

**BEFORE THE FLORIDA  
JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE,  
THE HONORABLE CLAUDIA ROBINSON  
JQC NO. 2017-266

SC17- \_\_\_\_\_

**FINDINGS AND RECOMMENDATION OF DISCIPLINE**

The Florida Judicial Qualifications Commission (“JQC” or the “Commission”) served a Notice of Investigation on Judge Claudia Robinson, of the Broward County Court, pursuant to Rule 6(b) of the Florida Judicial Qualification Commission Rules.

On November 3, 2017, the Investigative Panel of the Commission conducted a 6(b) hearing, reviewed a written response, and took sworn testimony from Judge Robinson. The Respondent was represented by attorney John P. Seiler of Broward County. At the conclusion of this hearing, pursuant to FJQC Rule 6(f), the Investigative Panel of the Commission found probable cause by a majority vote of its members, and authorized the filing of Formal Charges against Judge Robinson for creating the appearance of impropriety, and appearing to favor a former campaign advisor with mediation work.

**The Campaign**

The Investigative Panel found that Judge Robinson largely self-funded her 2014 campaign for judicial office, and she did not employ a paid campaign

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manager or consultant. However, attorney Michael Ahearn, a well-known political consultant, played a significant role in the campaign as an unpaid advisor for Judge Robinson. The November 2014 election was a close contest in which Judge Robinson defeated the incumbent judge in a runoff, receiving approximately 50.1% of the vote. Mr. Ahearn's role within the campaign, although unpaid, was significant, as acknowledged by Judge Robinson and Mr. Ahearn. Mr. Ahearn actually approached Judge Robinson and recommended to her that she should run for the judicial seat after conducting a statistical analysis of the race. Once the campaign was underway, Mr. Ahearn continued to assist Judge Robinson with strategy, messaging, and media relations on an as-needed basis.

### **The Mediations**

Upon taking the Broward County bench in 2015, Judge Robinson began appointing Mr. Ahearn to serve as a private mediator in county civil and small claims cases. Court records obtained by the Investigative Panel revealed that between April 2015 and March 2017, Judge Robinson ordered a total of approximately 296 cases into private mediation.<sup>1</sup> Mr. Ahearn was assigned as the default mediator in 245 of those cases.

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<sup>1</sup> These numbers are approximate because the Court records on which they are based may be fragmentary or incomplete. Where there was a question, Judge Robinson was given the benefit of the doubt.

The Commission is guided by Canon 3C(4), which requires that appointments be made impartially and on the basis of merit rather than favoritism. Judge Robinson insists that the appointments were based upon the quality of Mr. Ahearn's work, rather than any prearranged agreement. However, she does concede that the disproportionate number of appointments to Mr. Ahearn does create the appearance of favoritism and impropriety in violation of the Canons.

Judge Robinson points out that merely because a person is appointed as the default mediator, does not necessarily mean that person conducted the mediation. In Broward County, an order sending a case to mediation contains the name of a default mediator, and parties are given ten days to file a stipulation with the Court agreeing to use a different mediator. If a stipulation is not filed within ten days, the default mediator is automatically assigned to conduct the mediation.

To be sure, in some of those cases where Mr. Ahearn was listed as the default mediator, the parties also agreed and stipulated to use the services of Mr. Ahearn. The Commission is mindful, however, that, "Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by 3C(4)." Commentary to Canon 3C(4).

### **Mitigation**

Judge Robinson insists her inappropriate conduct was the result of a lapse in judgement and lack of attention to the mediation appointment process, and that

there was no prearranged agreement for repayment to Mr. Ahearn through the mediation appointment process. Having thoroughly reviewed the available evidence, the Commission is unable to demonstrate otherwise.

Since the matter was brought to her attention, Judge Robinson has expanded the list of qualified mediators that she uses, and more carefully monitors how many cases are being assigned to each mediator. In addition, Judge Robinson has apologized, expressed remorse, and cooperated with the JQC investigation at all stages, including admitting to violating the canons.

### **Conclusion**

The Commission has charged, and Judge Robinson has acknowledged and admitted, that her conduct in appointing her former campaign advisor, Mr. Ahearn, to a disproportionate number of mediations failed to uphold the integrity and independence of the judiciary in violation of Canon 1, created the appearance of impropriety in violation of Canon 2, and fostered the appearance of favoritism toward Mr. Ahearn in violation of Canon 3C(4).

The Judicial Qualifications Commission hereby finds and recommends that the interests of justice, the public welfare, and sound judicial administration are best served by a public reprimand of Judge Robinson, the imposition of a 30-day suspension without pay, and the payment of the Commission's investigative costs.

These findings and recommendation of discipline are being filed concurrently with a Notice of Formal Charges, and a Stipulation reached between Judge Robinson and the Commission.

Dated this 31 day of November, 2017.

**INVESTIGATIVE PANEL OF  
THE FLORIDA JUDICIAL  
QUALIFICATIONS  
COMMISSION**

By:   
Hon. Krista Marx  
CHAIR, FLORIDA JUDICIAL  
QUALIFICATIONS COMMISSION  
PO Box 14106  
Tallahassee, FL 32317