BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING JUDGE JOSEPH P. BAKER; JQC No.: 00-319, _____/

SUPREME CT. CASE NO. SC00-2510

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS BY THE HEARING PANEL OF THE JUDICIAL QUALIFICATIONS COMMISSION

The Hearing Panel of the Florida Judicial Qualifications Commission ("JQC") respectfully submits the following Findings, Conclusions and Recommendations pursuant to Article 5, § 12 (a)(1), (b) and (c) of the Florida Constitution.

[1] Based on clear and convincing evidence and the required vote of at least four members, the Hearing Panel finds Judge Joseph Baker guilty of a violation of Canon 3B(7) of the Code of Judicial Conduct which prohibits ex-parte and other communications out of the presence of the parties. The Panel recommends to this Court that Judge Baker be admonished for his conduct but that this admonition be in writing only and that Judge Baker not be required to personally appear[2] in the Court for a reprimand. The Hearing Panel recommends admonishment as a lesser sanction to a reprimand.

Judge Baker is a circuit judge of the Ninth Judicial Circuit in Orange County, Florida. (T. 38). He has served as a circuit judge for over 23 years and has signed a resignation indicating that he will remain in office for approximately 1½ years in the future. (T. 38).

The Notice of Formal Charges of December 5, 2000, stated as follows:

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[1] The transcript of the hearing of April 23, 2001, is designated (T. ___). The Investigative Panel of the JQC is referred to by name or as the Prosecution.

[2] This Court's decision in In re: Frank, 753 So. 2d 1228 (Fla. 2000), will be addressed herein on the issue of a required personal appearance.

Formal proceedings accordingly are hereby instituted to inquire into the following charges:

> 1. During the pendency before you of the case of Universal Business Systems, Inc. v. Disney Vacation Club Management Corp., 2000 WL 905248 (DCA Fla. 5th 2000)[3], without disclosure to counsel or the litigants, you made inquiries of several computer consultants and experts concerning technical issues relating to the issue of damages in the case. Subsequently, you reduced a jury award of damages in favor of Universal Business Systems, Inc. to a nominal amount. In your memorandum explaining your decision, you disclosed for the first time that you had made these inquiries, stating only that your decision to reduce the damage award was consistent with the input you received from the unnamed consultants and expert. On appeal, the Fifth District Court of Appeal reversed the ruling on several grounds, including its finding that you improperly considered information gleaned from ex-parte communications in reaching your decision to override the jury's verdict.
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> 2. The initiation of these inquiries and receipt of the advice of the consultants and experts constituted initiation and receipt of improper ex-parte communications on your part.

Judge Baker, through his counsel, filed a Motion to Dismiss the charges arguing that his alleged conduct, even if true, could not constitute an ethical violation as a matter of law. (R. 12/22/00 Motion to Dismiss pp. 7-22). The Hearing Panel denied the Motion to Dismiss by order of January 26, 2001, and Judge Baker filed his Answer on February 5, 2001. Essentially, the Answer admitted that Judge Baker initiated the alleged conversations with computer consultants and experts about damages during the trial but denied that these conversations constituted prohibited ex-parte or other communications. In relevant part, the Answer stated:

> (h) At the time Judge Baker had conversations with the select few computer consultants and computer experts in which he explored his thoughts regarding *UBS v. Disney*, the computer consultants and computer experts were known well by Judge Baker to have no interest in *UBS v. Disney*, nor any stake in the outcome of that case. Judge Baker did not make his rulings in *UBS v. Disney* based on the advice of anyone. Judge Baker's rulings were his own decisions. Judge Baker did test his understandings of computer works and operations and

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[3] This case appears in Southern Reporter at 768 So. 2d 7 (Fla. 5th DCA 2000) with rehearing denied September 12, 2000. It will be referred to herein as UBS v. Disney.

explored different perspectives on the technical computer questions that came up during *UBS v. Disney* to be sure he was not overlooking something.

(i) Since *UBS v. Disney* was a jury trial, Judge Baker did not make any findings of fact. He did not call any witnesses or question any witnesses in order not to intrude on the role of the attorneys or function of the jury.

(j) Judge Baker repeatedly disclosed both verbally and in writing to counsel in open court during the trial of *UBS v. Disney* that he was doing extensive research on the issues involved in that case, primarily the issue of the measure of damages.

Based on the Charges and Answer, the case proceeded to a hearing in Judge Baker's home circuit in Orlando, Florida. The Hearing Panel was composed of Judge James R. Jorgenson who acted as Chair, Judge Peggy P. Gehl, attorney John Frost, attorney Martin Garcia, lay member Bonnie Booth and lay member Reverend Randolph Bracey, Jr. The prosecution was represented by Special Counsel Charles Pillans of Jacksonville and Judge Baker was represented by attorneys David King and Mayanne Downs of Orlando. Attorney John Beranek served as counsel to the Hearing Panel. The rule on sequestration of witnesses was not invoked.

The JQC hearing was completed in a single day. The prosecution presented solely the testimony of Judge Baker and certain court records as exhibits, including the 1527-page transcript of the underlying 6-day jury trial in the UBS v. Disney case. (T. 36). Judge Baker testified at length on direct and cross, and he relied upon his own testimony and also presented the testimony of three witnesses and additional court records as exhibits. The three defense witnesses were Circuit Judge Belvin Perry of the Ninth Circuit, former judge Charles Scott, a retired trial judge from the state of Illinois, and Ms. Amy Mashburn, a professor from the Fredric G. Levin College of Law. (T. 157, 167, 225).

Judge Perry testified to Judge Baker's competence as a trial judge and to his strong work ethic. (T. 159). He indicated that Judge Baker tried more cases and spent more time in court than most other circuit judges. (T. 159-164, 166). Judge Perry was a prior chief judge and the incoming chief judge elect of the Ninth Circuit. He believed Judge Baker to be a fine judge. (T.

164). The other two defense witnesses, Judge Scott and Professor Mashburn, testified over objection as experts on judicial ethics. (T. 13, 167-185, 228-246). They gave their opinions that Judge Baker's conversations with computer experts concerning the measure of damages in the jury trial and post-trial proceedings should not be viewed as ethical violations under Canon 3B(7) or any other Canon. (T. 172-175). Both of these expert witnesses interpreted Cannon 3B(7) as being inapplicable in this situation. (T. 173-175, 177, 229, 236-239). They also relied on Federal Rule of Evidence 201 on Judicial Notice of Adjudicative Facts, but they both agreed the federal rule was not applicable to this Florida proceeding. (T. 178, 208, 246). They both gave opinions that discussions with disinterested experts along with notice to the attorneys of these conversations did not amount to prohibited ex-parte or other communications within the Canon's prohibition. (T. 172-177, 229-239).

All of the evidence as to the facts came from the testimony of Judge Baker himself and from the court records accepted in evidence. (JQC Exhibits 1-7 and Resp. Exhibits 2, 6 and 7). Thus, the factual findings herein are largely based on the testimony of the Respondent himself and on uncontested court records. These factual findings are based on clear and convincing evidence.

There were almost no real contested issues of fact and Judge Baker readily admitted his contacts with the experts. However, we note in passing Judge Baker's somewhat conflicting positions in regard to whether he had ever engaged in similar conduct in the past. Judge Baker was specifically asked whether he had ever engaged in similar contact with outside experts or other sources of information in any other cases. (T. 115, 127). Judge Baker testified he had contacted outside experts in only one other case. (T. 115, 127). That case was Pokey's Citrus Nurseries v. Doyle Conner, Ninth Circuit Case Number CI88-4138, involving citrus canker

litigation. (T. 34, 83). Judge Baker wrote an extensive "Case History" concerning the matter where he relied on outside sources and thoroughly analyzed the complex subject of citrus canker infestation and the resulting litigation. (Resp. Exh. 2). Judge Baker took pride in this analysis, noting it had been commented on favorably in a special concurring opinion by the Florida Supreme Court in another case. See Department of Agriculture v. Polk, 568 So. 2d 35 (Fla. 1990). The actual Pokey's Citrus Nurseries case was never tried or appealed and Judge Baker did not know how his written analysis even became a part of the Supreme Court file in the Polk case. (T. 103). Judge Baker clearly stated that he had contacted outside sources in only these two cases, UBS v. Disney and Pokey's Citrus Nurseries. (T. 115, 127).

After further questioning, it became clear to this Panel that Judge Baker had engaged in other somewhat similar conduct in certain other cases. See (T. 131-146), Super Vision International, Inc. v. Caruso, Case Number CI-99-9392 and Vining v. State, 637 So. 2d 921 (Fla. 1994). (JQC Exh. 5, 6 and 7 and Resp. Exh. 6 and 7). Judge Baker obviously believes that even as the presiding trial judge in a jury trial, he should be very actively involved in all aspects of a case. (T. 143, 144).

Basically, Judge Baker (in both his pleadings and testimony) agreed that he had communications with consultants and experts during the UBS v. Disney trial concerning the proper measure of damages of the computer software product in question. (T. 54, 69-70, 80-81). At the JQC hearing, Judge Baker could not remember with whom he talked nor what they said. (T. 51-53, 67, 109, 110). However, he stated in his July 15, 1999, post-trial order that these individuals had not been interested in the case. He talked with at least two individuals and probably more. (T. 53-54). The UBS v. Disney case received at least limited publicity, and Judge Baker said that at least two individuals reminded him that he had in fact discussed the case

with them. (T. 51-54).

Judge Baker further asserted that he was not influenced to change his mind by his conversations with any of the experts. (T. 110, 117). His basic position was that he was merely checking that he did not overlook anything in searching for the truth. Although he knew a great deal about computers, he was further educating himself on the complexities of computer software valuation from a damage point of view. (T. 80, 81). He further defended himself by pointing out that he advised the lawyers of his conversations with the experts, that they did not object, and that no one would have even known of these communications had he not mentioned them. (T. 89).

History of UBS v. Disney

This suit is the subject of an opinion reversing Judge Baker by the Fifth District Court of Appeal reported at Universal Business Systems, Inc. v. Disney Vacation Club Management Corp., 768 So. 2d 7 (Fla. 5th DCA 2000). A Petition for Review before the Florida Supreme Court was denied without opinion on jurisdictional grounds on March 28, 2001. The case concerned a claim for breach of a settlement agreement growing out of prior litigation between UBS and Disney. The product in question was computer software which was initially developed by UBS and sold to the Disney Vacation Club for approximately $500,000. The software was then used, improved and modified by Disney and was supposed to have been transferred back to UBS pursuant to the settlement agreement in the prior litigation. However, according to the Fifth District Court opinion, Disney did not preserve the software and was unable to transfer it back to UBS. UBS v. Disney, at p. 8.

Thus the second suit sought the value of the software. The jury returned a verdict in favor of the plaintiff UBS for $2 million, but the judge reduced it to a nominal $1,000 amount on post-trial

motions. Notwithstanding the $1,000 award, Judge Baker directed a verdict on liability in favor of the Disney defendant. (JQC Exh. 1, p. 12).

As the presiding judge in this jury trial, Judge Baker was not called upon to actually make factual findings. However, he had a basic disagreement with the plaintiff's overall theory of the case and the evidence on plaintiff's damages as it was presented. While UBS was presenting its evidence in the first four days of trial, Judge Baker prepared an eight-page analysis on his bench computer. He gave this document to the attorneys. (JQC Exh. 2, "History of the Case"). This analysis made vague references to conversations with the computer experts. (JQC Exh. 2, p. 3). Thus, the first notice to counsel of the conversations was after the fact and gave no details on who had been contacted.

On the post-trial motions, Judge Baker analyzed all of the evidence in great detail in an extensive "Memorandum of Ruling" of July 15, 1999. (JQC Exh. 1) There he announced his post-trial rulings on the motions. In this complex document, Judge Baker found the plaintiff's evidence insufficient to support the $2 million in damages found by the jury. The measure of damages and the valuation of the computer software were the primary matters discussed by Judge Baker in his memorandum and were also the primary matters which had been explored with the computer experts by Judge Baker. (Answer ¶ (h) and (j)).

The Fifth District Court of Appeal disagreed with Judge Baker's legal view of the case finding error on several grounds, including the conclusion that Judge Baker had erred in acting as a seventh juror in judging the expert testimony. The court's opinion also finds error based on receipt of the input from the computer experts, stating as follows at p. 8:

> UBS also asserts that the trial court's ruling is flawed by its admitted participation in improper ex-parte communications regarding the issue of damages. This assertion is based on the trial court's statement contained in its Memorandum explaining its ruling:

> I made a few inquiries of computer consultants and experts, describing the general nature of this task and asking if there were a practical way to approximate the cost to a retailer to take the original UBS software and bring it up to the "modified version" in use at Disney.
>
> The court went on to state that its decision was consistent with the input it had received from these consultants and experts. UBS argues that these conversations violate Canon 3 B(7) of the Code of Judicial Conduct.
>
> We do not make a comment as to whether the trial court violated Canon 3 B. However, it is clear from the trial court's own statement and the record before us that the trial court improperly considered information gleaned from ex-parte communications in reaching its decision to override the jury's verdict.
>
> REVERSED

Obviously, the Fifth District used the term "ex-parte" in finding error but refrained from any interpretation of Canon 3B(7). This decision by the Fifth District was the subject of an attempt at further review before the Florida Supreme Court, which denied review without opinion. Both the Bench and the Bar were thus on notice of what the Fifth District found to be intentional and erroneous ex-parte contacts which in part caused the jury verdict to be set aside.

The Violations and Motives of Judge Baker

Although his motives were not the result of favoritism for either party, the Panel finds that Judge Baker did have improper communications under Canon 3B(7). This Canon provides:

> A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. The judge shall not initiate, permit, or consider ex-parte communications or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding....

This Canon is followed by certain exceptions under which certain described ex-parte communications are allowed. The exceptions concern: (1) communications on scheduling and administrative matters, (2) advice from disinterested experts on the law, (3) contact with other judges or court personnel, (4) contacts with counsel's consent in an effort to settle a case and (5) other communications expressly authorized by statute. See 3B(7) subsections (a)-(e). These exceptions

are irrelevant to this case.

Judge Baker was not talking to legal experts as to a legal issue. (T. 207). By his own statement, he explored proof of damages with these computer experts and ruled on proof of damages in the post-trial order, drastically and erroneously reducing the verdict. Both the experts' views on damages and Judge Baker's views on damages favored the defendant Disney and were adverse to the plaintiff UBS. We do not know how Judge Baker would have ruled had the outside experts come down in favor of the plaintiff's theory of the damages. We can only presume that his reasoning might have changed had the experts he selected expressed a different view.

The Panel concludes that Judge Baker did have improper contacts under Canon 3B(7). Judge Baker chose these experts and he could not talk with them any more than he could have accepted a mid-trial phone call and thoroughly discussed the case with an unknown computer expert who called him after reading about the case in the newspaper. Lawyers are entitled to try their cases in the courtroom.

However, despite this violation of 3B(7), the Panel finds no violation of any other canon and finds no corrupt or bad motives. We accept Judge Baker's assertions that he was only seeking the truth. Unfortunately, to this day, Judge Baker publicly maintains the belief that he committed no wrong act and, although he has assured this Panel he will not engage in any similar future conduct, we still find at least a technical violation. (T. 105).

The absence of corrupt intent is not a defense to these charges. Bad motives are not essential to an ethical violation. Inquiry Concerning Judge, JQC No. 77-16 (Taunton), 357 So. 2d 172, 180 (Fla. 1978). The Florida Constitution was amended in 1976 to remove the requirements of scienter or moral turpitude in JQC prosecutions. Even the sincere concern of a judge for his own view of justice in a given case is not a defense to a JQC charge of a violation of an applicable canon. In re: Inquiry Concerning Judge Gridley, 417 So. 2d 950 (Fla. 1982).

Ex-Parte and Other Communications

Canon 3B(7) prohibits "ex-parte communications" and "other communications made to the judge outside the presence of the parties." The Fifth District Court of Appeal used the term ex-parte in its opinion, and the JQC formal charge also alleges ex-parte contacts. Judge Baker and his expert witnesses urge that these communications were not "ex-parte" because they did not directly involve communications with the parties, attorneys or witnesses. Relying on authorities such as Black's Law Dictionary, counsel for Judge Baker argues that the term ex-parte means, on behalf of or favoring one side, and that since these experts were disinterested and had no position favoring any side, the contacts and communications were not truly ex-parte. However, Canon 3B(7) prohibits both "ex-parte communications" or "other communications" outside the parties' presence. The Canon thus covers these admitted communications whether they are viewed as classic ex-parte contacts or merely other communications.

Judge Baker cannot suggest that he was not on notice of the nature of the charges or that he was unprepared to defend himself. The written argument by the Prosecution on the Motion to Dismiss made it clear that the charges concerned "other communications." Judge Baker's counsel, in her opening remarks, stated the issue as "how the phrase 'ex-parte communications' followed by 'other communications' is applied." (T. 11). Both of Judge Baker's expert witnesses testified in detail on the subject of "other communications." (T. 175-177, 230-236). These communications with experts were found by the District Court to have been ex-parte. In this situation involving intentional reliance on initially undisclosed experts, we view "other communications" as a subsection of "ex-parte" communications and in the context of this case there is no substantial or substantive distinction.

We reject the argument that "other communications" is too vague or too broad and would force the judge into being the least informed person in the courtroom. (T. 178). There may well be circumstances which present close questions as to other communications, but the present case is not one of them. A chance conversation about computers with a friend or spouse is not in question.

Here Judge Baker sought out expert advice from more than one expert.

Judge Baker even disclosed in the post-trial order of July 15, 1999, that the experts had supported his view that plaintiff's theory of damages was incorrect. However, at the JQC hearing, Judge Baker was unable to remember anything about his conversations. (T. 51-53, 67, 109, 110). Whether or not the communications change the result is not crucial. Although the experts were thought by Judge Baker to have been disinterested, they may well have been biased. Their expertise and credibility could not be tested by the parties. Here any differences between classic "ex-parte" communications and "other communications" present a distinction without a substantive difference. We also find support for this view in the Commentary following Canon 3.[4]

Notice to Counsel and Lack of Objection

Judge Baker and his ethics experts at the hearing asserted that Canon 3B(7) has no application because notice was given to the lawyers and they did not object. The Panel does not accept this adaptation of the doctrine of waiver to this ethical violation. Canon 3B(7) guarantees to litigants and their lawyers "the right to be heard according to law." This is an affirmative responsibility of the judge even if counsel do not object. Further, Judge Baker's first written advice to counsel of his outside contacts occurred on Friday, May 14th, at the end of that trial day. (JQC Exh. 3, Trial Tr. p. 890-922). At that point, Judge Baker handed counsel his eight-page, single-

[4] The Commentary to Canon 3B(7) states: "The proscription against communications concerning a proceeding includes communications from lawyers, law teachers and other persons who are not participants in the proceeding..." In very plain language the Commentary further states: "To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge." The Commentary even suggests the use of amicus curiae briefs if the court wishes to seek the advice of a disinterested expert on legal issues. Although Judge Baker disavows any attempt to gain factual information from the experts, the Canon further states: "A judge must not independently investigate facts in a case and must consider only the evidence presented." Of course this Panel cannot determine the application of this language because Judge Baker can not remember what any of the experts told him.

spaced "History of the Case" which he had typed and printed on his bench computer based on his "research" during the trial. This document stated that on the "issue of damages I made some inquiries of computer consultants...." These contacts occurred during the trial and were further discussed in the later post-trial Memorandum of Ruling of July 15, 1999. The initial History of the Case document was given to plaintiff's counsel after he had already presented almost all of his case during the first four trial days of May 11, 12, 13 and Friday the 14th. The trial then resumed on Tuesday, May 18th, and on that date plaintiff's counsel finished his testimony and rested his case. (JQC Exh. 3, Trial Tr. p. 1184). The defendant then presented evidence on May 19th and the jury returned a verdict on May 20, 1999.

The notice to counsel was thus after the consultation with the experts had already occurred. There was little counsel could do about it at that point other than to seek a mistrial and possibly disqualification of the judge. The fact that counsel proceeded with the case did not result in a waiver as to the court's ethical responsibilities not to engage in or consider such outside input from experts. Even if the judge did not change his mind as a result of the expert input, this theory of "no harm no foul" simply does not abrogate the ethical violation.

Obviously, there were some sort of arguments on this issue on appeal before the Fifth District Court of Appeal. That court apparently found the issue preserved for review and reversed, based at least in part on the input from the experts. The District Court's opinion found ex-parte contact and certainly placed the overall issue in the spotlight before the bench and bar.

Error Correctable on Appeal

Judge Baker urges that his contact with the outside experts was at most legal error which has already been corrected on appeal by the Fifth District Court of Appeal. Again, the Panel rejects this defense. The Panel concludes that receipt of ex-parte communications or other communications outside the presence of the parties may be both reversible legal error and an ethical violation.

Here Judge Baker reluctantly admits that he was in legal error. Indeed, Judge Baker has no

choice because he was reversed by the Fifth District. Even though he disagrees with their decision, he has no alternative but to accept it. However, Judge Baker refuses to recognize that he is guilty of anything other than legal error. (T. 105). Although he has agreed that he will not engage in such conduct in the future, this Commission cannot tolerate what is now a violation of this Canon made public by publication of the opinion of the 5th District Court of Appeal.

Judge Baker's approach is particularly troublesome for trial counsel. Counsel could not explain to their clients how judges can preside over a complex trial where all the witnesses must publicly testify and then have the judge contact experts who might well influence the judge in his final post-verdict decision, rendering the jury verdict ineffective. Counsel are entitled to try the case in the courtroom and not to be told, after the fact, that the judge has already sought out and received input from other sources.

Judge Baker's counsel cites numerous cases from all over the country holding that a mere mistake or legal error by a judge does not necessarily rise to the level of an ethical violation.[5] This is certainly true but most of these cases do not concern Canon 3B(7). Indeed In re: Conduct of Schenck, 870 P.2d 185 at p. 197-199 (Or. 1993) is one of the few cases which does involve ex-parte communications, and there the Oregon Supreme Court held such communications to have been an ethical violation under that state's similar canons. There is also absolutely no question that ex-parte contacts in violation of the Florida canons do constitute an ethical violation subject to discipline by the Florida Supreme Court. See Inquiry Concerning

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[5] In re: Conard, 944 S.W.2d 191 (Mo. 1997); In re: Worthen, 926 P.2d 853 (Utah 1996); In re: Bell, 894 S.W.2d 119 (Tex.Spec.Ct.Rev. 1995); In re: Conduct of Schenck, 870 P.2d 185, 318 Or. 402 (Or. 1994); Matter of Seaman, 627 A.2d 106, 133 N.J. 67 (N.J. 1993); In re: Elliston, 789 S.W.2d 469 (Mo. 1990); In re: Voorhees, 739 S.W.2d 178 (Mo. 1987); Complaint of Judicial Misconduct, 8 Cl.Ct. 523 (Ct. 1985); and Matter of Benoit, 487 A.2d 1158 (Me. 1985).

Judge Leon, 440 So. 2d 1267 (Fla. 1983); Inquiry Concerning Judge Clayton, 504 So. 2d 394 (Fla. 1987); Inquiry Concerning Judge Sturgis, 529 So. 2d 281 (Fla. 1988); Inquiry Concerning Judge McAllister, 645 So. 2d 173 (Fla. 1994) and Inquiry Concerning Judge Miller, 644 So. 2d 75 (Fla. 1994). In each of these opinions, the Florida Supreme Court has made it clear that ex-parte communications by a court can and should be considered an ethical violation.

Ex-parte contact may also constitute legal error; if the requirements of reversible error are also met it, is subject to being considered as a ground for reversal on appeal. Love v. State, 569 So. 2d 807 (Fla. 1st DCA 1990). However, "ex-parte" or "other communications" also directly violate a specifically applicable canon and may be an ethical violation in Florida. Judge Baker steadfastly refuses to accept this view of the canons. If there is doubt on this issue, then it may well be an issue to be addressed further by this Court.

In conclusion, based on the above, the Hearing Panel recommends that Judge Baker be found guilty and admonished for his conduct in a written admonition.[6]

Dated this 12th day of June, 2001.

FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

By:/s/ JAMES R. JORGENSON
JUDGE JAMES R. JORGENSON,
Chairman, Hearing Panel,
Florida Judicial Qualifications Commission

[6] Despite In re: Frank, supra, Judge Baker should not be required to appear before this court personally. Although the Court indicated a new contrary view in Frank, Judge Baker is at the end of his judicial service and will be in office for only a short period of time. Further, Judge Baker is guilty of absolutely no bad motives. Although the post-trial ruling favored the Disney defendant, there is no contention whatsoever that Judge Baker was not being completely fair to both sides. As such, a written admonition is recommended.

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Findings, Conclusions and Recommendations
Judge Joseph P. Baker
SC Case No.: SC00-2510

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