

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A JUDGE,
THE HONORABLE MARTIN ZILBER,
JQC NO. 2020-377

CASE NO.: SC21-526

**DIXIDELA DENT’S MOTION TO INTERVENE,
OBJECTION TO PROPOSED RECOMMENDATION OF PUNISHMENT,
AND REQUEST FOR REFERRAT TO THE FLORIDA BAR FOR
INITIATION OF GRIEVANCE PROCEEDINGS RECOMMENDING
DISBARMENT OF JUDGE MARTIN ZILBER AS REQUIRED BY THE
FLORIDA STANDARDS FOR IMPOSING LAWYER SANCTIONS**

DIXIDELA DENT, (“Ms. Dent”) submits this Motion to Intervene, Objection to Proposed Recommendation of Punishment, and Request for Referral to The Florida Bar for Initiation of Grievance Proceedings Recommending Disbarment of Judge Martin Zilber as Required by the Florida Standards for Imposing Lawyer Sanctions, and states:

The complaint filed against Judge Martin Zilber cited and mirrored the complaint filed against former Broward County Circuit Court Judge John Contini. In 2018, Judge Contini resigned from the bench in disgrace and was disbarred after his judicial assistant exposed him for “timecard theft” by

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falsifying time records to defraud the taxpayers.¹

Dixidela Dent was the complainant against Judge Zilber and endured his unprofessional, unethical, illegal, and abusive conduct as his judicial assistant. Judge Zilber reduced Ms. Dent to tears by his reaction to her sharing that she was pregnant and medical professionals confirmed it would be a high-risk pregnancy. Judge Zilber complained to her this was “the worst time” and “going to ruin all his plans” and otherwise showed contempt for her pregnancy. Judge Zilber also abused his power by making Ms. Dent and the bailiff run personal errands and drive him around town. However, Judge Zilber actually done far worse than he has admitted.

The Judicial Qualifications Committee (“JQC”) left out from its complaint that Judge Zilber sent Ms. Dent emails at night instructing her to work on his re-election campaign. Ms. Dent’s original JQC complaint provided the emails showing Judge Zilber ordered her to work on his campaign. See attached as Appendix A. Judge Zilber coerced and directed a county employee to engage in political activity for his campaign. Ms. Dent compiled lists for campaign email blasts, redacted information provided to the Bureau of Elections, and even went to the bank to open his campaign account. This conduct may constitute a criminal violation of Florida Statute

¹ <https://www.sun-sentinel.com/local/broward/fl-ne-broward-judge-contini-disbarred-20180910-story.html>

§104.31 which prohibits political activity by county employees.

Ms. Dent continued to endure Judge Zilber's abuse of power even after she quit working for him. Judge Zilber apparently blacklisted Ms. Dent who could not find employment in the legal field after she quit. Every final interview vanished once the law firm checked her references. A former judicial assistant is usually a highly coveted asset for a law firm. Yet, all the law firms that interviewed Ms. Dent went with other options. Ms. Dent and her counsel are informed of comments defending Judge Zilber that she was a disgruntled employee about to be fired - even after Judge Zilber admitted to his abuse. Ms. Dent was a hard worker who left to end her abuse.

The JQC also neglected to address that Judge Zilber targeted the most vulnerable, ordering foreclosures to proceed in direct violation of Governor Ron DeSantis' executive order imposing a moratorium due to COVID. Judge Zilber entered final judgments of foreclosure during the COVID state of emergency.

The JQC complaint appears to have ignored the possibility that Judge Zilber engaged in criminal conduct. Judge Zilber admitted abusing his pregnant judicial assistant, using his county employees as personal assistants and chauffeurs, and defrauding the taxpayers by taking unauthorized time off and submitting falsified paperwork to cover it up. This

misconduct may constitute a clear and unauthorized abuse of power. It is a stain on the good judges who work tirelessly to honor and uphold the Judicial Canons and model ethical conduct.

The JQC's report and recommendation appears unimpressed by Judge Zilber's damning admissions of felony criminal conduct. Judge Zilber admitted he obtained \$30,000 from the taxpayers using falsified time records. Judge Zilber cleared his calendar on Mondays and Fridays for months, posted instagram selfies enjoying a week on vacation in Malibu, California, and falsified documentation to get paid for all those hours. Judge Zilber's financial disclosures show he is a millionaire many times over. The JQC treated his time card theft as a loan with no interest or penalties. He cannot return \$30,000 and move on with integrity. Ms. Dent would be fired and prosecuted criminally if she did what Judge Zilber admitted doing. Just as Judge Contini did, Judge Zilber dishonored his oath of office and his oath of attorney. A county employee engaged in time card theft should be fired and prosecuted, not rewarded with a coveted circuit court judgeship.

Judge Zilber admitted he fraudulently obtained at least \$30,000 from the taxpayers coffers by falsifying his time records, while also denying Ms. Dent overtime for the work he made her do at all hours on his campaign. This violates several felony statutes including Fla. Stat. §817.034

(organized scheme to defraud \$20,000 - \$50,000 – 2nd Degree Felony; Fla. Stat. §812.014 (grand theft over \$20,000 – 2nd Degree Felony) Fla. Stat. §838.022 (falsifying official records to obtain a benefit – 3rd Degree felony); and Fla. Stat. §839.13 (falsifying records by any judge – first degree misdemeanor). Judge Zilber also violated 18 U.S.C. §641 criminalizing theft of public money and 18 U.S.C. §1343 criminalizing wire fraud. No other criminal defendant charged with such crimes would get off with just a fine.

As the Honorable Florida Supreme Court Justice Fred Lewis stated:

I continue to hold the view that if conduct is so egregious as to require enormous monetary fines, the judicial office itself has been soiled and damaged. If we continue down this path, in my view, we undermine trust and confidence in the judicial system... In my view, the imposition of this fine, the amount of which is clearly designed and intended to represent the enormity of the reprehensible behavior, sends the message ... that they may violate the Code and commit ethical breaches, if they are prepared to pay a monetary fine The kind of promises and type of condemnable campaign behavior demonstrated here tarnishes the very purpose for which the judiciary was established — to fairly and impartially consider any and all matters, without preconceived notions or positions about the merits of each case. . . . I conclude that if the actions are so reprehensible that the majority believes the imposition of a \$50,000 fine is justified, those actions must certainly justify removal from the office so tainted. Selecting an enormous fine as discipline only sends the message that "anything goes" in judicial elections if a candidate has the financial ability to pay the monetary consequences. *In re Pando*, 903 So. 2d 902, 904-5 (Fla. 2005)(J. Lewis concurring).

Judge Zilber admits his conduct was “intemperate, inappropriate, and

damaged the public's perception of the judiciary." His conduct may also be illegal, unethical, and morally irreprehensible, thereby requiring that he forfeit any right to serve the public as a judge or a lawyer. Judge Zilber admits to the probable cause allegations that he violated Judicial Canon 1 by failing to personally uphold the highest standards of conduct to preserve the integrity of the judiciary. Judge Zilber admitted violating Canon 2 by not respecting and complying the law and acting in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Judge Zilber admitted to violating Canon 3, 3(b)(4), and 3(C)(1) by allowing his personal activities to take precedence over his judicial duties. He admitted he was not dignified, patient or courteous to Ms. Dent or his bailiff. He admitted he did not diligently discharge his duties as a judge which undermined his independence, integrity, and impartiality; demeaned the judicial office; interfered with the proper performance of judicial duties; and appeared to be coercive. This all warrants his removal and disbarment.

The Florida Standards for Imposing Lawyer Sanctions is highly instructive as to why Judge Contini's resolution is exceedingly appropriate in Judge Zilber's case. Judge Zilber should similarly be removed from the bench and his conduct should be made the subject of an inquiry by The Florida Bar for initiation of grievance proceedings. Respectfully, the Court

should consider the likelihood of prison for an average citizen who admitted to the same felony criminal activity as impacting the outcome of this matter.

Florida Standards 4.1(a) states disbarment is appropriate when a lawyer knowingly and intentionally takes funds by fraud or deception. Florida Standards 4.1(a) states disbarment is appropriate when criminal acts intentionally interfered with the administration of justice and involved misrepresentation, fraud, misappropriation and theft that seriously adversely reflects on a lawyer's fitness to practice. Judge Zilber admitted coercing his bailiff and judicial assistant to assist him in this misconduct. Judge Zilber "violated one of the most basic professional obligations to the public, the pledge to maintain personal honesty and integrity." See Comment to Florida Standards 5.1.

Florida Standards 5.2 states disbarment is appropriate when a lawyer fails to maintain the public trust by knowingly misusing his position as a judge with the intent to obtain significant benefit for himself and cause serious injury to others and to the integrity of the legal process. Judge Zilber forced his staff to fabricate records to cover his absences and forced Ms. Dent to submit false time records that did not show her overtime working on his campaign and personal errands. This conduct is far beneath the dignity of a judge. It is dishonest and unethical.

Florida Standards 6.1(a) allows disbarment because Judge Zilber's dishonestly, fraud, deceit, and misrepresentations were made knowingly with the intent to deceive. Florida Standards 7.1(a) states disbarment is appropriate because Judge Zilber's deceptive conduct and statements were made intentionally to engage in dishonest conduct with the intent to benefit Judge Zilber personally, and cause serious injury to Ms. Dent, the bailiff, the public, and the legal system.

A judge is a pillar of our justice system and the public expects highest and irreproachable conduct from anyone performing a judicial function. Judges must endeavor for the utmost standards of integrity in both their professional and personal lives. They should be knowledgeable about the law, willing to undertake in-depth legal research, and be able to write decisions that are clear, logical and cogent. Their personal and professional judgement must be sound and they should make informed choices and decisions that will stand up to close scrutiny. Judges should be fair, open-minded and devoid of political favoritism or self-aggrandizing. Judge Zilber and Judge Contini clearly do not meet these standards.

On April 12, 2021, the Miami Herald Editorial Board published a scathing editorial entitled "FL Supreme Court Should Slam Zilber for Sexist,

Arrogant Behavior Unbecoming to a Judge.”² The Miami Herald, which endorsed Judge Zilber in his last election, said this of his misconduct:

We think the JQC’s recommendation is rather lenient. Yes, Zilber took responsibility for his actions and appeared contrite. But we would hope that the Supreme Court would also factor in this judge’s arrogant, sexist words and deeds. He is an elected official from whom much more is expected. He abused not only his staff, but also the dignity and integrity of his office.

As this filing now makes clear, Judge Zilber also ordered his county employee to work on his campaign. Judge Zilber got paid for all his allotted 13 court holidays and 25 regular paid vacation/sick days. The other 51 days of paid time off came from his time card theft. Judge Zilber ordered his judicial assistant to cover for him every Monday and Friday and while he vacationed in Malibu posting selfies on Instagram while on the county taxpayer’s dime. Judge Zilber is honored to sit on a bench, not a throne. Many judges strive to model integrity, honesty, and common decency. Allowing Judge Zilber to return to the bench dishonors their efforts.

The Florida Bar News recently reported that The Florida Bar President Scott Hawkin recently created the “Hawkins Commission” to conduct a self-audit of the discipline system. Lawyer Regulation Under Review, 2/1/2012 Flbn 1. Mr. Hawkins correctly noted “Perhaps our most

² <https://www.miamiherald.com/opinion/editorials/article250613759.html>

important function is to self-regulate; and it is a privilege we have to self-regulate, and it is a responsibility we have to do as well as we can, and that is what this effort is about.” Commission Member Skip Smith noted the disparity “where a lawyer gets suspended for 10 days in a big firm, they go on a 10-day vacation and come back like nothing happened.” Smith said.

Judge Zilber engaged in serious, dishonest and likely criminal misconduct. He should not be allowed to return stolen taxpayers’ dollars, take a remedial judge class, enjoy a 60 day vacation, and return to the bench like nothing happened. Ms. Dent should be allowed to intervene in these proceedings. The Court should reject the JQC recommendations as insufficient and find Judge Zilber violated his oath of office and his oath of attorney. The Court should refer Judge Zilber to The Florida Bar for the initiation of grievance proceedings leading to his disbarment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Florida Courts e-filing Portal, and served on all those on the Service List, either via Notices of Electronic Filing generated by the e-Portal system or another authorized manner on April 16, 2021.

/s/ BRUCE JACOBS

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