUTSIDE WORLD, BECAUSE WHEN YOU DO THAT, WHAT IS GOING TO HAPPEN IS THIRD PARTIES GET INVOLVED. IT CREATES DISSENTION. IT CREATES PROBLEMS. PEOPLE'S FEET GET DUG IN, AND HE SAYS, IF IT CONTINUES ON IN THIS PATTERN, THEN ONE OR THE OTHER OF YOU IS GOING TO BE SUBJECT TO JUDICIAL DISCIPLINE.

NOW, TOMEI, WHERE DOES HE SIT?

WHERE DOES JUDGE PAYNE SIT?

TOMEI.

JUDGE TOMEI IS THE COUNTY COURT JUDGE AT THE PLANTATION COURTHOUSE. IS HE THE ONLY OTHER JUDGE THERE, AT PLANTATION KEY. THERE IS ONLY ONE CIRCUIT JUDGE AT PLANTATION KEY. THAT WAS JUDGE SHEA. SO IT IS AN ON GOING PROBLEM BETWEEN THESE TWO JUDGES, BUT AFTER JUDGE PAYNE ISSUES THAT WARNING, JUDGE SHEA DOESN'T STOP. THIS IS HIS CHIEF JUDGE, HIS MENTOR, HIS FRIEND, HIS WITNESS AT TRIAL. JUDGE SHEA TAKES THE COURT REPORTER ISSUE, WHICH, OF COURSE, IS A SENSITIVE ADMINISTRATION ISSUE TO BE DEALT WITH WITHIN THE CIRCUIT, IN A UNIFORM MATTER. HE TAKES THAT AND SENDS OUT A MEMO TO THE -- TO ALL OF THE MEMBERS OF HIS LOCAL BAR, WHICH NOT A SIMPLE MEMO SAYING THERE IS A DISPUTE GOING ON ABOUT THIS. HE SAYS, NUMBER ONE, I WASN'T INFORMED ABOUT ALL OF THIS, AND I WASN'T ALLOWED TO GIVE MY INPUT, SO HE PUTS HIMSELF ON THE SIDE OF THE BAR, AND HE TRIES TO CREATE INTEREST ON THE PART OF HIS COLLEAGUES TO JOIN HIM IN HIS FIGHT AGAINST HIS OWN COLLEAGUES IN THE MEETING. THEN --

IT WAS THE POSITION OF THE COMMISSION, WAS IT THAT THOSE CHARGES STANDING BY THEMSELVES WOULD MERIT REMOVAL?

NO. BUT IT SHOWED A CUMULATIVE PATTERN OF CONDUCT OF JUDGE SHEA TRYING TO CREATE

DISSENTION, CREATE PROBLEMS, FORCING PEOPLE TO BE IN THE MIDDLE, SUCH AS THE COURT REPORTER, GETTING CONFLICTING DIRECTIONS FROM THE CHIEF JUDGE, FROM HIM, WHEN HE DIDN'T LIKE A POLICY. HE WAS GOING TO DO IT, NO MATTER WHAT. LET ME TOUCH ON THE TWO OTHER MAJOR, MAJOR CHARGES THAT I WANTED TO GET TO THAT MR. ENGLAND GLOSSED OVER.

WAS THIS INVOLVING THE CLINIC?

YES. OKAY. THE PRIVATE CONVERSATION TO THE CLINIC. JUSTICE LEWIS, WHAT HAPPENED IN THIS CASE WAS, VERY SIMPLY, THAT THE GUIDANCE CLINIC, WHICH IS A NONPROFIT HEALTH CENTER IN THE KEYS, DOES NOT PROVIDE CUSTODY EVALUATIONS. THEY DO NOT GET MIRED IN THE DETERMINATIONS OF CUSTODY EVALUATIONS. THAT IS A MATTER OF POLICY OF THE CLINIC. THAT IS WHAT THEY DIDN'T DO. IT WAS A POLICY THAT JUDGE SHEA HAD BEEN TOLD ABOUT, SINCE THE TIME HE WAS ON THE BENCH. IT WAS NOT A NEW POLICY. IT HAD BEEN IN EFFECT SINCE 1973. BUT JUDGE SHEA DID NOT TOLERATE ANY TYPE OF DISSENT FROM WHAT HE WANTED SOMEBODY TO DO, WHETHER OR NOT IT WAS THEIR POLICY OR NOT. HE WAS GOING TO MAKE THEM DO IT. SO THE FACTS ARE THESE. JUDGE SHEA GETS AN ORDER, ISSUES AN ORDER. THE ORDER IS NOT DIRECTED TO THE GUIDANCE CLINIC. IT IS A SIMPLE ORDER THAT SAYS MR. WOOD, YOU REPORT TO THE GUIDANCE CLINIC FOR EVALUATION. WELL, THIS IS THE THIRD OR FOURTH TIME THAT JUDGE SHEA HAD TRIED TO REFER SOMEBODY TO THE DIED ANSWER CLING TO DO A CUSTODY EVALUATION THAT THEY DIDN'T DO. AND AS THEY DID IN THE PAST, THEY TOLD, THROUGH THE GUARDIAN ADD LIT EM, WE DON'T DO -- ADD MIDEM, WE DON'T DO THOSE CUSTODY EVALUATIONS, SO THE JUDGE CAME IN AND INFORMED THE COURT THAT WE DON'T DO THOSE EVALUATIONS, AND THE NEXT THING YOU SEE IS AN INQUIRY WHY BARBARA MARTIN AND THE CLINIC SHOULD NOT BE HELD IN CONTEMPT FOR JUDGE SHEA'S ORDER. THEY APPEAR BEFORE HIM. THEY TELL HIM THERE WAS NO PRIOR VIOLATION OF AN ORDER. JUDGE SHEA WAS ANGRY BUT DISCHARGES TO SHOW CAUSE, BUT THEN WHAT HAPPENS, AND THIS IS WHAT THEY REFERRED TO AS THE PRIVATE CONVERSATION, IS JUDGE SHEA PICKS UP THE PHONE, AND HE CALLS DAVID REISS. DAVID REISS IS THE HEAD OF ANOTHER CLINIC. JUDGE SHEA THOUGHT HE WAS THESE PEOPLE'S SUPERIORS, AND HE TELLS THEM WHAT HE IS GOING TO DO TO THIS CLINIC FOR NOT FOLLOWING HIS ORDERS. AND WHAT HE TELLS THEM IS, IN HIS OWN LANGUAGE, AND NONE OF THIS IS DISPUTED, JUDGE SHEA POINTED OUT TO ME THE CLINIC HAD A RATHER EMBARRASSING INCIDENT IN ITS PAST. THEY, FOR A NUMBER OF YEARS, HAD A SUBSTANCE ABUSE COUNSELOR, WHO WAS A PROFESSIONALLY TRAINED SUBSTANCE ABUSE COUNSELOR, WHO HAD FALLEN OFF THE WAGON, AND JUDGE SHEA REFERRED TO THIS INCIDENT, AND HE SAID THAT HE INTENDED TO USE THE BEHAVIOR OF THIS INDIVIDUAL IN A DAMAGING WAY, TO NEGATIVELY IMPACT THE TREATMENT PROGRAM IN THE UPPER KEYS. I EXPLAINED TO THE JUDGE, AND THIS IS DAVID RICE TALKING, I EXPLAINED TO THE JUDGE, AT THE TIME, THAT THIS WAS AN ALL-TOO-FREQUENT SITUATION. THIS IS WHAT HAPPENS WHEN YOU HAVE COUNSELORS WHO ARE PEOPLE WITH TREATMENT. THEY ARE GOOD, BECAUSE THEY HAVE GONE THROUGH THOSE KINDS OF PROBLEMS, BUT THEY ARE BAD, BECAUSE THEY MAY HAVE RELAPSES. AND I TOLD HIM THAT WOULD BE UNFAIR. AND I BELIEVE MY EXACT WORDS TO HIM IS THAT YOU, OF ALL PEOPLE, WHO HAVE HAD A SUBSTANCE ABUSE PROBLEM, SHOULD UNDERSTAND THIS SITUATION, AND I TOLD HIM THAT IT WAS UNFAIR. NOW, WITH REGARD TO WHAT YOU TOLD THE JUDGE, WASN'T YOUR RESPONSE TO HIM DEALING WITH A FAIRNESS OF HIM USING AN EMBARRASSING INCIDENT IN THE CLINIC'S PAST TO TARNISH THE THECLINI CAN?

HIS ANSWER, YES -- THE CLINIC? ANSWER HISANS WAS YES. THAT WAS MY FOCUS, AND HE USED THE EPISODE AND SAID IT WAS AN UNFAIR IDEA AND HE TOLD JUDGE SHEA IT WAS UNFAIR, AND JUDGE SHEA'S RESPONSE ABOUT BASIC FAIRNESS, WAS, QUOTE, WHEN YOU ARE IN A WAR, YOU DO WHATEVER YOU HAVE TO DO TO WIN IT. NOW, WHAT ELSE DID JUDGE SHEA DO TO WIN HIS WAR? HE CUTOFF THE TREATMENT TO TWO CHILDREN WHO HAD BEEN UNDER TREATMENT WITH THAT GUIDANCE CLINIC FOR TWO YEARS, TO TEACH THE GUIDANCE CLINIC A LESSON.

WAS THERE ANY LEGAL REASON FOR DOING THAT?

NONE. THE ONLY REASON THE JUDGE SHEA DID IT, AND THERE IS NOTHING THIS RECORD TO THE CONTRARY, HE DID IT RIGHT AFTER HIS PROBLEM WITH BARBARA MARTIN, GRANTED HE REINSTATED THE TREATMENT ORDER AFTER TWO WEEKS. HE GAVE THEM BACK THEIR TREATMENT. BUT AT EXACTLY THE SAME TIME, HE CALLED THE DEPARTMENT OF CORRECTIONS, WITH WHOM THE GUIDANCE CLINIC HAD A CONTRACT, AND HE TOLD THEM NOT TO SEND ANY OTHER PATIENTS TO THE GUIDANCE CLINIC. NOW, THAT IS CLEAR AND CONVINCING EVIDENCE OF VINDICTIVE CONDUCT, SO THAT IS ANOTHER INSTANCE OF A JUDGE WHO IS RETALIATING AND IS BEING VINDICTIVE.

AND THERE IS NOTHING IN THE FILES OF THESE TWO INDIVIDUALS THAT WOULD INDICATE ANY IMPROPRIETIES OR THE REASON FOR MAKING THAT, STOPPING OR NO LONGER AUTHORIZING THAT SUPPORT TREATMENT?

ON PAGE 508, DR. MATTHEWS TALKS ABOUT WHAT HAPPENED WHEN HE GOT THOSE ORDERS, AND HE TALKS ABOUT THE FACT THERE WAS NO BASIS FOR IT. THE CHILDREN, BOTH CHILDREN, HAD BEEN IN TREATMENT WITH THE GUIDANCE CLINIC, THE UPPER KEYS, FOR SOME PERIOD OF TIME. THEY HAD BEEN THERE FOR ROUGHLY TWO YEARS. AND AT THE TIME THAT THE JUDGE ISSUED THE ORDER, IT WAS THE DAY AFTER THE SHOW CAUSE HEARING, SO ONE DAY AFTER THE SHOW CAUSE HEARING, HE ISSUES TWO ORDERS REVOKING CHILDREN'S TREATMENT. AND THEN DR. MATTHEWS GOES ON TO SAY I WAS SHOCKED. I THOUGHT IT WAS REPREHENSIBLE, AND THERE WASN'T EVEN ANY ALTERNATIVE TREATMENT FOR ONE OF THE CHILDREN WHO HAD BEEN IN INTENSIVE TREATMENT FOR MANY YEARS. NOW, ALL OF THIS WAS DONE VIN ADDICT I FEEL, TO GET BACK AT THIS CLINIC -- VIN DICKTIVELY, TO GET BACK AT THIS CLINIC.

I KNOW WE ARE TALKING ABOUT ABUSE, BUT THE FIRST CIRCUMSTANCE SEEMS TO INVOLVE SOMETHING THAT WAS GOING TO BE FOR THIS JUDGE'S FINANCIAL GAIN.

YES.

THIS OTHER INCIDENT SEEMS TO, AT LEAST, HAVE COME FROM THE PERCEIVED FRUSTRATION THAT HE DIDN'T HAVE ENOUGH PLACES TO RECEIVE COMPETENT CUSTODY EVALUATIONS, AND I AM NOT -- I WOULD ASSUME IN A PLACE LIKE THE KEYS, THAT THERE IS A LIMITED NUMBER OF PEOPLE. HOW DO WE -- WHERE IS THE LINE, AGAIN, FOR SOMETHING LIKE THIS? HERE IS A JUDGE WHO IS SAYING, YOU KNOW, I HAVE GOT A REAL PROBLEM, BUT HE GOES ABOUT IT IN A HEAVY HANDED WAY.

THERE ARE TWO CASES THAT ADDRESS ALL OF THE ISSUES THAT I HAVE DEALT WITH. THE FIRST ISSUE HAD TO DEAL WITH GRAZIANO, AND THAT HAD TO DO WITH THE OBTAINING OF THE PERSONAL BENEFIT. BENEFIT HEARD BUT SHE GOT A JOB FOR A FRIEND OF HERS, AND REMOVAL WAS WARRANTED IN THAT PARTICULAR CASE. IT DEALT WITH PERSONAL PEE KUN YEAR GAIN. -- PECUNIARY GAIN. THAT WASN'T CLEAR IN THIS CASE. THE \$150,000 WAS FOR HIM, FOR HIS MOBILE HOMES. THE SECOND WAS DEALT WITH SPECIFICALLY IN THE GRAHAM CASE, AND IN THE GRAHAM CASE YOU HAD, JUST LIKE HERE, A SERIES OF INCIDENTS, IN WHICH THE COURT SAID, SPECIFICALLY, THAT JUDGE GRAHAM WAS ACTING FROM THE PUREST OF MOTOR -- OF MOTIVES. WE CAN'T EVEN QUESTION HIS HONESTY, BUT HE DID SMINK THINGS IN SUCH AWAY -- HE DID THINGS IN SUCH AWAY, HIS METHOD IN EVERY SINGLE INSTANCE WAS ABSOLUTELY WRONG. HE REMOVED FOR ABUSE OF POWER, AND WE SAY THIS IS A COMBINATION OF BOTH GRAZIANO AND GRAHAM, BUT YOU WILL SEE, IN THE LANGUAGE OF THAT OPINION I DON'T KNOW THAT, THE COURT SAYS WE RECOGNIZE THAT HE IS NOT DISHONEST, VENAL, GUILTY OF MORAL TURPITUDE, BUT HIS CONDUCT WAS PROFESSIONALLY IRRATIONAL.

IT WAS MENTIONED BY MR. ENGLAND THAT ORIGINALLY, THE ORIGINAL CHARGES INCLUDED, OR AT LEAST THE CLAIMS THAT LED TO HIS REMOVAL, CLAIMS OF MENTAL INSTABILITY, AND IF YOU READ THE WHOLE RECORD AND THE CHARGES, THERE SEEMS TO BE A PATTERN OF SOMEBODY

THAT MAY HAVE SOME SIGNIFICANT EMOTIONAL PROBLEMS. THAT WASN'T PURR USED. NOW, OF COURSE, SOMEBODY THAT IS DOING SOMETHING OUT OF THE BEST OF MOTIVES BUT JUST IS ARROGANT IS ONE KIND OF PERSON. SOMEBODY THAT, REALLY, HAS A MENTAL ILLNESS OR AN EMOTIONAL DISTURBANCE, THAT IS ANOTHER. DID THE JQC, IS ANYTHING PRESENTED ON HIS MENTAL OR EMOTIONAL STATE?

WE GAVE YOU THE FACTS, IN TERMS OF HIS SUSPICIONS OF EVERYBODY, THE PARANOIA, THE BUGGING, THE PROBLEMS, THE ACCUSATIONS, THE FALSE ILLUSTRATES. WE DID NOT -- THE FALSITIES. WE DID NOT PRESENT ANY TESTIMONY ON HIS MENTAL STATE. THERE IS A VERY EASY ANSWER, THAT SHEA HAS NO REMORSE. REGARDLESS OF WHAT MR. ENGLAND SAID, THE RECORD IS THE FOLLOWING. AT PAGE 2862, HE WAS ASKED WHETHER HE VIOLATED THE CODE OF JUDICIAL CONDUCT IN ANY RESPECT, AND HIS ANSWER WAS I DON'T THINK I VIOLATED THE CODE OF JUDICIAL CONDUCT. NOW, THIS IS IN THE FACE OF NOT ONLY THE CHARGES I HAVE TALKED ABOUT, BUT IN THE FACE OF THE TESTIMONY FROM HIS OWN WITNESS, WHO IS THE FORMER JUDGE, THE FORMER CHIEF JUDGE IN THE KEYS, THAT HE HAD, IN FACT, VIOLATED THE CODE WITH REGARD TO HIS HANDLING OF THE OVERTON CASE, WHEN HE RETALIATED AGAINST LAWYERS WHO FILED A MOTION TO RECUSE HIM, BY ACCUSING THEM OF INEFFECTIVE ASSISTANCE OF COUNSEL. HIS OWN EXPERT TESTIFIED THAT THOSE WERE VIOLATIONS OF THE JUDICIAL CANNONS, AND JUDGE SHEA SAID I HAVE DONE NOTHING WRONG. THIS IS A MAN WHO DOES NOT UNDERSTAND THE CODE OF JUDICIAL CONDUCT. HE DOES NOT UNDERSTAND APPROPRIATE. HE DOES NOT UNDERSTAND -- HE DOES NOT UNDERSTAND PROPRIETY. HE DOES NOT UNDERSTAND APPROPRIATE ACTION.

WAS THERE ANY MATTER FOR JUDGE SHEA BEFORE THE JQC BEFORE THIS?

HE HAD ONLY BEEN ON THE BENCH FOR TWO YEARS, AND THE PROBLEMS WITH JUDGE SHEA, AS OPPOSED TO A NEW JUDGE COMING IN, JUSTICE WELLS, AND EXPERIENCEING PROBLEMS AT THE BEGINNING, AND THEN THOSE PROBLEMS DISSIPATING, WHAT YOU SAW WITH JUDGE SHEA IS HE CAME IN. AND THE PROBLEMS ESCALATED AND GOT WORSE, AND GOT WORSE, AND GOT WORSE. SO THE ANSWER TO YOUR QUESTION IS THERE IS NO PSYCHOLOGICAL EVIDENCE, FROM A PSYCHIATRIST, THAT IS HE MENTALLY DISABLED. WE DID NOT PRESENT IT, BUT THIS IS A MAN WHO DOES NOT UNDERSTAND BASIC FAIRNESS AND BASIC JUSTICE. IF I COULD HAVE JUST ONE SECOND.

YOU MAY MAKE YOUR CONCLUDING STATEMENT.

THANK YOU, YOUR HONOR. I JUST WANT TO QUOTE FROMARIES TO GET. BECAUSE -- FROM ARISTOTLE, BECAUSE HE SAYS THE WHOLE POLICY OF A TYRANT MAY BE SUMMED UP IN THREE THINGS. ONE, HE SEWS DISTRUST AMONG HIS SUCKS. TWO, HE TAKES AWAY THEIR POWER, AND THREE HE HUMBLER THEM. THAT IS JUDGE SHEA. THANK YOU.

THANK YOU. REBUTTAL?

YOUR HONORS, WE TAKE A VERY DIFFERENT VIEW OF THIS, AND WE START WITH THE RECORD. I CAN'T GO INTO THE STATEMENTS THAT SHE MADE AND SAY THAT THEY WERE ALL WRONG. I CAN TELL THAT YOU THE JQC, IN THIS PROCEEDING, BELIEVES THAT FACTS INCLUDE ADVOCACY, AS DEMONSTRATED WITH THEIR BRIEF, 56 PAGES OF IT. I CAN TELL THAT YOU THERE IS RECORD EVIDENCE THAT THE CHILDREN WERE TAKEN OUT OF THE CLINIC BECAUSE THEY NEEDED SPECIAL TREATMENT. THAT IS ON PAGE 25066, WHEN IT -- 2566, WHEN IT WAS ASKED IS THERE A REASON, SHE SAID NONE.

WHEN THEY ASKED FOR SPECIAL TREATMENT, DID THEY GET IT?

I DON'T BELIEVE THAT IS IN THE RECORD. JUSTICE LEWIS, I MISS LEAD YOU. I APOLOGIZE. I MISS UNDERSTOOD YOUR QUESTION. THEY WERE NOT SENT, IN THIS CASE, FOR A CUSTODY

EVALUATION. IT WAS PSYCHOLOGICAL, AND YOU HEARD COUNSEL SAY THEY DON'T DO CUSTODY EVALUATIONS AND ALL OF THIS FLOWED FLORIDA? I INVITE TO YOU PAGE 505 OF THE RECORD AND THE ORDER READS RESPONDENT IS HERE BY ORDERED UNDERGO A PSYCHOLOGICAL EVALUATION. THE TESTIMONY IN THE RECORD, THERE IS ALL THE DIFFERENCE IN THE WORLD, AND THEY DID THOSE ALL THE TIME. I DON'T KNOW WHY COUNSEL GETS CONFUSED ON THE RECORD, BUT I INVITE TO YOU DO YOUR INDEPENDENT REVIEW.

WHAT WAS THE UNDERLYING CASE THAT WAS BEFORE THE JUDGE, THAT HE SENT MR. WOODS TO THE CLINIC FOR?

OH, THIS MAN HAD THREATENED SUICIDE IN FRONT OF HIS CHILDREN.

WAS THIS A DIVORCE CASE THAT WAS ACTUALLY PENDING BEFORE THE JUDGE?

IT WAS PENDING CASE. IT WAS A HEARING. HE THREATENED TO COMMIT SUICIDE IN FRONT OF HIS CHILDREN AND HE SAID I THINK YOU NEED A PSYCHOLOGICAL EVALUATION, NOT A CUSTODY EVALUATION, AND THAT IS VERY IMPORTANT. WE HAVE GOT HERE A MENTAL INSTABILITY? WAS THE ANSWER THAT YOU GOT? WELL, IT IS BASED ON THE FACTS. WE INVITE YOU TO READ THE FACTS. WE DO THE FACTS. NOT THE ADVOCACY, THE FACTS. WHAT DOES COUNSEL MEAN THERE IS NO REMORSE? HE SAID HE DIDN'T THINK HE VIOLATED THE CODE! YOU HAVE SAID, IN PROCEEDINGS FROM THE JQC, IT IS NOT AN OFFENSE FOR A JUDGE TO CLAIM HE IS INNOCENT. WHAT HAS THAT GOT TO DO WITH IT? I CITED YOU PLACES WHERE THERE IS REMORSE. FOUR INSTANCES WHERE HE SAID I WISH I HADN'T SAID THAT. I AM SORRY I DID. I WILL DO BETTER. HE DIDN'T SET OUT TO CREATE DISSENTION. THERE WAS DISSENTION LOOKING FOR HIM. INCOMPETENCE, CORRUPTION, MALFEASANCE, AND, WORSE, IN THE CIRCUIT, WHICH HE SAID HE REALLY WANTED TO TRY AND HELP, AND WHY IS THE JQC PURSUING THIS MAN FOR TRYING SO HARD TO DO IT? LET ME CONCLUDE WITH TWO COMMENTS. I AM NOT GOING TO QUOTE FROM ARISTOTLE. THERE ARE TWO STANDARDS BEING APPLIED HERE. THERE IS A SUGGESTION THAT HE DOESN'T UNDERSTAND IMPROPRIETY. AND YET THIS PROCEEDING WAS PRESIDED OVER BY A JUDGE WHO WAS ASKED TO BE RECUSED, BUT DIDN'T, AND ON A RENEWED MOTION DIDN'T RECUSE HIMSELF, AND THE RECORD REFLECTS THAT THIS IS THE JUDGE WHO WENT OUT TO LUNCH WITH THE PROSECUTING WITNESS DURING THE COURSE OF THE TRIAL IN DECEMBER. JUDGE MILLER HAD LUNCH WITH HIM AND THEN, WHEN --

EXCUSE ME, COUNSEL. EXCUSE ME. YOU ARE OBJECTING --

I AM OBJECTING TO HIM RAISING AN ISSUE IN REBUTTAL THAT WAS NEVER TOUCHED ON.

OBJECTION IS SUSTAINED. COUNSEL, IF YOU WILL CONCLUDE YOUR REMARKS.

I DON'T WANT TO BE MELLOW DRAMATIC, YOUR HONORS, BUT I SINCERELY BELIEVE THAT THIS CASE WILL NOT ONLY DETERMINE THE COURSE FOR JUDGE SHEA, AS A JURIST OR NOT, BUT OF MORE LONG RANGE SIGNIFICANCE. I SINCERELY BELIEVE THIS CASE WILL DETERMINE EXACTLY WHAT THIS COURT WILL ALLOW THE JQC TO BECOME.

THANK YOU, COUNSEL. WE WILL BE IN RECESS FOR 15 MINUTES.