

IN THE SUPREME COURT
OF FLORIDA

INQUIRY CONCERNING A JUDGE,
THE HONORABLE MARNI A. BRYSON
JQC No. 2019-351

SC21-546

STIPULATION

In this disciplinary proceeding, the Hearing Panel of the Florida Judicial Qualifications Commission ("the Commission") and Palm Beach County Judge Marni Bryson present the following stipulation to this Court pursuant to Article V, Section 12 of the Florida Constitution and Rule 12(a) of the Florida Judicial Qualifications Commission Rules.

1. Rule 12 allows the Commission to reach agreement with a judge on discipline by way of a stipulation, which shall be transmitted directly to the Supreme Court.
 2. Notices of Investigation were served on Judge Bryson. Four hearings were held before the Investigative Panel. Judge Bryson appeared with counsel and testified under oath at the hearings.
 3. The Investigative Panel determined that probable cause existed for the filing of an Amended Notice of Formal Charges, which was filed on April 14, 2021.
 4. Judge Bryson admits that she violated Canons 3A and 3B(4) of the Code of Judicial Conduct as described in the Notice of Formal Charges.
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5. The Investigative Panel and Judge Bryson respectfully submit that the interests of justice and sound judicial administration are best served by approval of this Stipulation regarding the matters at issue, and by adopting the Findings and Recommendations which accompany this Stipulation.

6. Judge Bryson does not contest the Findings and Recommendations and agrees that they are supported by clear and convincing evidence. She accepts and agrees to imposition of a ten-day suspension without pay, a public reprimand, and \$37,500.00 fine. She waives a final hearing before the Hearing Panel of the Florida Judicial Qualifications Commission, if the Findings and Recommendations are accepted by the Court.

7. The Investigative Panel and Judge Bryson acknowledge and understand that this Stipulation and attached Findings and Recommendations of Discipline are subject to the review and approval of this Court. The parties acknowledge and understand that this Stipulation and Findings and Recommendations of Discipline may be rejected by the Court, and in that event this matter will be returned to the same Hearing Panel for a final hearing. In such event, the parties agree that none of the statements in the Stipulation (or the attached Findings and Recommendations of Discipline) are admissible in that hearing for any purpose. The parties further agree that the negotiations related to this Stipulation are not admissible for any purpose.


8. The parties agree that oral argument before this Court is not necessary. Judge Bryson waives her right to further hearings if this Stipulation and the attached Findings and Recommendation of Discipline are accepted.

Dated this 16th day of September, 2021.

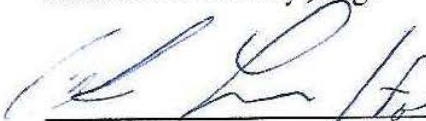
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FINDINGS AND RECOMMENDATION OF DISCIPLINE

The Investigative Panel of the Florida Judicial Qualifications Commission (“the Commission”) served Notices of Investigation on Palm Beach County Court Judge Marni Bryson, pursuant to Rule 6(b) of the Florida Judicial Qualifications Commission Rules. The Investigative Panel conducted four Rule 6(b) hearings on November 15, 2019, January 10, 2020, May 8, 2020, and January 22, 2021, at which Judge Bryson appeared with counsel and provided sworn testimony. Following the Rule 6(b) hearings, the Commission formally charged Judge Bryson with violations of the Florida Code of Judicial Conduct.

Factual Findings and Conclusions

The Commission investigated allegations that Judge Bryson was absent from the Courthouse beyond the permitted number of days for judicial leave, failed to make appropriate notifications of some absences to appropriate court management, and on some days she was in the courthouse the number of hours present fell below what is expected of trial judges.

The Commission's investigation found that during the period from 2016 to 2019 Judge Bryson was absent from the courthouse in excess of the number of days authorized for judicial leave. On most of those occasions, she failed to properly notify or make coverage arrangements with court management. There were also some days when Judge Bryson was in the courthouse for less than a full workday.

For example, the Commission received evidence of several instances, two specific occasions of particular note, where long wait times because of Judge Bryson's arrival after the scheduled time for the proceedings inconvenienced litigants, lawyers, and citizens. Judge Bryson's failure to notify and make arrangements with court management led to fellow judges having to preside over Judge Bryson's docket until her late arrival. However, the Commission balanced the evidence of Judge Bryson's poor attendance against other evidence indicating that: a) some absences would have been approved if appropriate court management had been informed; b) Judge Bryson voluntarily handled felony cases for Circuit Court Judges; c) in some years she volunteered for more night and weekend duty than what was required; and d) she served as administrative judge. Judge Bryson expressed regret at the time and expresses regret now to litigants and parties who were inconvenienced when she arrived at court after the scheduled start time of a proceeding. Her attendance has improved and she has made appropriate notifications for absences since being made aware of the Commission's investigation.

The Commission is mindful that certain aspects of judicial service lend themselves to remote work. The Commission also expects that a judge serving in a trial-level court be generally present at the courthouse during normal court hours. Tardiness and absences from the courthouse damage public perception of the judiciary. This damage can be even more noticeable in larger jurisdictions where citizens sometimes wait weeks or even months for court hearing times, and yet see other judges, who could be helping, leave before the end of normal courthouse hours or arrive after normal courthouse hours begin.

Recommendation as to Discipline

The Investigative Panel of the Commission has entered into a Stipulation with Judge Bryson pursuant to FJQC Rule 12. In this Stipulation, Judge Bryson admits that during the period set forth in the Formal Charges, the conduct set forth above violated Canons 3A and 3B(4). She admits that her attendance at the courthouse fell below what is reasonably expected of a trial judge and had the potential to damage the public's perception of the judiciary in a way that cannot be easily cured. She also admits that she failed to properly notify court management of some absences or keep adequate records of absences, as required by Administrative Order. In reaching this stipulation, the Commission and Judge Bryson were guided by the Court's opinion from *In re Singbush*, 93 So. 3d 188 (Fla. 2012). In *Singbush*, the Court held that the judge's repeated tardiness, where he was often more than fifteen minutes late for hearings, was discourteous and burdensome to lawyers and litigants.

This Court reviews the findings of the Commission to determine “whether the alleged violations are supported by clear and convincing evidence, and reviews the recommended discipline to determine whether it should be approved.” *In re Woodward*, 919 So. 2d 389, 390 (Fla. 2006). Where a judge stipulates to the JQC’s findings of fact, no additional proof is necessary to support the JQC’s factual findings.” *Id.* at 390-91. Judge Bryson and her counsel have cooperated during the investigative process. Judge Bryson has not had prior discipline imposed by the Commission.

Judge Bryson accepts responsibility for the conduct described herein and in the Notice of Formal Charges, and agrees the violation of Canons 3A and 3B(4) are supported by clear and convincing evidence. The Commission finds and recommends that the interests of justice will be well served by imposition of by a ten-day suspension, a public reprimand, and a \$37,500.00 fine.

Dated this 16th day of September 2021.

INVESTIGATIVE PANEL OF THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

By: s/ Michelle Morley
Honorable Michelle Morley
Chair
P.O. Box 14106
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