

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE NO.: 06-425 /

NOTICE OF FORMAL CHARGES

**TO: The Honorable James C. Hauser
Orange County Circuit Court Judge
2000 E. Michigan Street
Orlando, FL 32806**

YOU ARE HEREBY notified that the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of not less than two-thirds of those members present at its meeting held on May 18th, 2007, pursuant to Rule 6(f), Florida Judicial Qualifications Commission Rules ("FJQCR"), as revised, and Fla. Const. Art. V, Section 12(b), has determined that probable cause exists for formal proceedings to be instituted against you. Probable cause exists on the following formal charges:

1. During the spring semester of 2006, you made unwanted and inappropriate sexual advances towards a student in a class you were co-teaching. You continued to call the student numerous times from your cell phone and your chambers after she made it clear that your advances were unwanted. This charge is governed by Canons 1, 2A and 5A(2) of the Code of Judicial Conduct.
2. It was inappropriate for you as a faculty member to have

engaged in the relationship which you initiated with a student. This charge is governed by Canons 1, 2A and 5A(2) of the Code of Judicial Conduct.

3. You have exhibited erratic and abusive behavior on the bench prompting the complaints from attorneys and the warning from Chief Judge Perry referenced in a memorandum dated February 14, 2005, attached as (App. A). This charge is governed by Canons 1, 2A, 3B(4) and 3B(7), of the Code of Judicial Conduct.

The acts described above, if they occurred as alleged, violated the Code of Judicial Conduct, to wit: Canon 1 (upholding the integrity of the judiciary), Canon 2A (appearance of impropriety); Canon 3B(4) (patience, dignity and courtesy in dealing with litigants and lawyers in official capacity); Canon 3B(7) (initiating, permitting or considering *ex parte* communications); and Canon 5(A)(2) (conducting extra-judicial activities in a manner demeaning to judicial office).

The foregoing conduct, if proven as alleged, constitutes conduct unbecoming a member of the judiciary, warranting discipline, including but not limited to reprimand, fine, suspension with or without pay, or lawyer discipline. It may also demonstrate present unfitness to hold judicial office, warranting your removal.

You are hereby notified of your right to file a written

answer to these charges within twenty (20) days of service of this notice upon you. The original of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court, in accordance with the Court's requirements. Copies of your response should be served on the undersigned Special Counsel, Associate General Counsel, for the Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303; Marvin Barkin, Esq. Interim General Counsel for the Judicial Qualifications Commission, Trenam, Kemker, Scharf, Barkin Frye, O'Neill & Mullis, P.A., 101 Kennedy Blvd., Suite 2700, Tampa, FL 33602 and John R. Beranek at Post Office Box 391, Tallahassee, FL 32302.

By: _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Proceedings has been furnished by certified mail, return receipt requested this _____ day of June, 2007 to:

The Honorable James C. Hauser
Orange County Circuit Court Judge
2000 E. Michigan Street
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