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Inquiry Concerning a Judge: Kenton H. Haymans

GOOD MORNING AND WELCOME TO THE FLORIDA SUPREME COURT. AND CONGRATULATIONS TO OUR COLLEAGUES, WHO ARE SITTING UP HERE FOR THE CONFIDENCE THAT THE PEOPLE OF FLORIDA HAVE SHOWN IN THEM, BY THEIR OVERWHELMING RETENTION. WE EXPECT BIG THINGS OUT OF THEM, OVER THE NEXT SIX YEARS. WE WOULD, FIRST ON OUR DOCKET, THIS MORNING, A PUBLIC REPRIMAND OF JUDGE KENTON HAYMANS. STEP UP TO THE PODIUM, PLEASE. JUDGE HAYMANS, THE CIRCUMSTANCES FOR WHICH YOU HAVE BEEN SUMMONED TO THIS COURT ARE UNFORTUNATE, NOT ONLY FOR YOU BUT FOR THE LEGAL PROFESSION AS A WHOLE. IN ACCORDANCE WITH THE JUDICIAL QUALIFICATION COMMISSION'S UNCONTESTED RECOMMENDATIONS THAT YOU RECEIVE A PUBLIC REPRIMAND, AND CONSISTENT WITH OUR DECISION IN RE FRANK, WE HAVE INVITED YOU TO APPEAR BEFORE THIS COURT IN PERSON, TO RECEIVE THIS PUBLIC REPRIMAND. THE JUDICIAL QUALIFICATIONS COMMISSION CHARGED YOU WITH VIOLATING CANONS I, II, AND III, OF THE CODE OF JUDICIAL CONDUCT, BY ENGAGING IN A PATTERN OF RUDENESS AND ARBITRARY BEHAVIOR TOWARDS LAWYERS, PAERTSZ, WITNESSES, VICTIMS, AND COURT PERSONNEL. SPECIFICALLY THE COMMISSION CHARGED YOU WITH DOING THE FOLLOWING IN A DOMESTIC ABUSE CASE, YOU MADE A SARCK ASTIC AND -- A SARCASTIC AND INSENSITIVE REMARK, INDICATING THAT THE BATTERY WAS PARTIALLY HER FAULT. DURING ARRAIGNMENT IN A BATTERY CASE, BEING PROSECUTED BY A FEMALE ASSISTANT STATE ATTORNEY, YOU STATED THAT "LADIES SOMETIMES THINK VIOLENCE IS MORE VIOLENT THAN IT, REALLY, IS." DURING THE FIRST APPEARANCE IN A TRESPASSING CASE, IN WHICH THE DEPUTY HAD SERVED THE DEFENDANT WITH A NOTICE TO APPEAR, YOU SAID, QUOTE, WHO IS THE DEPUTY GIVING THOSE OUT? HE IS AN IDIOT. IN A JUVENILE PROCEEDING, YOU GRANTED THE DEFENSE REQUEST FOR A CONTINUANCE, IN SPITE OF THE FACT THAT THE STATE'S WITNESS HAD TAKEN OFF WORK, A DAY OFF WORK, TO TESTIFY, AND YOU SAID, TO THE BAILIFF, THAT EVERYBODY KNOWS THAT PARTICULAR WITNESS IS A LIAR. YOU INAPPROPRIATELY SUSPENDED THE SENTENCES OF FISHERMEN WHO WERE VIOLATING THE BAN ON THE NET FISHING. YOU URGED ALL THE CRIMINAL DEFENDANTS IN CASES SET FOR TRIAL ON FRIDAY, OCTOBER 31, 1998, TO ENTER PLEAS, BECAUSE YOU WANTED TO GET AN EARLY START ON HUNTING SEASON. YOU TOLD THE ASSISTANT STATE ATTORNEY TO REDUCE THE DUI CASES IN ANY CASE WHERE A TROOPER WAS TO TESTIFY, BECAUSE THAT TROOPER WAS A DAM LIAR. YOU LAUGHED AT THE POLICE OFFICERS, IN A DUI VIDEO. YOU RESPONDED IN AN INCREDULOUS MANNER, TO A POLICE OFFICER'S TESTIMONY, CONCERNING THE MANNER IN WHICH ALCOHOL IS DETECTED UPON A PERSON'S BREATH. YOU FILED, IN THIS PROCEEDING, AN ANSWER ADMITTING THIS MISCONDUCT AND APOLOGIZING FOR THE MISCONDUCT, RECUSING YOURSELF FROM FURTHER WORK ON THE CRIMINAL BENCH. AND PROMISING NOT TO SEEK REELECTION, WHEN YOUR TERM ENDS THIS JANUARY. THE CODE OF JUDICIAL CONDUCT CONTAINS THE ESSENTIAL PRINCIPLES BY WHICH OUR JUDICIARY IS GOVERNED AND MUST BE ADHERED TO BY YOU AND ALL JUDGES IN THIS STATE. CANON I OF THE CODE WHICH YOU VIOLATED, STATES A JUDGE 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. CANON II-A OF THE CODE WHICH YOU VIOLATED, STATES A JUDGE SHALL, AT ALL TIMES, IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY, THAT IS THE WAY THE JUDGE MUST CONDUCT HIMSELF OR HERSELF. CANON III-B, FOUR WHICH YOU VIOLATED, STATES A JUDGE SHALL BE PATIENT, DIGNIFIED, COURTEOUS TO LITIGANTS, JURORS, WITNESSES, LAWYERS AND OTHERS WITH WHOM THE JUDGE DEALS IN AN OFFICIAL CAPACITY. IN CANON IIIB-5 WHICH YOU

VIOLATED, STATES A JUDGE SHALL PERFORM JUDICIAL DUTIES, WITHOUT BIAS OR PREJUDICE. A JUDGE SHALL NOT, IN THE PERFORMANCE OF JUDICIAL DUTIES, BY WORDS OR CONDUCT, MANIFEST BIAS OR PREJUDICE. THE CONCEPT OF INDEPENDENCE AND INTEGRITY ARE THE CORNERSTONES UPON WHICH THIS LEGAL SYSTEM IS BUILT. FLORIDA JUDGES, BY THEIR DAILY CONDUCT AND DEMEANOR IN THE COURTROOM, MUST DEMONSTRATE TO THE PEOPLE OF THIS STATE AND ALL THAT COME IN CONTACT WITH OUR COURTS, THAT THE LEGAL SYSTEM IS WORTHY OF THEIR RESPECT. THIS COURT AND THIS CHIEF JUSTICE ARE STEADFASTLY COMMITTED TO THE CONTINUED BUILDING OF PUBLIC TRUST AND CONFIDENCE IN THE JUDICIARY, AND WILL TOLERATE ZERO ACTS OF JUDICIAL CONDUCT THAT ERODE THAT TRUST. CONDUCT SUCH AS YOURS STRIKES AT THE VERY CORE OF PUBLIC TRUST AND CONFIDENCE IN OUR LEGAL SYSTEM. YOU NOT ONLY DEMEANED YOUR JUDICIAL OFFICE BUT, ALSO, THE JUDICIARY AND THE LEGAL PROFESSION. JUDGE HAYMANS, YOU ADMITTED THE FINDINGS MADE BY THE INVESTIGATIVE PANEL OF THE JUDICIAL QUALIFICATIONS COMMISSION AND WAIVED YOUR RIGHT TO A TRIAL, BY HEARING PANEL OF THE COMMISSION. THE COMMISSION NOTED, IN ITS FINDINGS, THAT YOU ACKNOWLEDGED THE IMPROPRIETY OF YOUR CONDUCT AND GAVE ASSURANCES THAT SUCH CONDUCT WOULD BE REMEDIED AND NEVER REPEATED. WE SINCERELY HOPE THAT IS THE CASE, AND WE TRUST THAT THIS PUBLIC REPRIMAND, ADMITTED BEFORE THIS COURT, ADMINISTERED BEFORE THIS COURT, WILL BE SUFFICIENT TO DEMONSTRATE, TO YOU AND THE OTHER JUDGES IN FLORIDA, AND THE PUBLIC, IN FLORIDA, THAT CONDUCT SUCH AS YOURS WILL NOT BE TOLERATED. JUDGE HAYMANS, THIS PUBLIC REPRIMAND IS NOW CONCLUDED. YOU MAY ADJOURN.