

BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE,
THE HONORABLE JOHN F. LAKIN,
No. 15-524

No. SC16-182

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ANSWER TO NOTICE OF FORMAL CHARGES

The Honorable John F. Lakin, through undersigned counsel, files his Answer to the Notice of Formal Charges as follows:

PRELIMINARY STATEMENT

Judge Lakin acknowledges that his conduct violated Canons 2A, 5A(1), (2) and (3) and Canon 5D of the Canons of Judicial Conduct. He apologizes for his lapses. He had no wrongful intent. He can only offer as an explanation that, as a relatively new judge, he was not as familiar with the Canons as he could have been and this contributed to his mistaken belief that he only had to disclose his use of the baseball tickets on his annual disclosure form. He did not appreciate that his use of the tickets would adversely reflect on the judiciary and the administration of justice.

ANSWER

Judge Lakin answers each numbered paragraph as follows:

1. ADMITTED.

2. ADMITTED except that Judge Lakin requested any tickets that were extra or were unused.

3. ADMITTED. Judge Lakin, however, had already decided before the August 21, 2015 argument that, absent new and compelling arguments by the defense, he would grant Plaintiff's motion to set aside the jury verdict. Judge Lakin explained his decision in a detailed three-page order.

While relatively new on the bench, with only two and one-half years' experience on August 26, 2015, Judge Lakin was a very experienced, Florida Bar Certified Civil Trial Lawyer before becoming a judge. As such, he strongly believed the verdict was clearly against the manifest weight of the evidence.

Judge Lakin adamantly DENIES that a few baseball tickets would influence his decision. His reputation rebuts conclusively any such suggestion. Judge Lakin has a twenty-five year history as a lawyer and a judge that, until these events, was sterling. Achieving Bar Certification included not only proof of knowledge of the law but required a peer review that indicated his ethics and professionalism were of the highest standing. In addition, his Judicial Evaluation by the lawyers of the Sarasota Bar Association gave him very high marks for Integrity and Ethics.

4. ADMITTED except that Judge Lakin never asked for five tickets; he asked for any extra or unused tickets.

5. ADMITTED except that Judge Lakin believes that the value of the ticket was, on average, less than \$100.00 each. Judge Lakin acknowledges, however, that the difference in price is not of significance.

6. ADMITTED. Judge Lakin immediately disqualified himself from the case upon being advised by senior judges that accepting the tickets was inappropriate. He then reported himself to the JQC. The meeting with the senior judges resulted from Judge Lakin's inquiry whether his financial disclosure reporting form required his reporting just the tickets he used or all tickets received.

7. ADMITTED.

8. ADMITTED.

CONCLUSION

ADMITTED that Judge Lakin's actions were inappropriate conduct and violated Canons 1, 2A, 2B, 3B(5), 3E(1), 5A(1), 5A(2), 5A(3) , and 5D(5)(h) of the Code of Judicial Conduct.

DENIED that Judge Lakin violated Canon 3B(8).

DENIED that Judge Lakin's conduct demonstrates a present unfitness to serve.

Respectfully submitted,

/s/ John A. Weiss

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CERTIFICATE OF SERVICE

I certify this document has been e-filed with the Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, using the e-filing portal and that a copy has been sent via electronic service on this the 5th day of February, 2016 to:

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