

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE NO. 06-432
RE: JUDGE TERRI-ANN MILLER

SC07-1985

AMENDED NOTICE OF FORMAL CHARGES

TO: Honorable Terri-Ann Miller
Broward County Courthouse
3550 Hollywood Blvd., Suite 216
Hollywood, FL 33021-6846

You are hereby notified that the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of the majority of its members determined pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, § 12(b) of the Constitution of the State of Florida, finds that probable cause exists for formal proceedings to be, and the same are hereby instituted against you to inquire into charges based upon allegations that during your 2006 election campaign for the judgeship you now occupy in Broward County, you engaged in improper conduct in that to wit:

1. During your successful 2006 campaign for County Judge in Broward County, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(ii), you exhibited campaign signs in which you described yourself as **Judge** Terri-Ann Miller. Canon 7A(3d)(ii) provides that “a candidate for judicial office ... shall not knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or opponent.” The signs depicted in attached Exhibits “A” and “F” illustrate this allegation. The signs you

employed to advertise your candidacy misrepresented your status as an attorney in private practice. When informed the signs violated Canon 7, you affixed a small sticker containing the word “former” and you covered the word “Judge” in the phrase, “Approved by Judge Terri-Ann Miller”. As is illustrated in the sign depicted in Exhibit “B”, the word “former”, applied next to the word “JUDGE”, is so disproportionately small that it could hardly be said to be a meaningful disclaimer.

2. During your successful 2006 campaign for County Judge in Broward County, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(ii), you knowingly and purposefully caused to be prepared and circulated or exhibited campaign signs and materials that were calculated to obtain the admitted advantage that adheres to the status of an incumbent, when in fact you were not. Your materials as depicted in Exhibits “A”, “C”, “D”, “E”, “G”, “H”, and “I”, consistently claim: “8 YEARS AS A COUNTY JUDGE”; “8 YEARS JUDICIAL EXPERIENCE”; and “ACTING CIRCUIT JUDGE”. You buttressed these statements by appearing in a photograph wearing judicial robes. (Exhibit “I”). However, in none of your signs or materials did you disclose your true status as an attorney in private practice since 2001 who had formerly been a Dade County Judge. This omission constitutes a misrepresentation of the qualifications, present position, or other fact concerning you as a candidate in violation of Canon 7.

3. During the campaign, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(ii), you made a continuing deliberate effort to misrepresent your qualifications for office as detailed in Charges 1 and 2, *supra*, which cumulative misconduct constitutes a pattern and practice unbecoming a candidate for and lacking the dignity appropriate to judicial office, with the effect of bringing the judiciary into disrepute.

These acts, if they occurred as alleged, would also impair the confidence of the citizens of this State in the integrity of the judicial system and in you as a judge, would constitute a violation of the cited Canons of the Code of Judicial Conduct, would constitute conduct unbecoming a member of the judiciary, would demonstrate your unfitness to hold the office of judge, and would warrant discipline, including but not limited to your removal from office and/or any other appropriate discipline recommended by the Florida Judicial Qualifications Commission.

You are hereby notified of your right to file a written answer to the above charges made against you within twenty (20) days of service of this notice upon you.

Respectfully submitted,

Marvin E. Barkin
Interim General Counsel
101 E. Kennedy Blvd., Suite 2700
P.O. Box 1102
Tampa, FL 33601-1102
813/227-7459
FAX: 813/227-0459

And

Michael L. Schneider
Associate General Counsel
Judicial Qualifications Commission
Florida Bar No. 525049
1110 Thomasville Road
Tallahassee, FL 32303
(850) 488-1581

Counsel for Florida Judicial Qualifications
Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the **Notice of Formal Charges** has been furnished by U.S mail to **Honorable Terri-Ann Miller**, through her attorney, **Michael A. Catalano, Esquire**, 1531 N.W. 13th Court, Miami, FL 33125, this 17th day of March, 2008.

Michael L. Schneider