

# JUDICIAL CONDUCT REPORTER



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## Judges ordering charitable contributions

by Cynthia Gray

Judicial discipline decisions and judicial ethics advisory opinions concur that, absent express authority, judges cannot order charitable contributions to resolve a case, as part of a sentence, or as an alternative to a penalty, even if the parties agree.

Recently, the West Virginia Judicial Investigation Commission found that two magistrates created the appearance of “selling justice” in their courtrooms and “a secondary judicial system for select defendants” when they granted the prosecution’s motions to dismiss charges in exchange for donations to a charity. *Public Admonishment of Nutter* (West Virginia Judicial Investigation Commission August 27, 2021); *Public Admonishment of Taylor* (West Virginia Judicial Investigation Commission August 27, 2021). The Commission publicly admonished the now-former magistrates based on their agreements to resign and never to seek judicial office. Both magistrates had self-reported their conduct.

In 2018, the county prosecutor’s office offered to dismiss misdemeanor charges against some defendants in exchange for donations to the “Slow Down for the Holidays” program. The program, created by a local police department and joined by the county sheriff, raised money for Christmas presents for children in the community. The charges in the selected cases were serious traffic charges, for example, passing a school bus and driving under the influence, and the defendants were required to donate \$200 to \$5,000. Upon proof of a donation, the prosecutor’s office would make a motion to dismiss the charges, and one of the magistrates would grant the motion.

The two magistrates dismissed 17 cases in which donations had been made under the program. Of those, 12 involved criminal charges that would have resulted in an enhanced penalty if the defendants had faced subsequent charges. Thus, by dismissing the charges, the magistrates had ensured that the defendants would not receive a judgment of guilty that could have been used later to enhance criminal penalties. Similarly, in 16 of the cases, the dismissals allowed the defendants to avoid receiving points on their license or a having their license suspended.

The magistrates were aware that there were no legal defects in the cases and that the only reason for the motions to dismiss was that the defendants had donated money to the law enforcement charity. As the magistrates admitted in the discipline proceedings, no law, rule, or caselaw allowed them to dismiss cases based on a charitable donation. Prior to dismissing the cases, they had not researched whether they had that authority or asked for advice from other judicial officers or the Commission, relying on the prosecutors’ representations. Magistrate Nutter said that he did not ask questions “because he thought the program was good for the community.”

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**Judicial discipline decisions and judicial ethics advisory opinions concur that, absent express authority, judges cannot order charitable contributions to resolve a case, as part of a sentence, or as an alternative to a penalty, even if the parties agree.**

(continued)

Stating that, no matter how well intentioned, a judge may not create his own procedures for disposing of cases, the Texas State Commission on Judicial Conduct publicly warned a judge for, pursuant to an agreement with the city attorney, routinely advising traffic defendants during arraignment that the city attorney could arrange a “plea bargain” allowing them to make a donation to a charity of the city attorney’s choice in return for dismissal of their charges. *Public Warning of McDougal* (Texas State Commission on Judicial Conduct June 30, 1999). The judge granted the city attorney’s motions to dismiss without requesting specific information about the charity or the amount of the donation, although he was aware that the city attorney selected the city public safety committee in virtually all cases and that the committee had been created to assist the city police department. Representatives of the committee were sometimes in the court building during arraignment sessions to collect the donations.

The Commission found that the judge knew that no statutory or other legal authority supported this practice. It also concluded that the judge implicitly approved of the city attorney’s selection of the public safety committee each time he granted a motion to dismiss, thereby lending the prestige of his office to the charity. Finally, the Commission found that, by approving donations to a charity that was assisting the city’s police department, the judge risked creating the public perception that the department was in a special position to influence him.

Similarly, the Missouri Supreme Court concluded that, even “without an evil intent,” “the practical effect to the public is that of a ‘pay-off’” when a magistrate approved plea bargains that included donations by the defendants to a court improvement fund in consideration for certain dispositions. *In the Matter of Storie*, 574 S.W.2d 369 (Missouri 1978) (60-day suspension without pay). In addition, noting that the magistrate apparently “considered himself a ‘rubber-stamp’ of the prosecutor,” the Court stressed that this was not a “proper perspective” on plea bargaining, which “contemplates a judicial determination of the sentence.”

The magistrate court facilities were “a disgrace,” but the county refused the magistrate’s request for funds to put the courtroom “in presentable shape.” During a plea negotiation, the county prosecutor suggested that the defendant contribute to a “library fund.” The defense attorney agreed, and they presented the idea to the magistrate. The magistrate then approved a process in which the prosecutor and the defense attorney would agree on the amount a defendant would contribute in consideration for a reduced charge, dismissal, or a nolle prosequi; the agreement would be presented to the magistrate; and the contribution for the “library fund” would be given to the magistrate or his clerk. The magistrate “would then deposit the proceeds in a bank account and write checks on the account to pay for law books, wages for a part-time court employee, court maintenance and furnishings,” and insurance for the county bar law library. The fund operated for a little over three years and received \$9,360.34 in contributions, representing about one percent of the fines for that period. The fund was “was widely known among the area bar members and others.”

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(continued)

See also *In the Matter of Wiggins, Final judgment* (Alabama Court of the Judiciary January 21, 2016) (agreed public censure of judge for instructing criminal defendants who could not pay their court-ordered financial assessments to donate blood or go to jail); *In the Matter of Dunbar, Determination* (New York State Commission on Judicial Conduct July 3, 1979) (as a condition to discharging six cases, a judge directed the defendants to make contributions to charities that he designated); *In re Felsted, Stipulation and order* (Washington State Commission on Judicial Conduct September 7, 1990) (agreed public censure of judge for, in addition to other misconduct, allowing individuals to contribute to law enforcement-related services (such as a SWAT team or K-9 unit) in exchange for dismissal of their tickets, which violated state law and court traffic infraction rules and meant their driving records would not be affected).

### **Personal solicitation of funds**

In *In the Matter of Davis*, 946 P.2d 1033 (Nevada 1997), the Nevada Supreme Court found that a judge's practice of suggesting that convicted defendants contribute money to charities in lieu of paying fines violated the prohibition on judges personally soliciting funds for charitable organizations. The judge decided the amount of the contributions and prepared a list of charities to which the defendants could make the contributions. The Commission on Judicial Discipline found that the judge's practice diverted approximately \$405,916 from the city treasury to his selected charities and that he ordered the diversion in part to enhance his electability. (The Court removed the judge for this and other misconduct.)

Similarly, the Michigan Supreme Court adopted a finding by the Judicial Tenure Commission that a magistrate, "whether well intentioned or not, gave the appearance of using the powers of his position as magistrate to solicit money from defendants for a charitable cause" when he advised defendants pleading responsible or found responsible to purchase tickets for the Detroit Fire and Police Field Day from a police officer sitting in the courtroom one day. *In re Shannon*, 637 N.W.2d 503 (Michigan 2002) (30-day suspension without pay and public censure based on the judge's consent). Some defendants were asked how many children they planned to take, and if the number was too low, were told they needed to take more children. Others were told to "dig deeper," call someone, or go to an ATM. In one case, after a defendant said he had \$116 on him, the magistrate told him to buy \$100 worth of tickets. The average ticket purchase was approximately \$50.

The Michigan Court also applied the analysis outside the context of sentencing or dismissals to sanction a judge for penalizing attorneys who were tardy, failed to appear, or filed pretrial statements late by requiring them to contribute to a fund to assist indigent people who abused drugs or alcohol. *In the Matter of Merritt*, 432 N.W.2d 170 (Michigan 1988) (public censure). The Court adopted the Commission's finding that, "in essence, the respondent's conduct, whether well intentioned or not, gave the appearance of

using the powers of his judicial office to solicit monies from attorneys for the . . . fund.”

### Advisory opinions

Judicial ethics committees have reiterated the conclusion of the discipline cases and applied the principles in numerous additional situations. The Florida advisory committee explained that the practice of a judge requiring defendants as part of a sentence in criminal cases to pay money to a charity named by the judge uses not only the prestige but the power of the judicial office to raise funds for charities. [\*Florida Advisory Opinion 1984-11\*](#). Similarly, the Texas committee stated that, “Judicial power should not be used to force litigants to provide gifts or services to specified charities, or to other organizations; judges should not be choosing among competing charities.” [\*Texas Advisory Opinion 241\*](#) (1999). See also [\*Pennsylvania Informal Advisory Opinion 5/6/03\*](#) (a judge cannot directly or indirectly suggest to a lawyer that a contribution to a charity may be made in exchange for judicial action or inaction).

The Nevada committee noted that it would be difficult “to distinguish acceptable court ordered or approved charitable donations from unacceptable ones . . . . What may appear to one jurist as an apolitical charitable organization may appear to others as having a political agenda to which they do not wish to subscribe and which is not subject to the rules and regulations governing the disposition of public monies.” [\*Nevada Advisory Opinion 2000-3\*](#). Although it recognized that a judge “may be well intentioned and that worthy causes and programs may obtain funding through such methods that they might not otherwise receive,” the committee concluded that “strongly weighing against these well-intentioned goals . . . is the concern for an impartial judicial system and the basic instruction . . . that judges may not personally participate in the solicitation of funds, or other fund-raising activities.”

As committees advise, that the judge may be approving a request from the prosecution is irrelevant because “regardless of whose idea the ‘donation’ was at its inception, it is the court’s order that directs the ‘donation’ to a particular charity,” and “at the very least, it is permitting the use of the judge’s office for that purpose.” [\*Maryland Opinion Request 1999-8\*](#). See also [\*Arizona Advisory Opinion 1992-2\*](#) (a judge may not sentence individuals to contribute time or money to an educational program sponsored by a private, non-governmental organization as part of a plea agreement); [\*Florida Advisory Opinion 1987-6\*](#) (a judge may not accept a negotiated plea requiring a defendant as a condition of probation to contribute to a charitable foundation even if the judge does not suggest the organization or set the amount of the contribution); [\*Michigan Advisory Opinion JI-55\*](#) (1992) (a judge may not impose sentences requiring criminal defendants to pay money to charitable activities, unless the sentencing practice has been authorized by law, even if the judge does not exercise any discretion regarding disbursement of the funds); [\*Texas Advisory Opinion 241\*](#) (1999) (a judge may not approve a plea

bargain in which the defendant agrees to make a donation to a charitable organization).

In rejecting a judge's plan to order defendants to contribute to an organization that oversees a substance abuse fund, the Maryland judicial ethics committee recognized that the fund "was clearly a worthy cause," but expressed its concern that:

If this practice is allowed to continue, other counties may determine that they have their own special interests which could be advanced by a program funded by contributions of defendants. If the program were established or funded with the participation of the judiciary, the public may perceive that the judges were advocating a special interest. While most programs would undoubtedly be uncontroversial, there can be little doubt that there would come a day where some programs would generate discord and dissension. The judiciary might then be seen as an advocate or fund-raiser for the special interest.

***Maryland Opinion Request 1999-10.***

The Michigan advisory committee also barred judges from giving offenders the option to make a monetary contribution to a charity designated by the judge in lieu of performing community service work. ***Michigan Advisory Opinion JI-48*** (1992). The committee noted that, in those circumstances, a judge could be accused of intentionally making community service burdensome "to encourage monetary contributions to the judge's charity." Further, it explained, a judge's substitution of "dollars for hours discriminates in favor of more affluent offenders who have the means to buy out of community service work."

**Choice**

Further, even if the judge does not choose the charity, the practice of including charitable contributions in sentences has been disapproved. The Kansas judicial ethics committee advised that a judge may not permit a defendant to make a contribution to a charity of the defendant's choice in lieu of a fine following a misdemeanor conviction unless authorized by statute. ***Kansas Advisory Opinion JE-108*** (2001). Similarly, the Nevada committee stated that, even if the judge does not select the charity or the amount of the contribution, a judge may not order or approve a charitable contribution in the absence of any statute, rule, or canon authorizing that resolution. ***Nevada Advisory Opinion 2000-3.***

In the context of a fine for civil contempt or other sanctionable conduct, the Hawaii advisory committee explained that, "although the impropriety is more apparent when the judge chooses the charity, allowing the litigant or attorney being sanctioned to choose the charity does not fundamentally change the fact that the judge is personally raising funds for a charity and using the power of the office to do so." ***Hawaii Advisory Opinion 2001-1.*** Moreover, the committee emphasized that, "No matter how well intentioned, a judge should not . . . create procedures for handling cases that are not prescribed by statute, rule, or case law." It concluded: "If a judge imposes a monetary fine on an attorney or litigant for civil contempt or other sanctionable

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**Even if the judge does not choose the charity, the practice of including charitable contributions in sentences has been disapproved.**

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conduct, absent a statute or rule permitting the practice, a judge may not order that a fine be contributed to a charity or worthy cause to be selected either by the judge or by the person being sanctioned.”

Committees have advised that a judge may not require or approve a contribution in many different situations, including donations:

- Of items such as toys, clothing, diapers, and food to specific charities or crime victim groups ([Texas Advisory Opinion 241](#) (1999));
- To government entities ([Florida Advisory Opinion 1985-13](#) (a county-controlled fund to provide additional financing for the county probation department, indigent services, recreation department programs, or park facilities); [Michigan Advisory Opinion JI-55](#) (2004) (a local school district’s substance abuse education program); [Washington Advisory Opinion 2004-5](#) (the city human services fund));
- In lieu of a fine for civil contempt ([Hawaii Advisory Opinion 2001-1](#); [Nevada Advisory Opinion 2000-3](#));
- In lieu of community service work ([Florida Advisory Opinion 1985-13](#); [Michigan Advisory Opinion JI-48](#) (1992));
- As part of a stipulated order of continuance ([Washington Advisory Opinion 2004-5](#));
- In exchange for withholding adjudication ([Florida Advisory Opinion 1985-13](#));
- As a condition of probation ([Florida Advisory Opinion 1987-6](#); [Maryland Opinion Request 1999-10](#));
- As a condition of community supervision ([Texas Advisory Opinion 241](#) (1999));
- When granting a state’s attorney’s motion to stet a charge ([Maryland Opinion Request 1999-8](#)); and
- When the judge knows that the state has required the defendant to make a donation as a condition of dismissal ([Texas Advisory Opinion 241](#) (1999)).

*But see* [Washington Advisory Opinion 1999-10](#) (a judge may give an attorney the option of paying fines levied for violating scheduling orders to a bar association’s pro bono or volunteer lawyer program or to a charitable organization instead of the county as long as the judge does not select the organization and the judge admonishes the lawyer not to contribute to an organization with a political agenda involving the legal system).

Thus, the only time a judge may order a charitable donation is when expressly authorized by law and even then the judge must not choose the charity. In [Colorado Advisory Opinion 2008-7](#), the Colorado committee advised that, when a statute authorizes a judge to approve a deferred sentence agreement in which the defendant agrees to pay a sum certain to a charity, a judge may approve such an agreement, but the judge cannot designate the charity, and the court cannot maintain a list of charities from which the defendant could choose. *See also* [Michigan Advisory Opinion JI-130](#) (2004)

(assuming the program is not contrary to law, a judge may offer criminal defendants the opportunity to perform services for certain companies and organizations to “work off” their restitution obligation under a criminal sentence if the court and its personnel are not involved in soliciting or contracting with the companies and organizations participating in the program, in assigning defendants where to work, or in soliciting or handling the restitution funds).

## Judicial conduct complaint formats

Investigations of judges usually begin with complaints from individuals, and most are filed by litigants, particularly criminal defendants, self-represented litigants, and parties in family court cases. (In some states, a complaint is referred to as a grievance or request for investigation or evaluation.) Most judicial conduct commissions require that complaints be in writing.

Although complainants are not usually required to use a form complaint, most commissions have a form designed to elicit sufficient information to determine whether an investigation is justified. Several commissions have forms in Spanish and other languages in addition to English. For example, the [Ohio Office of Disciplinary Counsel](#) has forms in English, Spanish, Chinese (Mandarin and Cantonese), Russian, Arabic, French, and Soomaali.

Most forms are available on-line as well as through the mail by request. Many of the on-line forms are the fillable PDF type, convenient for the complainant and ensuring that illegibility will not be an obstacle to the commission understanding the allegations.

The [form for the New Jersey Advisory Committee on Judicial Conduct](#) is typical and requests:

- The complainant’s name, mailing address, and telephone number,
- The judge’s name and jurisdiction,
- A case or docket number if applicable,
- The name and contact information for any attorneys involved,
- The name and contact information for any witnesses, and
- The nature of the complaint against the judge, including “specific facts to support” the allegations and the dates and times of the alleged misconduct.

Complainants are allowed to attach documents to a complaint, although the form notes that the “Committee will not return any documents.” The form also states that the Committee “is not a court and cannot change any ruling made in your case, move your case to a different judge, or demand



the judge hearing your case disqualify himself/herself. If you disagree with the judge's decision, you may file an appeal with an appellate court. Information about filing an appeal may be found on the Judiciary's webpage at [www.njcourts.gov](http://www.njcourts.gov)."

The New Jersey form simply requires a signature below the statement: "I certify that the foregoing statements made by me are true and correct to the best of my knowledge, information and belief" without notarization. A few commissions impose the additional requirement that a complaint be notarized. For example, the rules of the Delaware Court of the Judiciary provide: "A complaint must be executed by oath or affirmation before a notary public or other authorized person."

### **Electronic complaints**

Many commissions require that a complaint be mailed, although some allow submission by fax. At least 15 commissions allow submission of complaints through an on-line portal or by email.

- [Arizona Commission on Judicial Conduct](#) (by email)
- [Arkansas Judicial Discipline and Disability Commission](#)
- [California Commission on Judicial Performance](#)
- [Colorado Commission on Judicial Discipline](#) (by email)
- [D.C. Commission on Judicial Disabilities & Tenure](#)
- [Georgia Judicial Qualifications Commission](#) (by email)
- [Indiana Commission on Judicial Qualifications](#) (by email)
- [Maryland Commission on Judicial Disabilities](#)
- [Massachusetts Commission on Judicial Conduct](#)
- [Mississippi Commission on Judicial Performance](#)
- [New York State Commission on Judicial Conduct](#)
- [North Carolina Judicial Standards Commission](#)
- [Ohio Office of Disciplinary Counsel](#)
- [Oregon Commission on Judicial Fitness and Disability](#)
- [Texas State Commission on Judicial Conduct](#)
- [Washington State Commission on Judicial Conduct](#)

For example, the on-line portal for the North Carolina Judicial Standards Commission is on the same page as general information about filing a complaint, including explanations that "a complaint is not a substitute for appealing a judge's order," "the commission cannot remove a judge from your case," and "your complaint and all commission proceedings are confidential." The complainant is asked for their contact information, information about the judge, and whether the complaint relates to a court case. Next, there is room for the complainant to "describe the alleged misconduct,"

with the warning: “BE SURE TO INCLUDE THE DATES on which such misconduct occurred.”

If the complainant indicates that they would like to submit attachments, they are told that the accepted file types are “doc, docx, jpg, png, pdf,” that the maximum size is 2MB, and that there is a limit of “four attachments for this webform,” followed by four buttons for uploading documents. The complainant is informed that they may mail “additional documents, audio/video files or other information to support your complaint, but warned, “Do not include any original documents in mailed documents and make sure to make copies of what you send for your own files – the Commission will not return materials to you.”

Next, the complainant is directed to check a box indicating, “I declare, under the penalties of perjury, that, to the best of my knowledge and belief, the statements made above and on any attached pages are true and correct. I agree and understand that I am signing this complaint electronically and that my electronic signature is the legal equivalent of a written signature.” The complainant is then asked how they heard about the Commission with the options, “Internet search,” “North Carolina State Bar,” “clerk’s office,” “friend,” “attorney,” and “other.” Finally, there is a submit button.

## Business and financial activities

*by Cynthia Gray*

Under [Rule 3.11 of the 2007 American Bar Association Model Code of Judicial Conduct](#), a judge may:

- Hold and manage their investments and investments of members of their family; and
- Serve as an officer, director, manager, general partner, advisor, or employee of a business:
  - Closely held by the judge or family members; or
  - Primarily engaged in investing the financial resources of the judge or family members.

“Member of the judge’s family” is defined as “a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship.”

Under Rule 3.11, a judge cannot:

- Serve as an officer, director, manager, general partner, advisor, or employee of any non-family business, or
- Have continuing business relationships or engage in frequent financial transactions with lawyers or others likely to come before the court on which the judge serves.

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Note that approximately a dozen states have code provisions that allow judges to be involved in any business, not just a family business, except businesses “affected with a public interest,” such as financial institutions, insurance companies, or public utilities.

While engaged in even a permissible business or financial activity, a judge is prohibited from:

- Using court premises, staff, stationery, equipment, or other resources (Rule 3.1(E));
- Failing to comply with the law (Rule 1.1));
- Abusing the prestige of office to advance the economic interests of the judge or others or allowing others to do so (Rule 1.3), for example, by using their “official title or appear[ing] in judicial robes in business advertising” (comment 1, Rule 3.11));
- Spending so much time on business activities that it interferes with the performance of judicial duties (Rule 3.11(C)(1));
- Permitting financial interests or relationships to influence their judicial conduct or judgment (Rule 2.4(B));
- Acting in a manner that does not promote public confidence in the judiciary (Rule 1.2)); and
- Engaging in conduct that would appear to a reasonable person to be coercive (Rule 3.1(D)).

Note that:

- Discipline cases have held that it undermines public confidence in the judiciary for a judge to purchase property that is involved in litigation pending before the judge.
- If a judge has an investment or financial interest that violates the code requirements, they must divest it “as soon as practicable without serious financial detriment” (comment 2, Rule 3.11)).

### **Disqualification**

A judge’s business and financial activities may require a judge’s disqualification from cases. In general, under Rule 2.11(A), a judge is disqualified if a business relationship or financial interest raises reasonable questions about the judge’s impartiality.

More specifically, under Rule 2.11(A)(2)(a), a judge is disqualified if the judge knows that they are an officer, director, general partner, managing member, or trustee of a party. Under Rule 2.11(A)(2)(c), a judge is disqualified if the judge has “more than a de minimis interest that could be substantially affected by the proceeding,” that is, more than “an insignificant interest that could not raise a reasonable question regarding the judge’s impartiality.”

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Under Rule 2.11(A)(3), a judge is disqualified if the judge knows that they have an “economic interest” in the subject in controversy or in a party to the proceeding. “Economic interest” is defined as “ownership of more than a de minimis legal or equitable interest.” In turn, “de minimis” is defined as “an insignificant interest that could not raise a reasonable question regarding the judge’s impartiality.” Thus, putting those three provisions together, a judge is disqualified if the judge knows that they own a more than insignificant legal or equitable interest in the subject matter in controversy or in a party that could raise a reasonable question regarding impartiality.

Under Rule 2.11(A)(2) and (3), family members’ financial interests also may have disqualification implications for a judge. For purposes of the disqualification requirements, Rule 2.11(B) requires a judge to:

- Keep informed about the judge’s personal and fiduciary economic interests, and
- Make a reasonable effort to keep informed about the personal economic interests of their spouse, domestic partner, and minor children residing in their household.

Note that:

- If a judge has an economic interest that requires frequent disqualification, the judge must divest it “as soon as practicable without serious financial detriment” (comment 2, Rule 3.11).
- The de minimis standard was adopted in the 1990 revisions to the model code. Prior to 1990, the ABA model code required disqualification if a judge had a financial interest “however small” in a party to a proceeding. Some states and the federal judiciary still have the “however small” bright line standard.
- The model code provides that a judge should disclose on the record information, which would include business relationships and economic interests, that the judge believes the parties or their lawyers “might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification” (Rule 2.11, Comment 5).

### Examples of cases

- [Examples of involvement in businesses for which judges have been disciplined](#)
- [Examples of financial activities for which judges have been disciplined](#)
- [Examples of purchases of property for which judges have been disciplined](#)
- [Examples of use of the prestige of office in business and financial activities for which judges have been disciplined](#)
- [Examples of use of court resources in business and financial activities for which judges have been disciplined](#)

(continued)

- [Examples of business and financial activities that were dishonest or did not comply with the law for which judges have been disciplined](#)
- [Examples of failure to disqualify based on an economic interest or to disclose a business relationship for which judges have been disciplined](#)

### Examples of involvement in businesses for which judges have been disciplined:

- A judge owned and operated a company that provided pay telephone service for the inmates in the local jail. *In re Johnson*, 683 So. 2d 1196 (Louisiana 1996).
- A judge managed a for-profit corporation's affairs, received compensation from the corporation, and pled guilty to theft from the corporation. *In the Matter of Imbriani*, 652 A.2d 1222 (New Jersey 1995).
- A judge served as an officer and director of two for-profit corporations and failed to disclose his interest in the corporations on ethics forms. [In the Matter of Bell, Determination](#) (New York State Commission on Judicial Conduct September 22, 1995).
- A judge continued to serve as secretary/treasurer and director of a for-profit corporation after becoming a judge and failed to disqualify himself from cases involving an attorney who was making lease payments or mortgage payments to him as principal of the corporation. [In the Matter of Torraca, Determination](#) (New York State Commission on Judicial Conduct November 7, 2000).
- A judge remained on the board of directors of a for-profit corporation after becoming a judge. *In re Belk*, 691 S.E.2d 685 (North Carolina 2010).
- A judge continued to serve on the board of a bank after becoming a judge. [Public Reprimand of Clifford](#) (Texas State Commission on Judicial Conduct September 5, 2015).
- A judge continued to serve as president of three for-profit corporations after becoming a judge. *In the Matter of Anderson*, 981 P.2d 426 (Washington 1999).

### Examples of financial activities for which judges have been disciplined:

- A judge appointed two attorneys who rented office space from him to represent criminal defendants in numerous cases and approved their fees. [Inquiry Concerning Shook, Decision and order](#) (California Commission on Judicial Performance October 29, 1998).
- While a case involving a car dealer was pending before him and on appeal, a judge bought used cars for his wife and daughter from the dealer, arranged for his daughter's Jeep to be repaired by the dealer and for her to have a loaner from the dealer, and had his car buffed

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If a judge has an investment or financial interest that violates the code requirements, they must divest it "as soon as practicable without serious financial detriment."

and polished at the dealership. *Adams v. Commission on Judicial Performance*, 897 P.2d 544 (California 1995).

- A judge rented an office building, equipment, furniture, and a law library to three attorneys he appointed to serve as counsel for the public administrator. *In the Matter of Laurino, Determination* (New York State Commission on Judicial Conduct March 25, 1988).
- A judge jointly owned real estate with a lawyer who appeared before him. *In the Matter of Means*, 452 S.E.2d 696 (West Virginia 1994).

### **Examples of purchases of property for which judges have been disciplined:**

- A judge signed an order authorizing the sale of a conservatee's home, entered into an agreement to purchase the property, and approved an accounting that included the sale of the property to himself. *Inquiry Concerning Sullivan, Decision and order* (California Commission on Judicial Performance May 17, 2002).
- A judge purchased real property from an estate being settled in his court and subsequently approved the executor's final accounting. *Patterson v. Council on Probate Judicial Conduct*, 577 A.2d 701 (Connecticut 1990).
- A judge made an offer to buy a condominium from an estate only 18 days after he signed the orders admitting the will to probate and purchased a home that was the subject of a foreclosure action pending before him. *In the Matter of Handy*, 867 P.2d 341 (Kansas 1994).
- A judge tried to buy property that was one of the assets at issue in litigation pending before him involving the distribution of corporate assets. *In re Yaccarino*, 502 A.2d 3 (New Jersey 1985).
- A magistrate purchased items seized from tenants to satisfy rental debts at a distraint sale conducted by his office. *In the Matter of Thompson*, 553 S.E.2d 449 (South Carolina 2001).

### **Examples of use of the prestige of office in business and financial activities for which judges have been disciplined:**

- A judge had an ownership interest in a service that reviews and revises electronic communications in high-conflict family law cases and promoted the service in settlement discussions in a case over which he was presiding. *Jones-Sheldon, Order* (Arizona Commission on Judicial Conduct May 17, 2017).
- An appellate judge solicited paid speaking engagements using his judicial letterhead and dictating the letters to his judicial secretary. *In re Steigman, Order* (Illinois Courts Commission August 13, 2018).
- A judge promoted a speculative real estate development project that depended for success on official action by the city, for

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example, attending at least three meetings with officials to discuss the development, including the zoning; engaging in extensive correspondence concerning the project, including letters to officials typed by his secretary during her regular work hours; making telephone calls to officials; and having several meetings in his court chambers. *In re Foster*, 318 A.2d 523 (Maryland 1974).

- A judge publicly advocated for a moratorium on construction of a microwave transmission tower on land next to his home, spoke in opposition to the tower at a zoning board meeting, told a company official that work must not continue on the tower because the law prohibited it, and failed to correct the company's misunderstanding that this was a lawful court order. *In re Ali, Determination* (New York State Commission on Judicial Conduct November 21, 1986).
- A judge spoke at least four times at governmental meetings and before a planning commission on behalf of a real estate partnership to which he belonged. *State Bar Association v. Reid*, 708 N.E.2d 193 (Ohio 1999).
- A judge continued to serve on the board of a bank after becoming a judge, and his judicial title was included on the bank's webpage as a director. *Public Reprimand of Clifford* (Texas State Commission on Judicial Conduct September 5, 2015).
- A family law master attempted to get litigants in a case to agree to become sales representatives for Amway. *In the Matter of Phalen*, 475 S.E.2d 327 (West Virginia 1996).
- A magistrate was identified as a magistrate in a newspaper ad for his home health care company. *In the Matter of Elbon, Public admonishment* (West Virginia Judicial Investigation Commission August 24, 2017).

#### **Examples of use of court resources in business or financial activities for which judges have been disciplined:**

- A judge used court staff, resources, and facilities for his personal real estate business, for example, instructing tenants to call him at the courtroom number and using his court clerk as the contact person for tenants, making calls from his chambers to businesses and the city housing authority, sending and receiving faxes from the agents for one of the properties, having his clerk prepare letters and legal notices to quit, having his clerk and bailiff accept rental payments in the courtroom, and using chambers letterhead and envelopes for correspondence. *Public Admonishment of Watson* (California Commission on Judicial Performance February 21, 2006).
- A judge facilitated the sale of her book and promoted her services as a speaker from her chambers during official time and using her judicial assistant and court-issued computer; offered to sell the books to attorneys who appeared before her and to courthouse employees; promoted the book on a website that included photographs of her in

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her judicial robes; devoted less than full time to her judicial duties; failed to pay state sales tax on the sale of her products; and failed to register the name of her business under the fictitious name law. *Inquiry Concerning Hawkins*, 151 So.3d 1200 (Florida 2014).

- A judge conducted a personal business from his judicial chambers, stored antiques throughout the courthouse, sold those antiques to persons with whom he had contact at the courthouse, and directed city employees and jail trustees to move antiques into and out of the courthouse. *In the Matter of Davis*, 946 P.2d 1033 (Nevada 1997).
- A judge used his secretary and other judicial resources to manage 16 rental properties, including having his secretary maintain files on each tenant at her workstation, meet with prospective or current tenants in the judge's chambers to sign leases and collect rent, prepare and mail correspondence regarding delinquent rent, prepare and file eviction complaints, appear in eviction actions, deposit rental payments, and correspond with agencies concerning violations, bills, and taxes. *In re Berry*, 979 A.2d 991 (Pennsylvania Court of Judicial Discipline 2009).

**Examples of business and financial activities that were dishonest or did not comply with the law for which judges have been disciplined:**

- A judge and her husband omitted six creditors from a voluntary petition of bankruptcy. *Doan v. Commission on Judicial Performance*, 902 P.2d 272 (California 1995).
- A judge promoted and participated in a dubious investment scheme; told investors that he believed their profits would be forthcoming and discouraged them from complaining to authorities; instructed court staff to put calls from principals in the scheme through to him on the bench or in chambers; and avoided financial obligations by writing worthless checks, making false promises and misrepresentations to creditors, and engaging in other delay tactics. [\*Inquiry Concerning Aaron, Decision and order\*](#) (California Commission on Judicial Performance July 8, 2002).
- A judge wrote approximately 45 business-related and personal checks that were returned by the bank for insufficient funds. *Inquiry Concerning Hammill*, 566 S.E.2d 310 (Georgia 2002).
- A judge wrote over \$330,000 in bad checks. *Commission on Judicial Performance v. Hartzog*, 904 So. 2d 981 (Mississippi 2004).
- A judge made several misrepresentations in her mortgage application that caused the lender to believe incorrectly that she occupied the mortgaged property as her primary residence. [\*In re Santiago, Order\*](#) (Illinois Courts Commission August 18, 2016).
- A judge breached a contract to buy a piece of property and did not notify the realtors, lenders, or buyers of his own property that he

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had been sued for that breach. *In the Matter of Handy*, 867 P.2d 341 (Kansas 1994).

- A judge obtained easements from a neighboring landowner by misrepresenting that the easements were for his personal use for utility lines and then sold the easements to a developer. *In re Cox*, 658 A.2d 1056 (Maine 1995).
- A judge used his residential property for commercial purposes, even after the community planning department had advised him of the proper zoning, and caused his agents to trespass on adjoining property to hook up water and sewer lines. *In the Matter of Davis*, 946 P.2d 1033 (Nevada 1997).
- A judge negotiated to sell a building for more than the bank's appraised value to a felon and planned to structure the sale in a way that evaded criminal charges for money laundering, hoping to solve his own financial problems by profiting from the proceeds of a credit-card scam for which the felon had been convicted and recouping \$25,000 he had loaned to the felon. *Disciplinary Counsel v. Hoskins*, 891 N.E.2d 324 (Ohio 2008).
- A judge failed to obey a court order to clean up his property after being found in violation of an ordinance by storing junk there. *In the Matter of Staeger*, 476 N.W.2d 876 (Wisconsin 1991).

**Examples of failure to disqualify based on an economic interest or to disclose a business relationship for which judges have been disciplined:**

- A judge ruled on Wal-Mart's petition for a temporary restraining order prohibiting a union from trespassing in its stores while he and his wife owned \$700,000 worth of Wal-Mart stock. *Huffman v. Judicial Discipline and Disability Commission*, 2 S.W.2d 386 (Arkansas 2001).
- A judge failed to disqualify himself from four cases in which the Walt Disney company was a litigant although he owned 1000 shares of Disney stock valued at approximately \$45,000. [\*Public Admonishment of Stoll\*](#) (California Commission on Judicial Performance June 3, 1996).
- A judge failed to disclose his landlord/tenant relationship with the attorney who leased his former law offices when that attorney appeared on multiple occasions before him. *In re Badgett*, 657 S.E.2d 346 (North Carolina 2008).
- A judge failed to disqualify himself from cases in which several tenants in an office building he owned appeared as counsel. *Disciplinary Counsel v. Burge*, 134 N.E.3d 153 (Ohio 2019).
- A judge presided over a case in which one of the parties was represented by an attorney with whom the judge owned all the shares of a corporation that held 106 acres of land, on which the

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judge and his family lived without paying rent. *In the Matter of Means*, 452 S.E.2d 696 (West Virginia 1994).

## Recent cases

### Celebratory luncheon

The Texas State Commission on Judicial Conduct publicly warned a judge for attending a luncheon hosted and paid for by a law firm appearing in a case pending before her and failing to disclose the luncheon to the other parties in the litigation. [\*Public Warning of Phillips and Order of Additional Education\*](#) (Texas State Commission on Judicial Conduct April 9, 2021). The Commission also ordered the judge to obtain two hours of instruction with a mentor.

In September 2018, the judge presided over the trial in a highly contested, multi-party civil case that resulted in a jury verdict in favor of the defendants. One of the defendants was represented by John Zavitsanos and his law firm. A hearing was scheduled on the defendants' post-judgment motions for entry of judgment and attorney's fees for November 8.

On November 7, the judge conducted a swearing-in ceremony for five new attorneys employed by Zavitsanos's law firm and attended a "celebratory luncheon" with Zavitsanos and the new lawyers at a restaurant in downtown Houston frequented by attorneys. Zavitsanos and/or his firm paid for the lunch.

The next day, the judge conducted the hearing on the defendant's post-judgment motions and took the matters under advisement. Neither the law firm nor the judge disclosed her participation in the luncheon to the plaintiffs' counsel. The judge subsequently entered a judgment awarding defendants \$2 million in attorney's fees. The plaintiffs filed a motion for a new trial and a motion to recuse the judge. The judge refused to voluntarily recuse because she did not believe that anyone could reasonably view her conduct as improper given that the luncheon was a celebration of the new attorneys, the price of her meal was small, and the luncheon was very public. After a hearing, however, the administrative presiding judge ordered her to recuse based on the luncheon.

### "A guy who wears a costume"

Based on the judge's agreement, the Tennessee Board of Judicial Conduct suspended a judge for 30 days with pay for making undignified and discourteous comments in two cases on the same day. [\*In re Hinson\*](#), Order of suspension (Tennessee Board of Judicial Conduct September 7, 2021). (Suspension without pay is not an option in Tennessee judicial discipline proceedings.)

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The judge was also ordered to complete an in-person or on-line judicial ethics program addressing demeanor on the bench.

On June 4, 2021, the judge heard a matter in which a wife was seeking an order of protection against her husband. At the conclusion of the hearing, the judge explained to the parties that there was not enough evidence to issue the order. Referring to the parties' divorce and child custody issues, the judge stated that the judge handling their divorce "would wade through the bulls\*\*t."

In another case on his June 4 docket, the judge told the parties that they were putting their child custody dispute "in the hands of a guy who wears a costume" to work, a reference to his judicial robe.

Multiple people in the courtroom heard the judge make both comments.

In the discipline proceedings, the judge explained that he had intended his comments to encourage the parties to resolve their differences without judicial intervention to achieve the best outcome for themselves and their children. The Board found that, although the judge "may not have intended to be disrespectful or demeaning to any litigant or to the legal process, those who heard his comments have no way of determining his intent apart from the words used. Once such comments are made, the damage is done."

The judge has been publicly reprimanded twice before pursuant to his agreement. [Hinson](#) (Tennessee Board of Judicial Conduct December 15, 2020) (failing to comply with the court's COVID-19 plan and making a comment about the Chief Justice and COVID restrictions); [Hinson](#) (Tennessee Board of Judicial Conduct May 9, 2018) (interfering in a traffic stop and dismissing citations issued by the state highway patrol without the request of law enforcement authorities or the district attorney's office and without taking proof of the facts).

### **"My human"**

Based on stipulations of fact, a hearing panel of the Kansas Commission on Judicial Conduct ordered a judge to cease and desist from (1) using photos taken in his courtroom of himself or his dog in campaign materials and (2) making misleading statements about his opponent. [Inquiry Concerning Hatfield](#) (Kansas Commission on Judicial Conduct July 16, 2021).

(1) During his 2020 re-election campaign, the judge posted three digital placards on Facebook. Two had a photo of the judge in his judicial robe standing behind the bench in his courtroom with legal texts, the American flag, and the state seal. Superimposed on the photo in one of the placards was: "At the end of the day, I want everyone who leaves my courtroom to know that they have been heard. – Judge Sean Hatfield." In the second were the superimposed words: "Free and independent courts for a free and independent people."

The third photo depicted the judge's dog sitting behind the bench with the judge's name plate, the flag, and the seal. Superimposed on the photo was: "Hi everybody , Watson here. I don't really fill this seat well but ya know who does? My human Judge Sean Hatfield. Thank you for supporting him. You can continue to support my human by making sure you're

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**"Once such  
comments  
are made, the  
damage is done."**

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registered to vote! The last day to register is October 13<sup>th</sup>. You can find everything you need at this website. (It said it had cookies but I didn't see any- howrude!)”

The panel found that the three placards violated the prohibition on a judge or judicial candidate “us[ing] court staff, facilities, or other court resources in a campaign for judicial office.” The judge argued that he understood the rule to prohibit only “actual campaigning from the courthouse in terms of fundraisers, committee meetings, or court resources.” The judge noted that there was no caselaw or advisory opinion on the issue and that other incumbent judges in the state routinely use similar photographs in their campaigns, making the issue of “statewide importance.” The examiner argued for “strict adherence to the plain language” of the code, noting that the Kansas code did not have “clarifying language” like that in the Pennsylvania code allowing a judicial candidate to “use court facilities for the purpose of taking photographs, videos, or other visuals for campaign purpose to the extent such facilities are available on an equal basis for other candidates for such office.” The panel agreed that there were “no clarifiers,” “no exceptions,” and no limits on the prohibition in the Kansas code.

The panel found that the photo of the judge’s dog on the bench also violated the rules on promoting public confidence in the judiciary and acting “in a manner consistent with the independence, integrity, and impartiality of the judiciary.” The judge had argued that that finding was “an enormous stretch” because there was no evidence that the picture had “any adverse effect” and “all reactions to the electronic distribution of the flyer were positive.” In finding a violation, the panel emphasized that “the rules are in place to protect the integrity and dignity of the courtroom and the judiciary as a whole.”

(2) The judge prepared, reviewed, approved, and sent out a campaign flyer that identified his opponent as “Socialist James Thompson.”

The panel found that the flyer’s “insinuation” that Thompson was a “socialist” “exceeded the limits of fair comment,” “left his audience with a false impression,” and was not permissible campaign rhetoric. The judge argued that the statement was fair comment on his research about Thompson’s record, that “the terms ‘Socialist’ and ‘Democratic Socialist’ are interchangeable,” and that “Thompson’s Facebook posts and his political associations support use of either term . . . .” The judge acknowledged that Thompson denied that he is a “Socialist” and does not identify himself as a “Socialist” or “Democratic Socialist,” but the judge insisted that “Thompson’s preference or characterizations do not override his ability to make fair characterizations in a judicial campaign.” The judge argued that “any comment concerning a political candidate’s qualifications, ‘however injurious, is privileged so long as the comment is made in good faith.’”

Rejecting the judge’s argument, the panel concluded that his statement that Thompson was a socialist was misleading or omitted facts necessary to make the communication as a whole not materially misleading. It stated that “the term ‘Democratic Socialist’ would have been political rhetoric,

but that the use of [the] single word ‘Socialist’ has a definite connotation.” It emphasized that, “Everyone, and especially judicial candidates, have to understand that words have meaning and there were many other ways that Respondent could have made his point, such as ‘socialist agenda’ or ‘socialist views.’ . . .” The panel acknowledged that political rhetoric was unavoidable in a campaign for judicial office and that “the line between fair comment and impermissible comment is indistinct and blurry due to the nature of judicial campaigns.” However, it emphasized that “a judicial candidate’s personal interest in being elected does not override the need for public confidence in the judiciary.”

The panel did find that, contrary to the allegations in the notice of formal proceedings, none of the other statements in the flyer were false or misinterpretations, concluding that they fell “within the realm of political rhetoric” and did not violate the code.

## Above the law

Finding that a judge committed misconduct based on stipulations of fact, the Pennsylvania Court of Judicial Discipline suspended the judge for two weeks without pay and placed him on probation until the end of his term for (1) failing to comply with five court orders in a case in which a fitness club sued him for dues and (2) failing to disclose the Pennsylvania Department of Revenue and the IRS as creditors on his statements of financial interest. In re DiClaudio, Opinion and order (Pennsylvania Court of Judicial Discipline July 6, 2021). During his probation, the judge is required to consult with a mentor chosen by and reporting to the Court; failure to cooperate with the mentor will constitute a violation of probation.

(1) On August 20, 2015, the Cynwyd Club filed a civil complaint against the judge, then a judicial candidate, alleging that he owed several thousand dollars in membership dues. In January 2016, he became a judge. In April, a default judgment of \$3,767.67 was entered against him.

The judge repeatedly failed to comply with discovery requests and orders related to the club’s attempts to collect the judgment, including orders to appear, respond, or pay the club’s attorney fees. The judge failed to appear at three sanctions hearings, resulting in three findings of contempt.

The Court found that the judge’s conduct “suggested he felt he was above the law.”

In fact, he defied legally issued orders issued by a Court identical in power to his own. In this way his conduct struck at the very heart of the respect necessary for the rule of law. . . . Rather than conduct himself in the same way he would expect from litigants in his courtroom – obey courts or suffer the consequences – Judge DiClaudio ignored the court orders with no apparent fear of consequences.

(2) Pursuant to a Pennsylvania Supreme Court order, all judicial officers are required to file an annual statement of financial interests that lists, inter alia, all creditors to which they owe over \$6,500.



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In March 2011, June 2014, and March 2017, the Pennsylvania Department of Revenue filed tax liens for over \$6,500 against the judge. The judge failed to list the department as a creditor on his statements of financial interest for four consecutive years following the filing of the liens. In July 2017, the IRS filed a tax lien for over \$6,500 against the judge. The judge failed to list the IRS on his statement for the year after its lien was filed. He knew of the liens but wrongly believed they did not have to be listed. Two months after the judge was notified of the Judicial Conduct Board's investigation, he filed amended statements to add the department and the IRS as creditors.

The Court found that the judge's failure to list the IRS and the department reflected "at best, a careless attitude toward complying with a Supreme Court order. Moreover, by failing to pay his taxes and then failing to report the filing of liens against him due to this failure, Judge DiClaudio again displayed a troubling pattern of 'snubbing his nose' at the system and placing himself above the law."

### **Election meddling**

In unrelated cases, three judicial officers were recently sanctioned for interfering in judicial elections in which they were not candidates.

In *In re Hughes*, 319 So. 3d 839 (Louisiana 2021), accepting a motion for consent discipline, the Louisiana Supreme Court publicly censured one of its members for his meeting with a campaign worker for a candidate for another seat on the Court that interfered with or could have interfered with the relationship between the candidate and the campaign worker.

In fall 2019, there was a run-off election between then-Judge William Crain and then-Judge Hans Liljeberg for Louisiana Supreme Court District 1. Leading up to the election, Justice Hughes received several telephone calls about the amounts being paid to workers on the Crain campaign. He reviewed finance reports filed by Crain's campaign and recognized some of the names on the reports, including Johnny Blount, a former city councilman.

Although he had not seen Blount for several years, the justice went to Blount's home to discuss the race and specifically the amount of money being paid to campaign workers for Crain. During their conversation, the judge told Blount that he believed that Blount could receive more money for his services from the Liljeberg campaign. The justice left his card with Blount.

In an affidavit after the meeting, Blount attested that the justice had offered him \$5,000 to support the Liljeberg campaign. In early November, several news articles described Blount's affidavit, "reported negatively" on the justice's conversation with Blount, and "portrayed the judiciary in a negative light."

Crain won the election. Justice Crain and Justice Hughes recused themselves from the discipline case against Justice Hughes.

The Commission and the justice stipulated that his discussion with Blount interfered with "and/or had the potential to interfere with the

working relationship between a judicial candidate and one of his campaign workers during a highly contested campaign for a seat on the same Court on which respondent serves.” Although the parties stipulated that the justice had intended the conversation to be private, the Court concluded that, “given the unusual nature of the conversation,” the justice’s status as a member of the Court that was the subject of the election, and “the contentious nature of the campaign,” the justice should have foreseen that Blount might publicize their conversation. However, the joint submission did state that Blount’s allegation that the justice offered him \$5,000 was “unsubstantiated.”

In mitigation, the Court noted that the justice was not acting in his official capacity, believed his conversation was private, expressed remorse, cooperated during the disciplinary proceedings, and accepted responsibility. In aggravation, the Court emphasized “the unique nature of this case” and the justice’s position as “the second most senior justice on this Court, which is constitutionally charged with regulating the judiciary.”

\* \* \*

Based on a stipulation, the Florida Supreme Court publicly reprimanded a judge for attempting to dissuade a judicial candidate from running against an incumbent judge and to either run against a different incumbent judge or not to run at all. *Inquiry Concerning Howard*, 317 So. 3d 1072 (Florida 2021).

In early April 2019, the husband of a judicial candidate running against a recently appointed judge was told that he should contact Judge Howard so that Judge Howard could explain why his wife should run against a different judge in the same county who was also up for election in 2020. The judge’s personal phone number was provided to the candidate’s husband. When the candidate’s husband called the judge, the judge suggested meeting with the candidate and her husband at an event for the local Boy Scouts. The candidate was unable to attend, but her husband did. The judge explained to him that the candidate’s current incumbent opponent enjoyed strong support and recommended that she change races to target a second incumbent. The judge said that he would like to meet with the candidate herself.

On April 17, the judge met with the candidate and her campaign treasurer/law partner at their law office for 20 to 50 minutes. The judge told the candidate that her reasons for running for judge were not good enough. The judge repeatedly attempted to persuade the candidate not to run against the first incumbent, whom the judge thought was doing a good job and enjoyed the support of the community, and to switch her candidacy to run against the second incumbent, whom the judge perceived as weaker and more vulnerable. Alternatively, the judge suggested that the candidate drop her candidacy completely and seek appointment to some future open seat through the judicial nominating commission process. When the candidate asked if the judge would be willing to provide a recommendation if

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**In unrelated cases, three judicial officers were recently sanctioned for interfering in judicial elections in which they were not candidates.**

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the nominating commission contacted him about her, the judge stated that he does not do that.

The candidate did not end her campaign against the first incumbent.

\* \* \*

Approving another stipulation, the Florida Court publicly reprimanded a second judge for (1) contacting individuals to inform them that he was supporting an incumbent judge's opponent in a judicial election and (2) failing to officially designate a campaign account and treasurer with the Division of Elections before receiving campaign contributions or issuing any funds, contrary to statute. *Inquiry Concerning Cupp*, 316 So. 3d 675 (Florida 2021).

In the lead-up to the 2020 election for Hendry County Court judge, the judge began informing people he knew in the county that he was supporting the incumbent judge's opponent because he had heard concerns about the incumbent. The judge's preference for the incumbent's opponent became widely known in the community. The judge admits that his "unsolicited contact with many influential members of the community, during which he expressed his preference for a certain candidate in a judicial race, and in some instances requested that the community member support his favored candidate" was inappropriate, violated the code of judicial conduct, and "damaged the integrity of the judiciary, by creating the appearance that he was interceding in a judicial election."

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