Electronically Filed 06/10/2013 09:59:52 AM ET

RECEIVED, 6/10/2013 10:28:34, Thomas D. Hall, Clerk, Supreme Court

BEFORE THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE, SC12-2495

JUDITH W. HAWKINS, NO. 11-550
_____/

NOTICE OF AMENDED FORMAL CHARGES

TO: The Honorable Judith W. Hawkins,
Leon County Courthouse, Room 265-A
301 South Monroe Street
Tallahassee, Florida 32301

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting of May 24, 2013, by a vote of the majority of its members, pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission and Article V, Section 12 (b) of the Constitution of the State of Florida, finds that probable cause exists for formal proceedings to be instituted against you. Probable cause exists on the following formal charges:

I. USE OF YOUR JUDICIAL OFFICE TO PROMOTE A PRIVATE INTEREST

Canon 2B states, in part, "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others."

A. You took the resources provided to you for the support of your judicial duties and used them instead to operate a private business from which you derived substantial income. That business, Gaza Road Ministries, was operated in large part from your judicial chambers where you used your official time, office space, utilities, and the equipment provided to you for your judicial duties as well as the services of your judicial assistant to further your private business.

You used your position as a judge to promote your private business by among other things:

1. Selling and offering to sell Gaza Road Ministries products in your courtroom to lawyers who regularly appeared before you.

2. Selling and offering to sell Gaza Road Ministries products in the courthouse to persons over whom you had disparate influence and authority over, including lawyers who appeared before you and various courthouse employees.

3. Offering to sell Gaza Road Ministries products to attorneys appearing before you in your chambers on court business.

4. Promoting the sale of Gaza Road Ministries products in a web site in which you offered those products for sale by including photographs of yourself in your judicial robes.

5. Knowingly using your judicial assistant to promote the sale of Gaza Road Ministries products and to help produce those products during working hours.

II. FAILURE TO RESPECT AND COMPLY WITH THE LAW

A. You attempted to maintain an idiosyncratic system of "justice" in your courtroom that was often inconsistent with generally accepted law and legal procedure. If questioned or challenged by attorneys appearing in your court, you took measures to coerce their compliance with "Hawkins Law." Those measures include:

1. Going off the record to avoid having your coercive discussions recorded, prevent the preparation of a full and complete record of case-related proceedings, avoid the recording of inappropriate comments, or preventing the recording of the sound of your turning pages of

magazines during trial. This has occurred on many occasions including, but not limited to the case of State v. Augustino (11CT007)

2. Telling attorneys that you will make findings of fact designed to defeat appellate review, including making findings of fact that call into question the credibility of law enforcement witnesses. This happens even in instances when such findings, based upon the testimony and evidence of record, do not support any concern with the credibility of an officer, and appear designed only to defeat any appellate effort to appeal your rulings. You further make known that those who challenge you will be punished.

C. You failed to comply with Florida tax laws when selling Gaza Road Ministries products.

D. You paid your judicial assistant to assist in the operation of your private business but failed to properly report to the appropriate taxing authorities and this Commission the full amount of these payments.

E. You violated Florida law by failing to register Gaza Road Ministries under Florida's Fictitious Name Act.

III. FAILURE TO ACT IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE

Canon 2A mandates that a judge should at all times act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 4A mandates that a judge shall conduct quasi-judicial activities so as to not undermine the judge's integrity and impartiality or demean the judicial office. Your misconduct has been manifested in several different ways:

A. In presiding over the case of State v. Martin you instructed the defendant to contact one of three lawyers and stated, "tell them Judge Hawkins sent you."

B. While presiding over jury trials you have been observed openly reading magazines, and when questioned explained that you were catching up with your reading. You also explained that if an objection was made, you could cover up your lack of attentiveness by asking counsel to rephrase the objection.

IV. FAILURE TO DEVOTE FULL ATTENTION TO THE JUDICIAL OFFICE

The Florida Constitution requires judges to devote full time to their judicial office. Canon 3B(8) states that judges should dispose all cases "promptly, efficiently, and fairly."

A. Your involvement with Gaza Road Ministries has caused you to devote less than your full time and full attention to your judicial duties. You have explained that as a judge, you and your Judicial Assistant have a great deal of free time, so you feel to use your judicial chambers and out-of-court free time to conduct your for-profit business, and schedule business appointments. You often take time away from your judicial duties to promote your business to the detriment of the prompt and efficient administration of justice.

B. You often are absent or take trips and vacations on your trial week. The fact that you frequently do not inform the attorneys or parties in advance of your absences, in a timely and reasonable fashion, exacerbates the harmful and disruptive effect of your actions upon those who appear before you.

V. LACK OF CANDOR AND IGNORING OF THE APPLICABLE LAW

A. In responding to charges brought against you by this Commission you demonstrated by word and deed a lack of candor and willingness to ignore the requirements of the law and to ignore and evade the orders of the judge presiding over those proceedings. Your actions include:

1. On the morning of your deposition you deleted from your computer financial records of your private business that had been subpoenaed for production at that deposition.

2. In your appearance before the Commission and in your subsequent deposition you misled the Commission with regard to your efforts to keep your private business separate from your judicial duties and those of your judicial assistant and your knowledge of the extent to which your judicial assistant was working on your business during her working hours. Records from your office conflict with your representations. They demonstrate that you worked extensively on your private business at your judicial office and that you encouraged your judicial assistant to do the same.

3. You misled the Commission investigator and its forensic computer expert with regard to the existence of flash drives whose production was required by a Commission subpoena and Judge Backman's order. You also violated that order by refusing to turn over to the Commission the flash drives listed on the order.

4. Without legal grounds, and without filing for a protective order, you refused to turn over the financial data required by Judge Backman's order. To this day you have not produced to the Commission all of the data required by Judge Backman's order.

5. You misled the Commission with regard to the payments you had made to your judicial assistant for services she provided to your private business. Only after your deposition, and after collaborating with your assistant, did you admit fully to the payments.

B. Your responses to the Commission at the 6(b) hearing, at your deposition, and in response to discovery, create a pattern of conduct demonstrating a refusal to comply with lawful authority, misleading through incompleteness, and lacking the candor expected of a judicial officer.

The obstructive behavior, untruthful answers, and attempts to repeatedly frustrate and obfuscate discovery in this cause as described in Section V above, if proved as alleged, reflect an intentional disregard for the Rules of Procedure applicable to this action, a lack of candor to the Investigative Panel, and a lack of candor during the discovery phase of this case.

The foregoing conduct, if proved as alleged, also constitutes inappropriate conduct and violates Canons 1, 2A, 2B, 3A, 3B(2), 3B(4), 3B(7), 3B(8), 3C(1), 4D(1) and 5D(1) of the Code of Judicial Conduct, and Article V, Section 13 of the Florida Constitution.

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 for the Judicial Qualifications Commission, and the General Counsel of the Commission.

Respectfully Submitted,

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and

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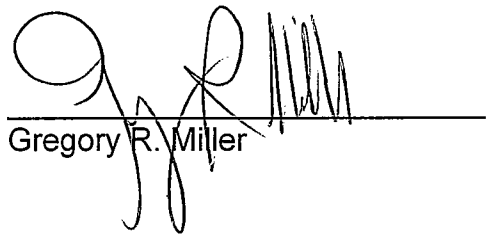
General Counsel
Judicial Qualifications Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and Electronic Mail to Gerald Kogan, Counsel for Respondent, 2655 S. LeJeune Road, Suite 805, Coral Gables, FL 33134; Lauri Waldman Ross, Counsel for the Hearing Panel, Ross & Girten, 9130 South Dadeland Blvd., #1612, Miami, FL 33156, this 10th day of June, 2013.



Gregory R. Miller