

**IN THE SUPREME COURT OF THE
STATE OF FLORIDA**

INQUIRY CONCERNING A JUDGE,
THE HONORABLE VEGINA T. HAWKINS
JQC NO. 2019-351

SC19-_____

RECOMMENDATION OF SUSPENSION

The Investigative Panel of the Florida Judicial Qualifications Commission (“JQC” or “Commission”) served an Order to Show Cause dated June 28, 2019 on Judge Veginia ‘Gina’ T. Hawkins, of the 17th Judicial Circuit, pursuant to Rule 8 of the Florida Judicial Qualifications Commission Rules (“FJQC Rules”) directing her to show cause why the Commission should not recommend to the Supreme Court that she be immediately suspended from her judicial duties as a result of her inappropriate conduct as outlined in the Notice of Formal Charges being filed concurrently with this Recommendation of Suspension. A hearing was conducted on July 12, 2019 in Palm Beach, Florida at which Judge Hawkins appeared with her counsel, and she provided testimony under oath. At the same hearing, the Investigative Panel of the Commission also considered a Notice of Investigation issued to Judge Hawkins pursuant to FJQC Rule 6(b), dated June 28, 2019, which alleged violations of the Code of Judicial Conduct.

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At the July 12, 2019 hearing, the Investigative Panel of the Commission took testimony from the judge, reviewed affidavits and other evidence, and determined that probable cause exists to believe that Judge Hawkins violated Canons 1, 2A, and 3B(4) of the Code of Judicial Conduct. The Panel also determined, by a vote of not less than two-thirds of the members concurring, that the Commission should recommend Judge Hawkins be immediately suspended without compensation, from the position of Circuit Judge for the 17th Judicial Circuit, pending final disposition of this matter.

Factual Basis for Recommendation

On June 11, 2019, around 10:30 AM, Judge Hawkins initiated a physical confrontation with a court employee during which she grabbed the employee by the neck and shook him. The incident was captured by security camera. [The security camera footage is marked as **JQC Exhibit 1**]. The genesis of the incident appears to be Judge Hawkins' displeasure with the fact that papers for her 2:00 PM docket were not yet on her desk ready for her review. After being informed that the papers would be provided to her shortly, Judge Hawkins sought out the employee who was working in another judge's courtroom. Entering the courtroom through a secure hallway, Judge Hawkins motioned for the employee to come outside into the hallway. As the employee walks through the doorway, Judge Hawkins placed her hands around his neck and shook him back and forth. She

then released him, and proceeded to have what appears to be a brief, but intense, discussion with the employee.¹

After reviewing the camera footage of the incident with the Chief Judge, Judge Hawkins was advised to self-report her conduct to the Commission. Judge Hawkins and her attorney provided a statement to the Commission, dated June 26, 2019, in which she apologizes, but maintains her “contention” that she never touched the employee, but merely, “invaded his personal space.” In her statement, Judge Hawkins also explains her belief that she and the employee were “fairly friendly,” and described her actions as engaging in “jest.” [Judge Hawkins’ self-report is appended as **JQC Exhibit 2**].

In addition to the exceptionally inappropriate physical contact initiated by Judge Hawkins, the Investigative Panel is concerned about the misleading context of Judge Hawkins’ statement describing her “contention” that she never touched the person. This is clearly refuted by the security video, which Judge Hawkins watched prior to submitting her self-report.² It is also refuted by the statements from the employee involved and others. [Statements describing the incident are attached as **JQC Exhibit 3**]. The employee involved did not describe the judge’s demeanor that morning as friendly or joking, but described her as “extremely

¹ The security camera footage does not contain any audio.

² Notably, Judge Hawkins did not provide the video, or reference the video, as part of her self-report. The video was obtained independently by the Commission.

upset.” Another employee who interacted with Judge Hawkins shortly after the incident says Judge Hawkins remarked about the encounter and demonstrated what she did by making a choking motion in the air. This employee described Judge Hawkins’ overall behavior as “unnecessarily unprofessional and unpredictable.”

During the July 12 hearing before the Investigative Panel of the Commission, Judge Hawkins provided testimony in response to both the Order to Show Cause and the Notice of Investigation. [A transcript of that hearing is appended as **JQC Exhibit 4**].³ During her testimony, Judge Hawkins again maintained that she was “cool,” and “wasn’t angry at all.” (T 20:2-24 & 21:2-19). However, under questioning from the Investigative Panel, and upon reviewing the video with the Panel, Judge Hawkins finally acknowledged that she “touched” and “shook” the employee (T 36:24-25 & 37:1-2). Asked why, after watching the video, she did not admit to touching the person in her self-report, Judge Hawkins explained that when she watched the video prior to writing the self-report, it was “grainy,” she was crying, and she didn’t remember putting her hands on the person. (T 37:10-25). Judge Hawkins also thought she might have been watching a different camera view (T 47:5-8), however JQC Exhibit 1 is the only video that exists of the incident. While apologetic about her conduct, under questioning

³ References to the hearing transcript are noted as (T page:lines).

Judge Hawkins also acknowledged that her actions constituted a battery against the other person when she put her hands around his neck and shook him. (T 41:22-24).

Recommendation

Judges are the face of the judicial branch, and the protectors of the public's perception of fairness and integrity of the justice system. In that position, they are rightly held to the highest standards of personal and professional conduct. Through her actions, Judge Hawkins damaged that trust in such a way that she has demonstrated a present unfitness to serve.

The Investigative Panel of the Commission does not find Judge Hawkins' testimony that she was "calm" and "not at all angry," credible, and having reviewed the statements and video evidence, the Panel does not believe that her actions were in "jest."⁴ The Panel is further concerned by Judge Hawkins inability to understand that even in jest, her conduct was wholly inappropriate.

Within the judicial branch, as in civilian life, it is the never appropriate for a person in a supervisory position to put their hands around the neck of an employee or subordinate and shake them. It is all the more inappropriate, and potentially criminal, when such conduct is motivated by anger, or to emphasize displeasure.

Therefore, based upon the foregoing, the Investigative Panel of the Commission, by not less than two-thirds of the members concurring, recommends

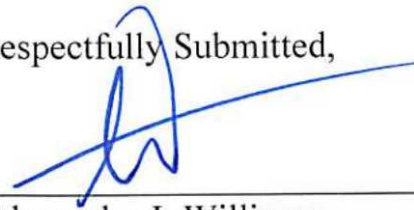
⁴ Additionally, in spite of insisting that she felt comfortable enough to behave in "jest" with the court employee, Judge Hawkins admitted that she did not even know the person's last name. (T 40:14-16).

to the Supreme Court that Judge Hawkins be suspended from performing the duties of her office, without compensation, pending the final determination of the inquiry.

The exhibits referenced herein are being filed with the Court separately, under seal, pursuant to Florida Rule of Judicial Administration 2.420(c)(7) and 2.420(c)(8).

Dated this 18th day of July, 2019.

Respectfully Submitted,



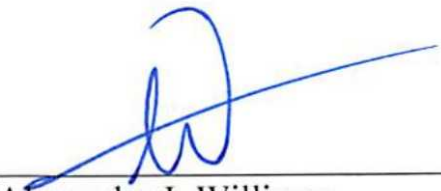
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Recommendation of Suspension has been furnished by electronic service on this 18th day of July, 2019, to the following:

Hon. Vagina T. Hawkins
Circuit Judge, 17th Judicial Circuit
201 S.E. 6th Street
Fort Lauderdale, FL 33301

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