

BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE,
THE HONORABLE MARNI A. BRYSON
JQC No. 2019-201

SC21-546

**JQC'S RESPONSE TO RESPONDENT'S
MOTION FOR RULE 23 INQUIRY**

The Respondent seeks through her motion for the Hearing Panel to direct the Judicial Qualifications Commission (JQC) to conduct a public inquiry pursuant to Rule 23(d), JQC Rules. For the following reasons, the motion is misplaced and should be denied.

The two allegations upon which the Respondent's motion is based both relate to purported improper disclosures of information. Neither allegation, considered in a light most favorable to the Respondent, has any bearing on the issues to be considered by the formal JQC Hearing Panel. The Hearing Panel will be asked to determine whether the Respondent defaulted on her obligations to be present for, and fulfill her duties to the people of Florida over a period of several years.

The Respondent's motion is the latest attack by the Respondent on the participation of the Honorable Krista Marx, who previously served as JQC Chair and as Chief Judge of the 15th Judicial Circuit in Palm Beach County. Four separate hearings were conducted by the Investigative Panel of the Judicial Qualifications

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Commission, pursuant to Rule 6(b), JQC Rules. Judge Marx, having recused herself, was not present for those hearings and did not participate in determinations of probable cause that resulted from those hearings. The Respondent suggests that Judge Marx enjoyed some type of unspoken and inappropriate influence over other members of the JQC, all of whom are independently selected according to the terms of Article V of the Florida Constitution. Investigative Panels and Hearing Panels of the JQC are divided temporally and topically to prevent information being shared between one panel and the other to protect the integrity of the fact-finding function.

Judge Marx completed her service as JQC Chair effective December 31, 2020. The end of her term was required by law, she was term limited. The innuendo in the Respondent's motion (footnote 1) that the termination of her service as JQC Chair was intended to coincide with any event other than the ultimate end of her term is untrue.

Judge Marx retired from her position as Chief Judge of the 15th Judicial Circuit and as a circuit judge of the 15th Judicial Circuit effective July 31, 2021. At the time of the formal hearing currently scheduled in this matter, Judge Marx will neither be a sitting judge nor a member of the JQC.

The Hearing Panel assigned to this proceeding is not the appropriate forum for the Respondent's motion. Rule 23(d) creates an obligation on the part of the

JQC to address matters which may impact or involve potential violations of Rule 23. The JQC is, and has always been, mindful of its obligations to confidentially investigate complaints, regardless of the source, against members of the judiciary, certain violations of JQC rules, or any other matter within the scope of its responsibilities. Such matters are not handled publicly, nor are they to be adjudicated by the Hearing Panel in a separate matter. The Respondent has no standing to be privy to such inquiries.

WHEREFORE, counsel respectfully urges this Hearing Panel to deny the Respondent's motion.

Respectfully submitted this 30th day of July, 2021.

BEDELL, DITTMAR, DeVAULT, PILLANS & COXE
Professional Association

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of July 2021, a true and correct copy of the foregoing has been electronically filed with the Clerk of the Court by utilizing the Florida Courts E-Filing Portal, which will send a notice of electronic filing to:

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